

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0025
Bill Number: Z-19-05-22
Council District: 5-Geoff Paddock

Introduction Date: May 28, 2019

Plan Commission
Public Hearing Date: June 10, 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 0.37 acres from C2/Limited Commercial to C3/General Commercial with a Written Commitment to restrict certain uses.

Location: 2001 Brooklyn Avenue

Reason for Request: To bring the existing use as a gas station and convenience store into compliance with the zoning ordinance.

Applicant: National Oil and Gas, Inc.

Property Owner: National Oil and Gas, Inc.

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-2019-0025

BILL NO. Z-19-05-22

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. J-03 (Sec. 10 of Wayne 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:

Parcel 1: Lots Numbered 1, 2, 3, and 6 all in Dreisbach's First Addition to the City
of Fort Wayne, Indiana, according to the plat thereof, recorded in Plat Book 11, page
3, in the Office of the Recorder of Allen County, Indiana; Excepting therefrom that
part taken for the widening of Brooklyn Avenue, as described in Declaratory
Resolution No. 1203-1967.

Parcel 2: Lot Number 4 Dreisbach's First Addition to the City of Fort Wayne except
that part taken for the widening of Brooklyn Avenue, as described in Declaratory
Resolution No. 1203 and 1204-1967.

and the symbols of the City of Fort Wayne Zoning Map No. J-03 (Sec. 10 of Wayne
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.

1
2 SECTION 3. That this Ordinance shall be in full force and effect from and after its
3 passage and approval by the Mayor.
4

5 _____
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:
8

9 _____
10 Carol T. Helton, City Attorney
11
12
13
14
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 National Oil & Gas, Inc.
Address PO Box 476
City Bluffton State IN Zip 46714
Telephone 260-824-2220 E-mail tmoser@natoil.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.

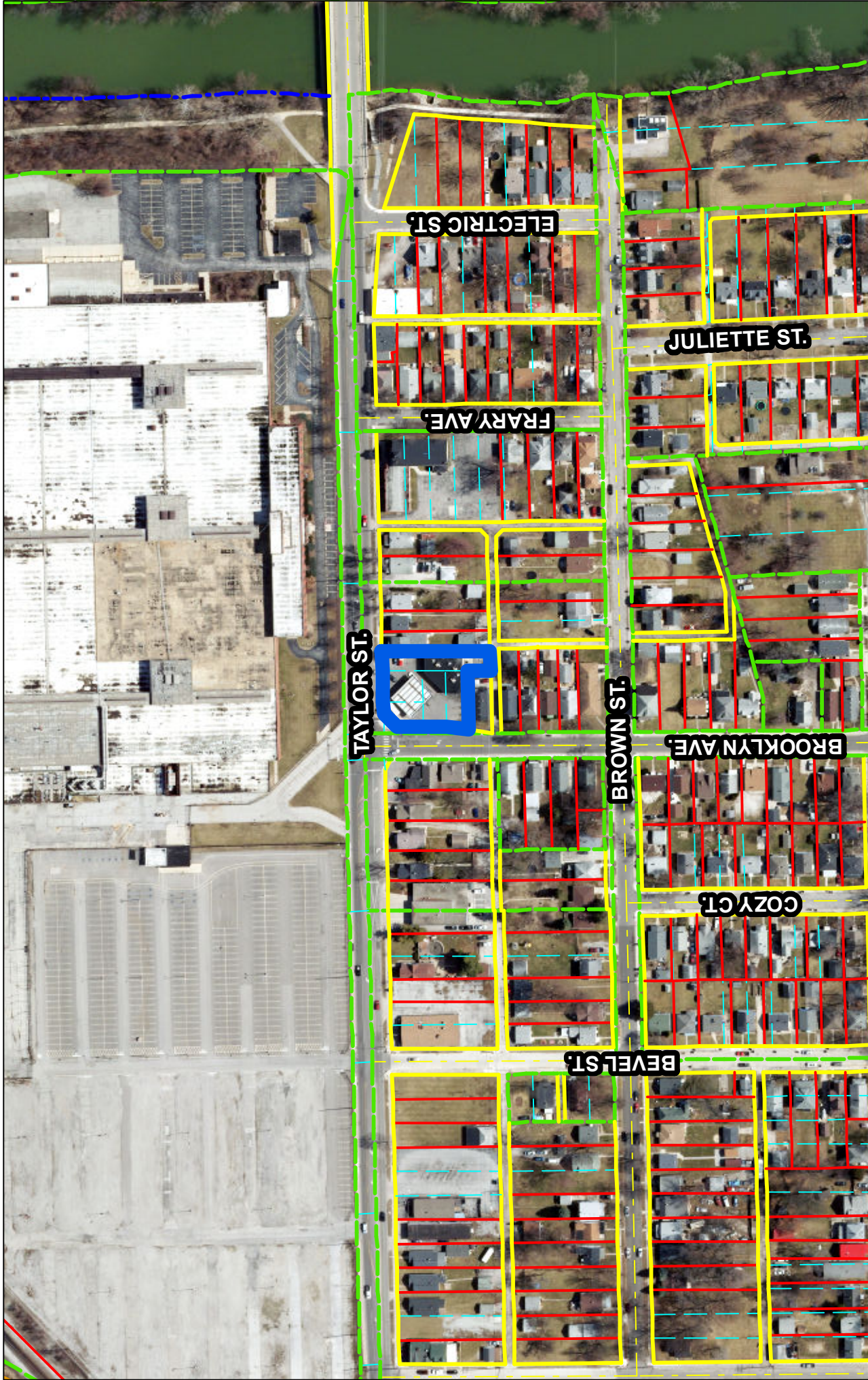
Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 2001 Brooklyn Avenue, Ft. Wayne, IN 46802
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.37
Proposed density 1 units per acre
Township name Wayne Township section # 10
Purpose 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.

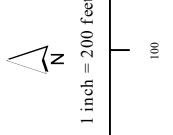
National Oil & Gas, Inc., by Trout Moser, President	<u>Trout Moser</u>	<u>4/23/19</u>
(printed name of applicant)	(signature of applicant)	(date)
National Oil & Gas, Inc., by Trout Moser, President	<u>Trout Moser</u>	<u>4/23/19</u>
(printed name of property owner)	(signature of property owner)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)

Received <u>4-29-2019</u>	Receipt No. <u>130236</u>	Hearing Date <u>6-10-2019</u>	Petition No. <u>REZ-2019-0025</u>
------------------------------	------------------------------	----------------------------------	--------------------------------------



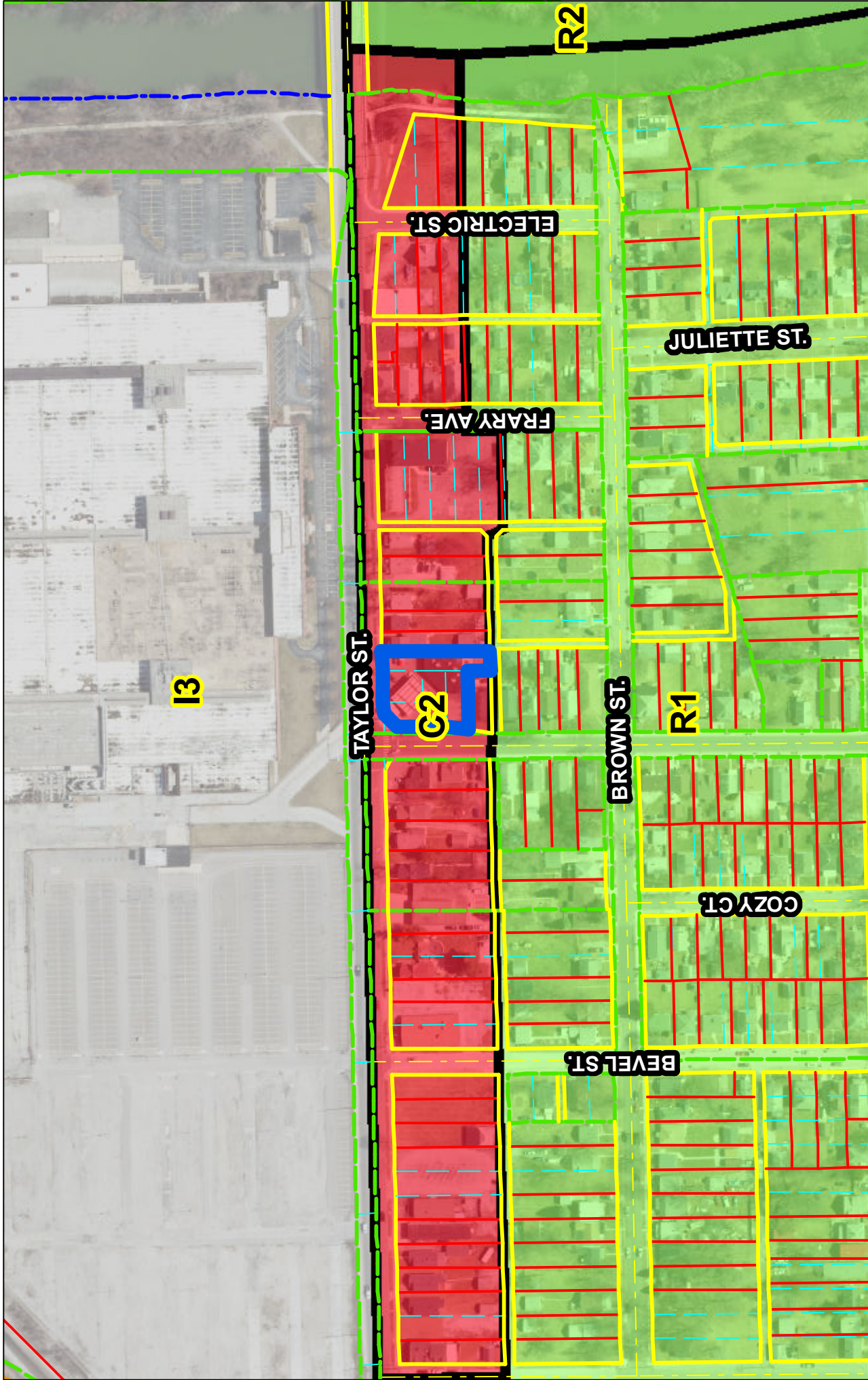
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/17/2019





Rezoning Petition REZ-2019-0025 - 2001 Brooklyn Ave



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
Date: 5/17/2019

#REZ-2019-0025

BILL NO. Z-19-05-22

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. J-03 (Sec. 10 of Wayne 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:

Parcel 1: Lots Numbered 1, 2, 3, and 6 all in Dreisbach's First Addition to the City
of Fort Wayne, Indiana, according to the plat thereof, recorded in Plat Book 11, page
3, in the Office of the Recorder of Allen County, Indiana; Excepting therefrom that
part taken for the widening of Brooklyn Avenue, as described in Declaratory
Resolution No. 1203-1967.

Parcel 2: Lot Number 4 Dreisbach's First Addition to the City of Fort Wayne except
that part taken for the widening of Brooklyn Avenue, as described in Declaratory
Resolution No. 1203 and 1204-1967.

and the symbols of the City of Fort Wayne Zoning Map No. J-03 (Sec. 10 of Wayne
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.

1
2 SECTION 3. That this Ordinance shall be in full force and effect from and after its
3 passage and approval by the Mayor.
4

5 _____
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:
8

9 _____
10 Carol T. Helton, City Attorney
11
12
13
14
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 National Oil & Gas, Inc.
Address PO Box 476
City Bluffton State IN Zip 46714
Telephone 260-824-2220 E-mail tmoser@natoil.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.

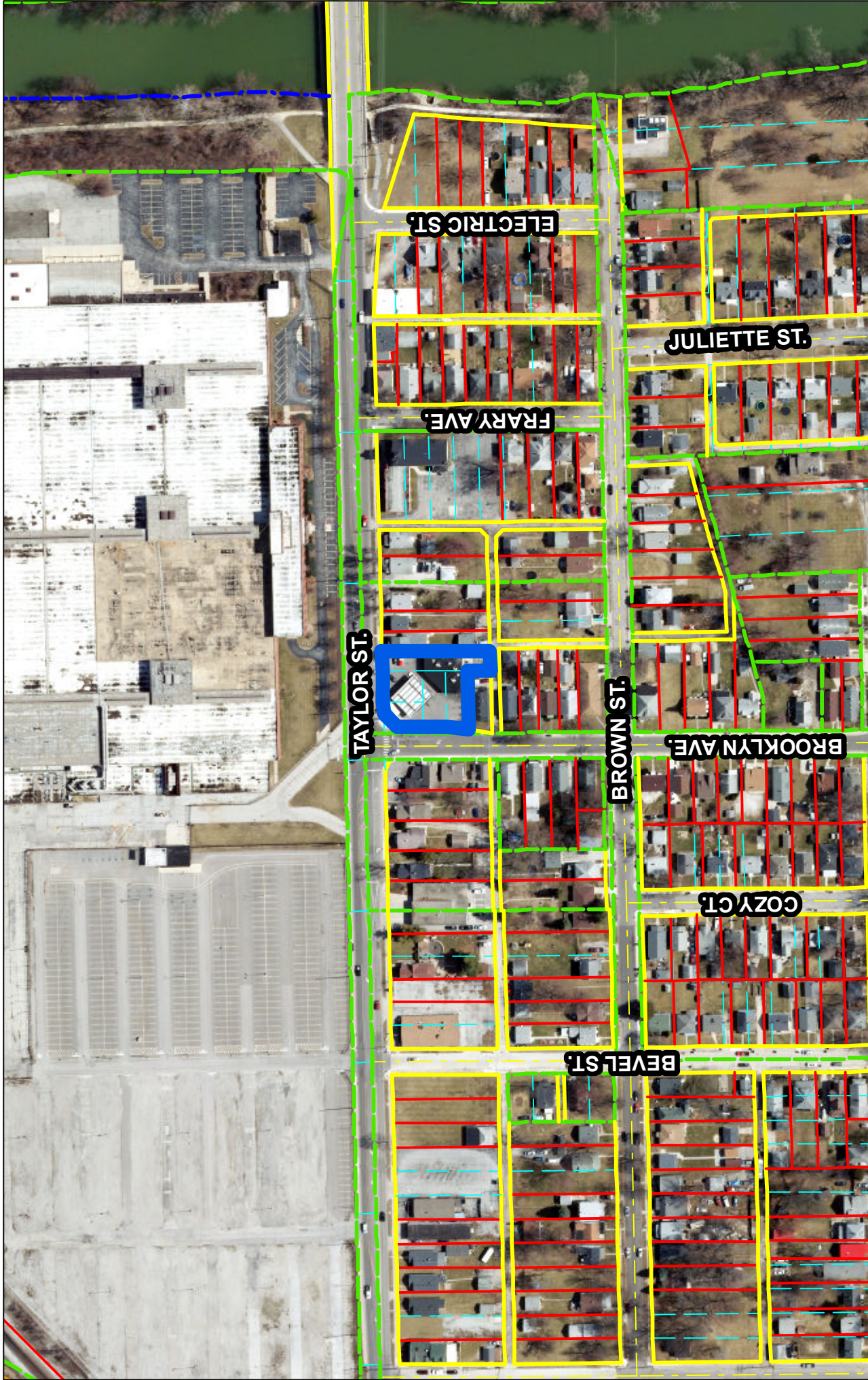
Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 2001 Brooklyn Avenue, Ft. Wayne, IN 46802
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.37
Proposed density 1 units per acre
Township name Wayne Township section # 10
Purpose 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.

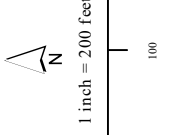
National Oil & Gas, Inc., by Trout Moser, President	<u>Trout Moser</u>	<u>4/23/19</u>
(printed name of applicant)	(signature of applicant)	(date)
National Oil & Gas, Inc., by Trout Moser, President	<u>Trout Moser</u>	<u>4/23/19</u>
(printed name of property owner)	(signature of property owner)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)
_____	_____	_____
(printed name of property owner)	(signature of property owner)	(date)

Received <u>4-29-2019</u>	Receipt No. <u>130236</u>	Hearing Date <u>6-10-2019</u>	Petition No. <u>REZ-2019-0025</u>
------------------------------	------------------------------	----------------------------------	--------------------------------------



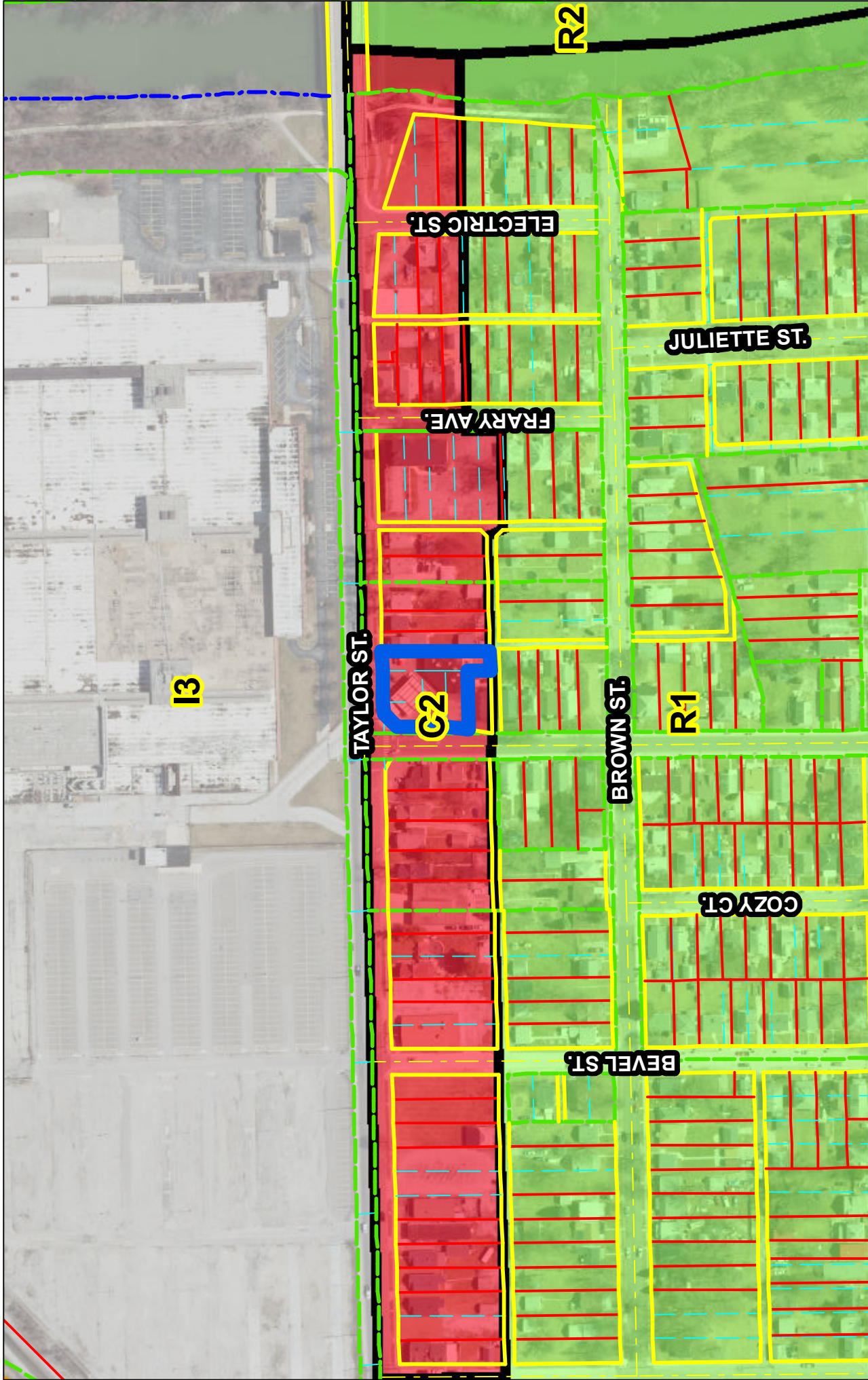
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/17/2019





Rezoning Petition REZ-2019-0025 - 2001 Brooklyn Ave



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
Date: 5/17/2019



1 inch = 200 feet

