

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0028
Bill Number: Z-19-05-25
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 0.38 acres from C2/Limited Commercial and R1/Single Family Residential to C3/General Commercial with a Written Commitment to restrict certain uses.

Location: 4230 Fairfield 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 and R1/Single Family Residential, which do 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-2019-0028

BILL NO. Z-19-05-25

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L-15 (Sec. 23 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:

All that certain tract or parcel of land and premises hereinafter particularly described,
situate, and lying and being in the County of Allen, State of Indiana.

Lots Numbered One Hundred Sixty (160), One Hundred Sixty-one (161) and One
Hundred Sixty-two (162) in Fairmont Place, an Addition to the City of Fort Wayne,
according to the Plat of said Addition, recorded in Book 6, at page 102, of the Plat
Books of said Allen County, and by metes and bounds described as follows , to-
wit:

Commencing at the Southeast corner of said Lot 160 at a point coincident with the
point of intersection of the North R/W line of Maxine Drive and the West R/W line
of South Fairfield Avenue, as in the said Plat recorded; thence running North, on the
said South Fairfield Avenue West R/W line, a distance of 124 feet to the Northeast
corner of said Lot 162; thence West, on the North line of said Lot 162, by a
deflection left of 88 degrees 26 minutes, a distance of 133.8 feet to the East R/W line
of an alley as in said Plat recorded; thence South, along the said alley East R/W line,
by a deflection left of 91 degrees 34 minutes, a distance of 124 feet to the North R/W
line of said Maxine Drive, at the Southwest corner of said Lot 160; thence East, on
the South line of said Lot 160 and coincident with the said Maxine Drive North R/W
line, a distance of 133.8 feet to the place of beginning; containing 16591.2 square
feet of land.

and the symbols of the City of Fort Wayne Zoning Map No. L-15 (Sec. 23 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.

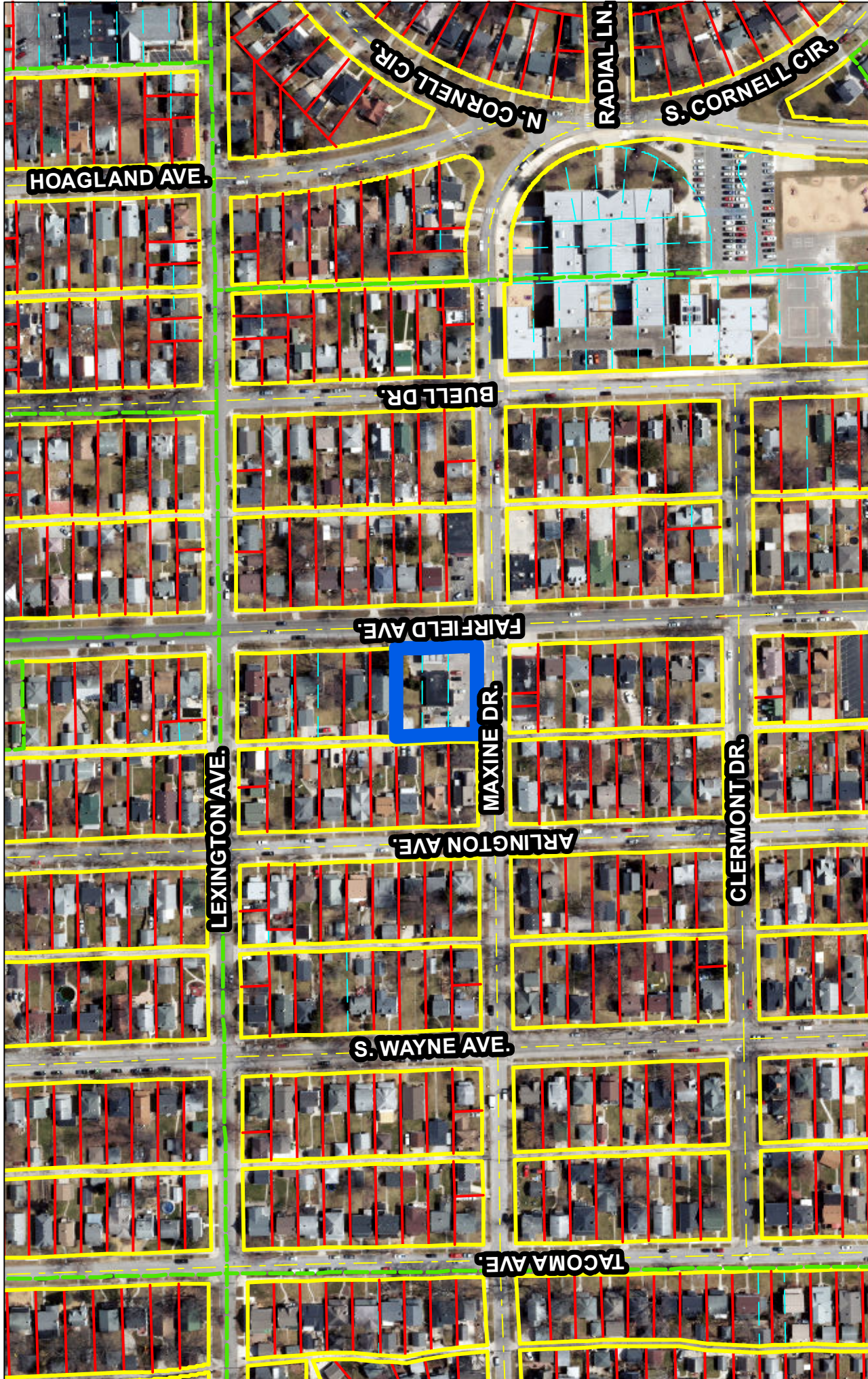
SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment is hereby approved and is hereby incorporated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

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

Council Member

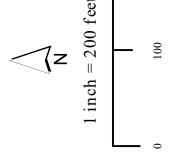
APPROVED AS TO FORM AND LEGALITY:

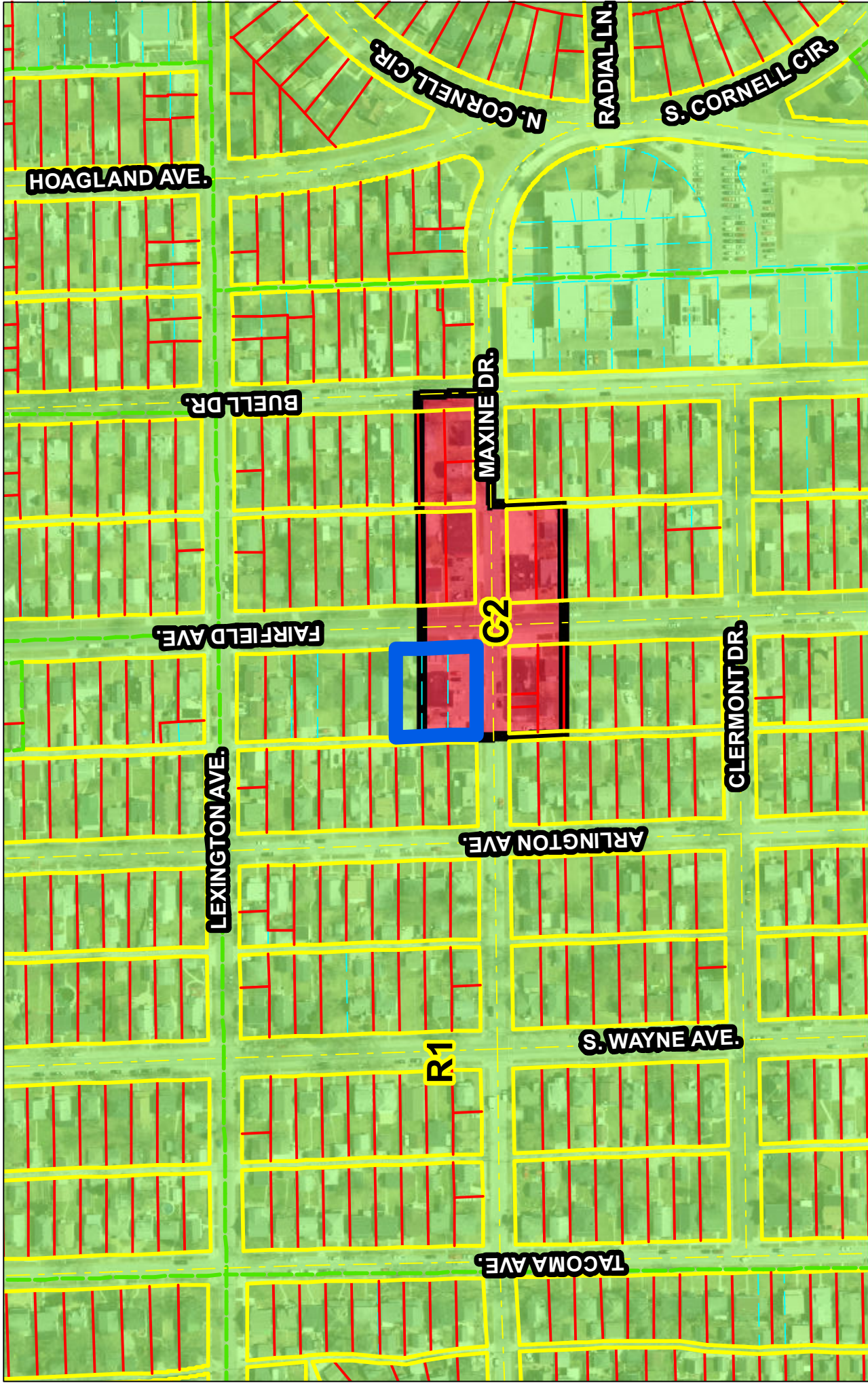
Carol T. Helton, City Attorney



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: 5/17/2019





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1 inch = 200 feet

0 100 200 Feet

**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 4230 Fairfield Avenue, Ft. Wayne, IN 46807
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.38
Proposed density 1 units per acre
Township name Wayne Township section # 23
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
(printed name of applicant)

Trout Moser
(signature of applicant)

4/23/19
(date)

National Oil & Gas, Inc., by Trout Moser, President
(printed name of property owner)

Trout Moser
(signature of property owner)

4/23/19
(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.
<u>4-29-2019</u>	<u>130233</u>	<u>6-10-2019</u>	<u>REZ-2019-0028</u>