

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0029
Bill Number: Z-19-05-26
Council District: 3-Tom Didier

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 0.64 acres from C2/Limited Commercial to C3/General Commercial with a Written Commitment to restrict certain uses.

Location: 5133 Coldwater Road

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-2019-0029

BILL NO. Z-19-05-26

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. M-30 (Sec. 23 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 Southeast Quarter of Section 23, Township 31 North, Range 12 East of
the Second Principal Meridian in Allen County, Indiana, more particularly described
as follows:

Commencing at the Northeast corner of said Southeast Quarter; thence North 89
degrees 37 minutes 35 seconds West, (based on the centerline of Coldwater Road
being due North) a distance of 75.00 feet along the North line of said Southeast
Quarter to a 5/8" steel rebar found on the West right of way line of said Coldwater
Road, said point being the Point of Beginning of the herein described tract; thence
South 00 degrees 00 minutes 00 seconds West, a distance of 208.75 feet along said
West right of way line to P.K. nail found; thence North 89 degrees 36 minutes 20
seconds West, a distance of 133.54 feet to a 5/8" steel rebar found; thence North
00 degrees 02 minutes 41 seconds West, a distance of 208.70 feet to a 5/8" steel
rebar set; thence South 89 degrees 37 minutes 35 seconds East, a distance of
133.70 feet to the Point of Beginning. Containing 0.640 acres, more or less.

EXCEPT that part deeded to City of Fort Wayne as Document Number 75-09205 for
road described as follows:

Part of the Southeast Quarter of Section 23, Township 31 North, Range 12 East, in
Allen County, Indiana; by metes and bounds described as follows, to wit:

Commencing at the Northeast corner of said Quarter Section; thence South on the

1 East line of the said Quarter Section a distance of 208.7 feet; thence West and
2 parallel to the North line of the said Quarter Section a distance of 208.7 feet;
3 thence North and parallel to the East line of the said Quarter Section a distance of
4 208.7 feet; thence East 208.7 feet to the point of beginning; containing one (1) acre
5 of land. Subject to public highway upon the east border thereof occupied by U.S.
6 Highway Number 27.

7 and the symbols of the City of Fort Wayne Zoning Map No. M-30 (Sec. 23 of Washington
8 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
9 Wayne, Indiana is hereby changed accordingly.

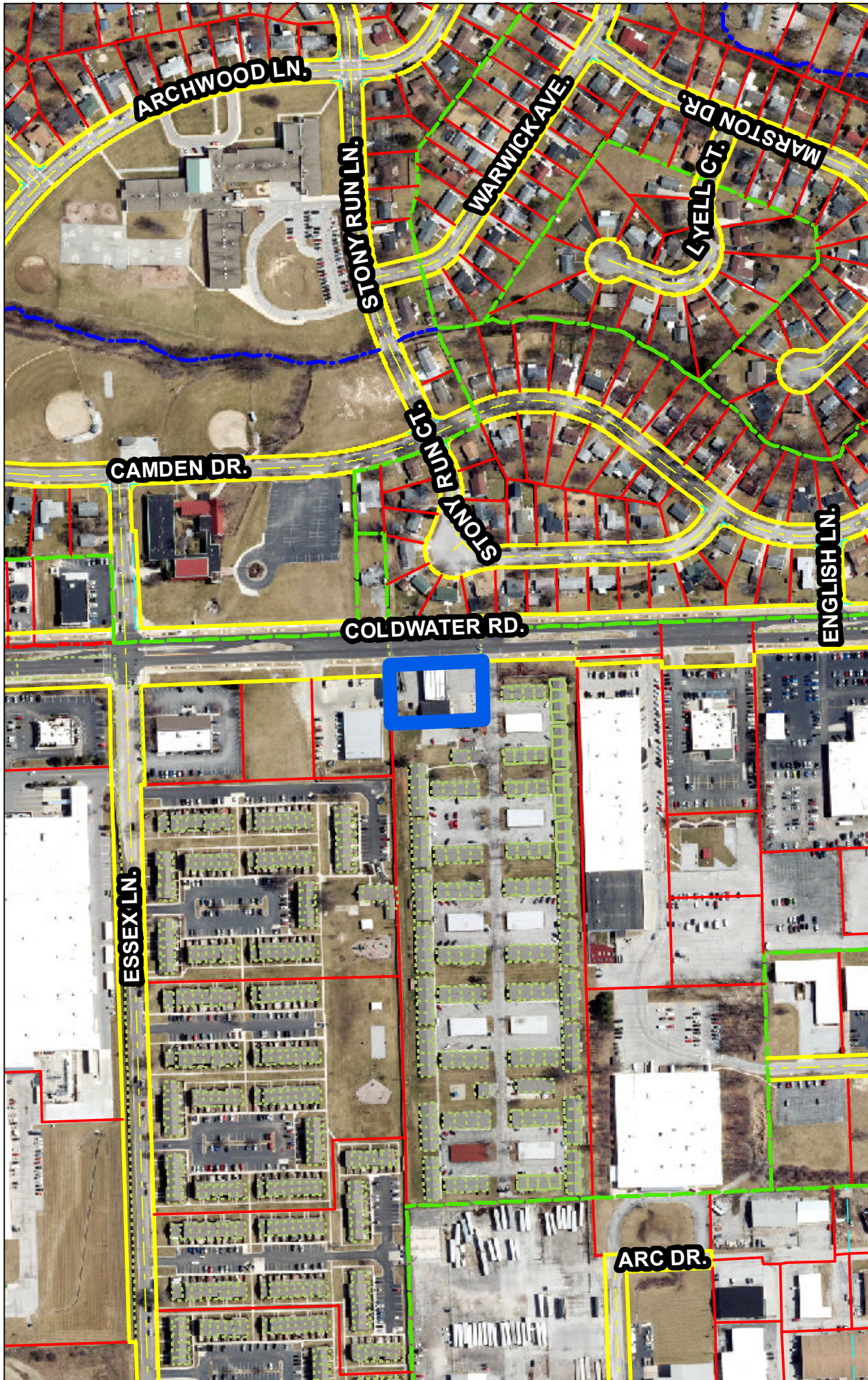
10
11 SECTION 2. If a written commitment is a condition of the Plan Commission's
12 recommendation for the adoption of the rezoning, or if a written commitment is modified and
13 approved by the Common Council as part of the zone map amendment, that written
14 commitment is hereby approved and is hereby incorporated by reference.

15
16 SECTION 3. That this Ordinance shall be in full force and effect from and after its
17 passage and approval by the Mayor.

18
19 _____
20 Council Member

21 APPROVED AS TO FORM AND LEGALITY:

22 _____
23 Carol T. Helton, City Attorney
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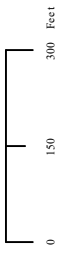


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 5/17/2019

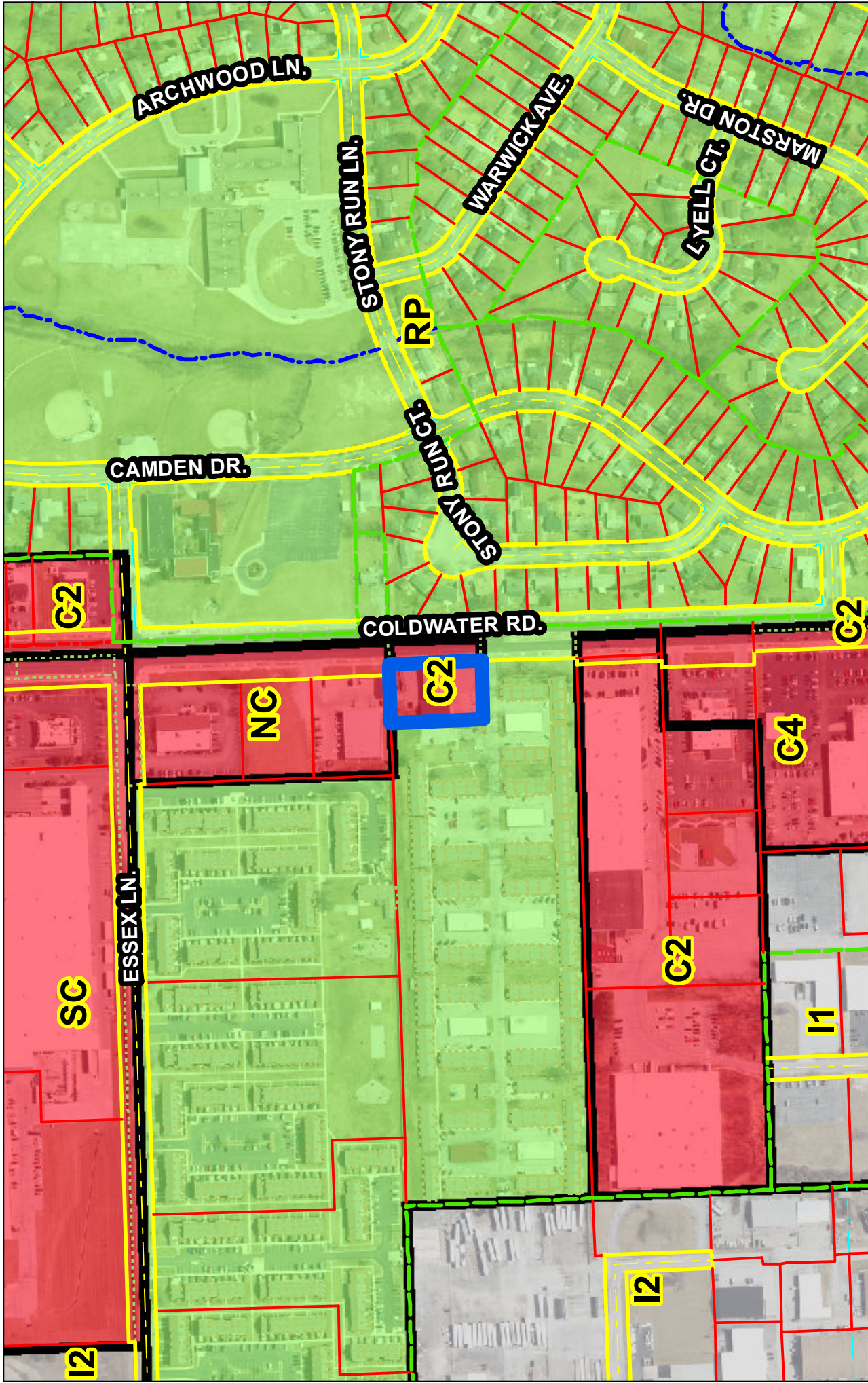


1 inch = 300 feet





Rezoning Petition REZ-2019-0029 - 5133 Coldwater Road

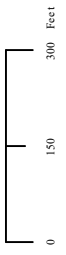


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1 inch = 300 feet



**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Black Gold Ventures Indiana LLC
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 5122 Coldwater Road, Ft. Wayne, IN 46825 3133 Coldwater
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.64
Proposed density 1 units per acre
Township name Washington Township section # 31 N
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.

Black Gold Ventures Indiana LLC, by Trout Moser, Member
(printed name of applicant)

[Signature]
(signature of applicant)

4/23/19
(date)

Black Gold Ventures Indiana LLC, by Trout Moser, Member
(printed name of property owner)

[Signature]
(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>130239</u>	<u>6-10-2019</u>	<u>REZ-2019-0029</u>