

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0024
Bill Number: Z-19-05-21
Council District: 4-Jason Arp

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

Location: 510 Lower Huntington 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-2019-0024

BILL NO. Z-19-05-21

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L-27 (Sec. 26 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:

Part of Lot #7 in Godfrey's Partition of Out Lots made by W. H. Goshorn and J. S. Goshorn,
Commissioners of Allen Circuit Court as shown in Order Book #22, pages 112 and 142 of
said County, being a subdivision of Lots #3, 4 and 7 and 14.25 acres off of the Northeasterly
side of Lot #2 in the subdivision of Richardville Reserve, west of the Saint Mary's River in
Township 30 North, Range 12 East, made by Lewis Newberger, Commissioner, as recorded
in Order Book "T" page 263 in the Allen Circuit Court more particularly described as follows,
to-wit:

Commencing at the Southeast corner of the said Lot #7; thence North 20 degrees 50
minutes West on and along the centerline of Winchester Road 232.0 feet to a point; thence
North 32 degrees 05 minutes West on and along the aforesaid centerline 125.1 feet to the
point of beginning of the herein described real estate; thence continuing North 32 degrees
05 minutes West on the aforesaid centerline 152.98 feet to a point; thence South 84
degrees 10 minutes West 156.81 feet to a point; thence South 32 degrees 05 minutes East
on and along a line parallel to the centerline of said road 80 feet to a point; thence South
76 degrees 44 minutes East 200 feet to the point of beginning of this description,
containing 0.38 acres of land more or less and subject to road rights of way and easements.

and the symbols of the City of Fort Wayne Zoning Map No. L-27 (Sec. 26 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

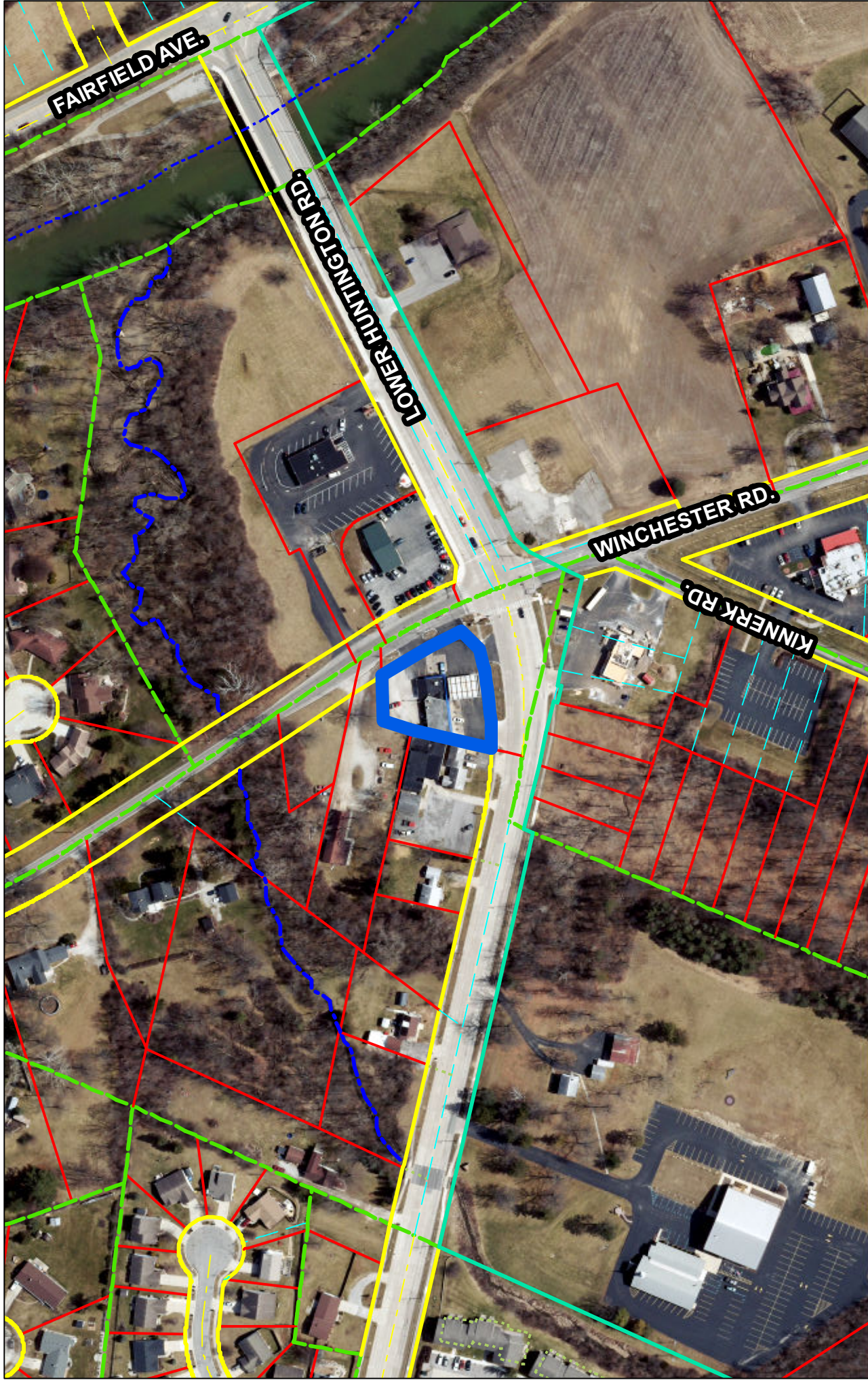
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2 recommendation for the adoption of the rezoning, or if a written commitment is modified and
3 approved by the Common Council as part of the zone map amendment, that written
4 commitment is hereby approved and is hereby incorporated by reference.

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

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9 _____
Council Member

10 APPROVED AS TO FORM AND LEGALITY:

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12 _____
13 Carol T. Helton, City Attorney
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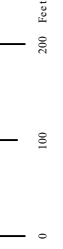


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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

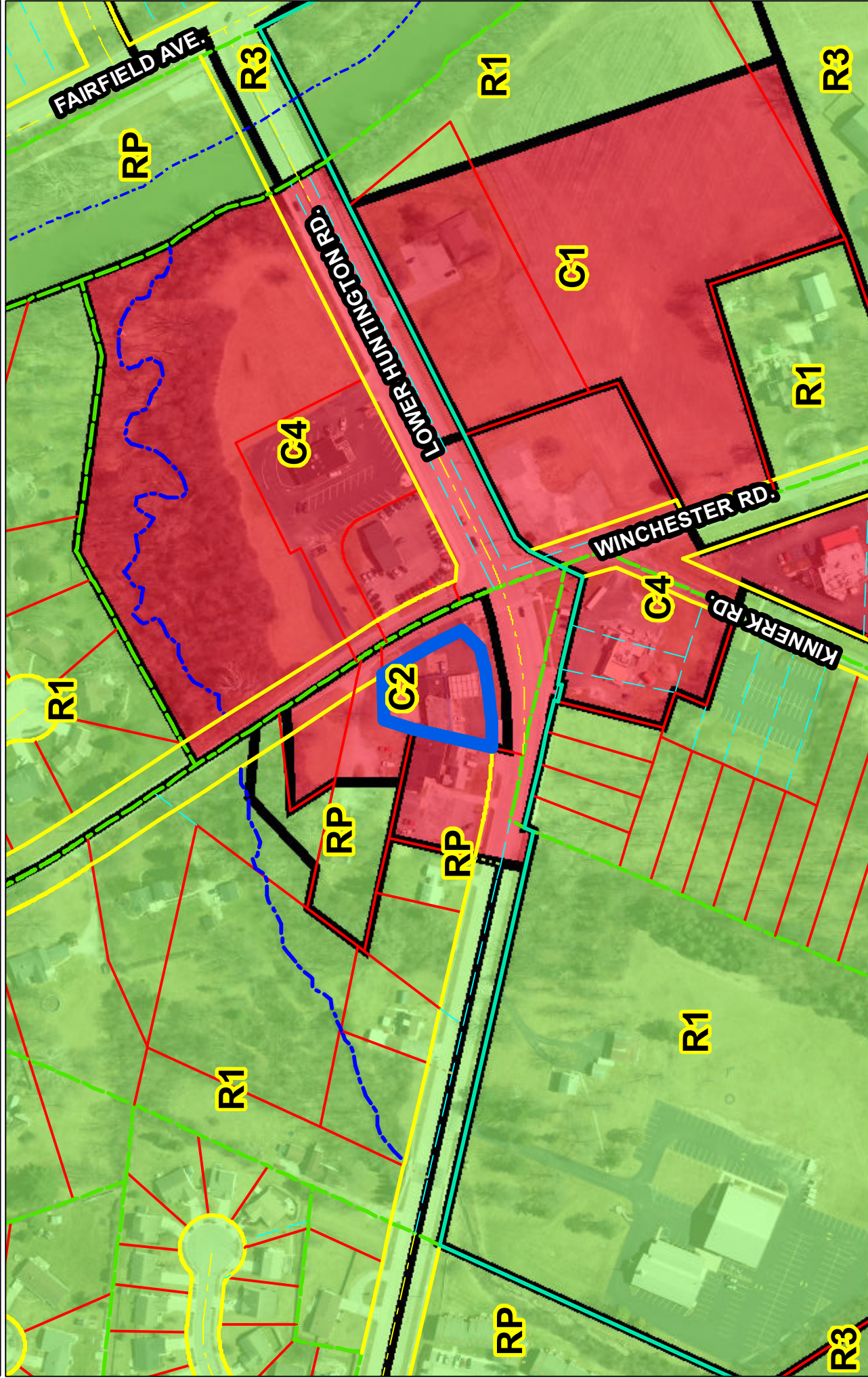


1 inch = 200 feet





Rezoning Petition REZ-2019-0024 - 510 Lower Huntington Rd

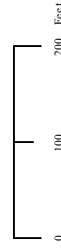


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North American Datum 1983
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1 inch = 200 feet



**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 510 Lower Huntington Road, Ft. Wayne, IN 46819
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 1.03
Proposed density 1 units per acre
Township name Wayne Township section # 30 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 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 <u>4-29-19</u>	Receipt No. <u>130229</u>	Hearing Date <u>6-10-2019</u>	Petition No. <u>REZ-2019-0024</u>
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