

#REZ-2022-0001

BILL NO. Z-22-02-01

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. N-02 (Sec. 12 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 the Southeast Quarter of Section 14, Township 30 North, Range 11 East,
Allen County, Indiana, more particularly described as follows, to-wit:

Lot 1 and part of Lot 2, in Lewis Addition to the City of Fort Wayne, according to
the Plat thereof, more particularly described as follows:

BEGINNING at a Chiseled "X" marking the Northeast corner of Lot 1 in said Lewis
Addition; thence South 01 degrees 30 minutes 31 seconds East, a distance of 150.00
feet along the East line of said Lot 1 to a 5/8" steel rebar with "Karst" identification
cap set at the Southeast corner of said Lot 1; thence South 89 degrees 59 minutes 22
seconds West, a distance of 101.06 feet along the South lines of Lot 1 and 2 to a
5/8" steel rebar with "Karst" identification cap set, said point being 168.34 feet
Easterly of the Southwest corner of Lot 5 in said Lewis Addition; thence North 00
degrees 00 minutes 54 seconds West, a distance of 71.28 feet; thence North 89
degrees 59 minutes 06 seconds East, a distance of 8.10 feet; thence North 00 degrees
00 minutes 54 seconds West, a distance of 78.68 feet to a 5/8" steel rebar with "Karst"
identification cap set on the North line of said Lot 2, said point being 181.05 feet East
of the Northwest corner of Lot 5 in said Lewis Addition; thence North 90 degrees
00 minutes 00 seconds East, a distance of 89.05 feet along the North lines of Lots 2
and 1 in said Lewis Addition to the Point of Beginning. Containing 0.327 acres, more
or less.

and the symbols of the City of Fort Wayne Zoning Map No. N-02 (Sec. 12 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.

1 SECTION 2. If a written commitment is a condition of the Plan Commission's
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.
5

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 _____
10 Council Member

11 APPROVED AS TO FORM AND LEGALITY:

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13 _____
14 Carol T. Helton, City Attorney
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City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2022-0001
Bill Number: Z-22-02-01
Council District: 5 – Geoff Paddock

Introduction Date: February 8, 2022

Plan Commission
Public Hearing Date: February 14, 2022 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the
Plan Commission

Synopsis of Ordinance: To rezone 0.33 acres from C2/Limited Commercial to C3/General
Commercial with a Written Commitment to restrict certain uses

Location: 624 East Lewis

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

Applicant: Onkar Oil, LLC

Property Owner: Onkar Oil, LLC

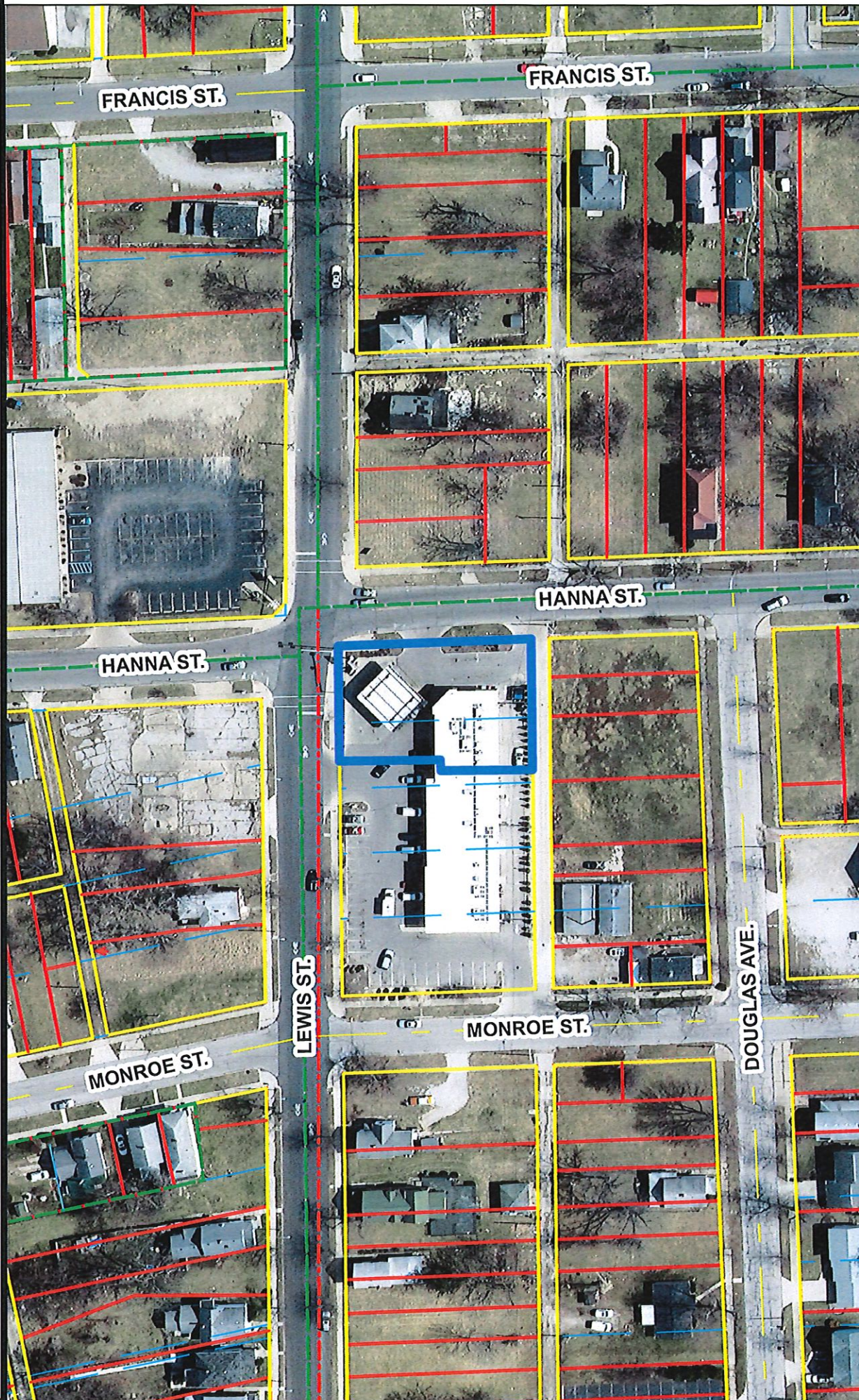
Related Petitions: none

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district,
which will allow the existing use as a permitted use by right. A recorded
Written Commitment on the property will restrict all C3 uses except those
on site currently and those permitted in the C2/Limited Commercial
district.

Effect of Non-Passage: The property will remain zoned for limited commercial uses. The gas
station and convenience store may remain as a non-conforming use, but
the owner may be limited on future maintenance, expansion, and
financing resources because of the non-conforming status.



Rezoning Petition REZ-2022-0001 - 624 East Lewis Street



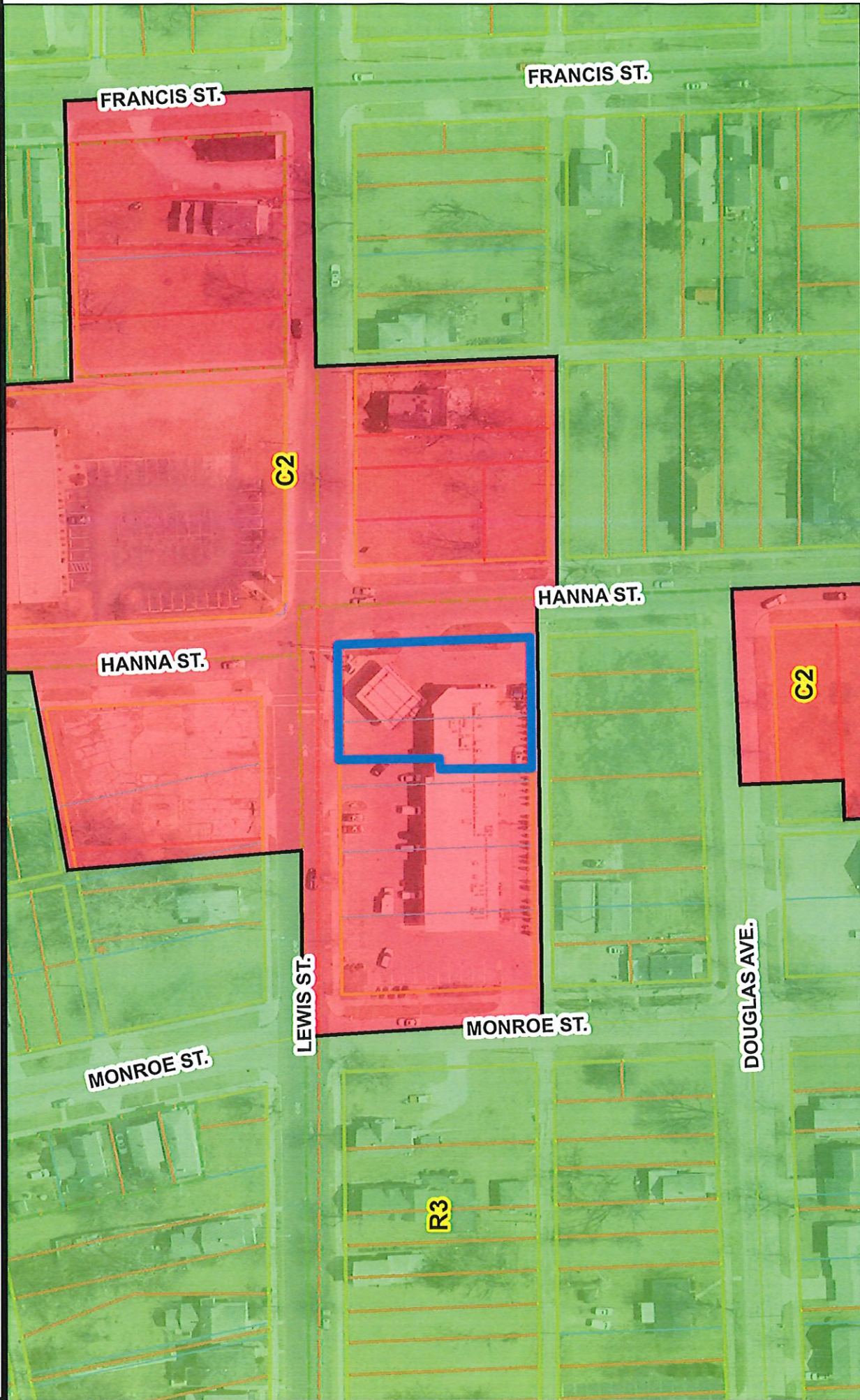
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 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: 1/19/2022



1 inch = 100 feet





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**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Onkar Oil, LLC
Address 624 East Lewis Street
City Fort Wayne State IN Zip 46802
Telephone 260-452-7728 E-mail _____

Contact Person
Contact Person Kelty Tappy Design, Inc. (Matt Kelly)
Address 116 East Berry Street, Suite 700
City Fort Wayne State IN Zip 46802
Telephone 260-426-7770 E-mail matt@keltytappy.com

All staff correspondence will be sent only to the designated contact person.

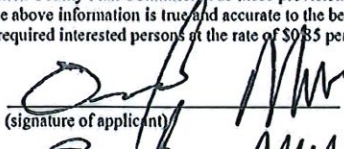
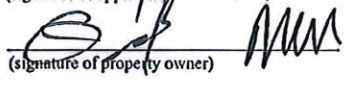
Request
☒ Allen County Planning Jurisdiction ☐ City of Fort Wayne Planning Jurisdiction
Address of the property 624 East Lewis Street, Fort Wayne, IN 46802
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.33 acres
Proposed density (see attached site development schematic) units per acre
Township name Wayne Township section # 0123012
Purpose of rezoning (attach additional page if necessary) Purpose of re-zoning is to accomplish zoning consistent with current use.

Sewer provider Fort Wayne Water provider 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.

<u>Mann Onkar</u> (printed name of applicant)	 (signature of applicant)	<u>December 29, 2021</u> (date)
<u>Mann Onkar</u> (printed name of property owner)	 (signature of property owner)	<u>December 29, 2021</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>12/20/21</u>	Receipt No. <u>139171</u>	Hearing Date <u>2/14/21</u>	Petition No. <u>REZ-2022 0001</u>
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E LEWIS



2012045584

RECORDED: 08/09/2012 09:10:18 AM

JOHN MCGAULEY

ALLEN COUNTY RECORDER

FORT WAYNE, IN

Tax Key No. 02-12-12-103-008.000-074

CORPORATE DEED

1 of 3

This Indenture witnesseth that C & E REALTY INVESTMENT, LLC, an Indiana limited liability company, by its duly authorized officer ("Grantor"),

CONVEYS AND WARRANTS TO ONKAR OIL, LLC, an Indiana limited liability company ("Grantee"),

In consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Allen County in the State of Indiana:

Lot 1 and part of Lot 2, in Lewis Addition to the City of Fort Wayne, according to the Plat thereof, more particularly described as follows:

BEGINNING at a Chiseled "X" marking the Northeast corner of Lot 1 in said Lewis Addition; thence South 01 degrees 30 minutes 31 seconds East, a distance of 150.00 feet along the East line of said Lot 1 to a 5/8" steel rebar with "Karst" identification cap set at the Southeast corner of said Lot 1; thence South 89 degrees 59 minutes 22 seconds West, a distance of 101.06 feet along the South lines of Lot 1 and 2 to a 5/8" steel rebar with "Karst" identification cap set, said point being 168.34 feet Easterly of the Southwest corner of Lot 5 in said Lewis Addition; thence North 00 degrees 00 minutes 54 seconds West, a distance of 71.28 feet; thence North 89 degrees 59 minutes 06 seconds East, a distance of 8.10 feet; thence North 00 degrees 00 minutes 54 seconds West, a distance of 78.68 feet to a 5/8" steel rebar with "Karst" identification cap set on the North line of said Lot 2, said point being 181.05 feet East of the Northwest corner of Lot 5 in said Lewis Addition; thence North 90 degrees 00 minutes 00 seconds East, a distance of 89.05 feet along the North lines of Lots 2 and 1 in said Lewis Addition to the Point of Beginning. Containing 0.327 acres, more or less.

SUBJECT TO all taxes and assessments.

SUBJECT TO agreements, easements and restrictions of record.

This conveyance is made by Grantor to Grantee in completion and satisfaction of that certain Contract for Conditional Sale of Real Estate and Amendment thereto dated November 3, 2008, between Grantor and Grantee. Grantor's warranty herein shall be limited to acts or omissions of Grantor only.

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

116969
AUG 16 2012

Jana K. Klutzy
AUDITOR OF ALLEN COUNTY

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The undersigned person executing this deed represents and certifies on behalf of the Grantor that the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution to execute and deliver this deed; that the Grantor is a limited liability company in good standing in the State of its origin and, where required, in the State where the subject real estate is situate, that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

DATED this 3 day of Aug, 2012.

C & E REALTY INVESTMENT, LLC

By:

Christopher H. Payne III, President member

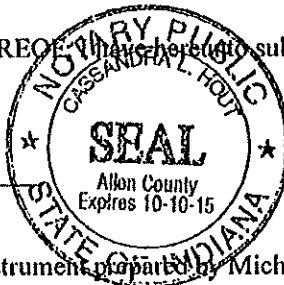
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 3 day of Aug, 2012, personally appeared Christopher H. Payne III, ^{member} President of C & E Realty Investment, LLC, and acknowledged the execution of the foregoing deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

10-10-15

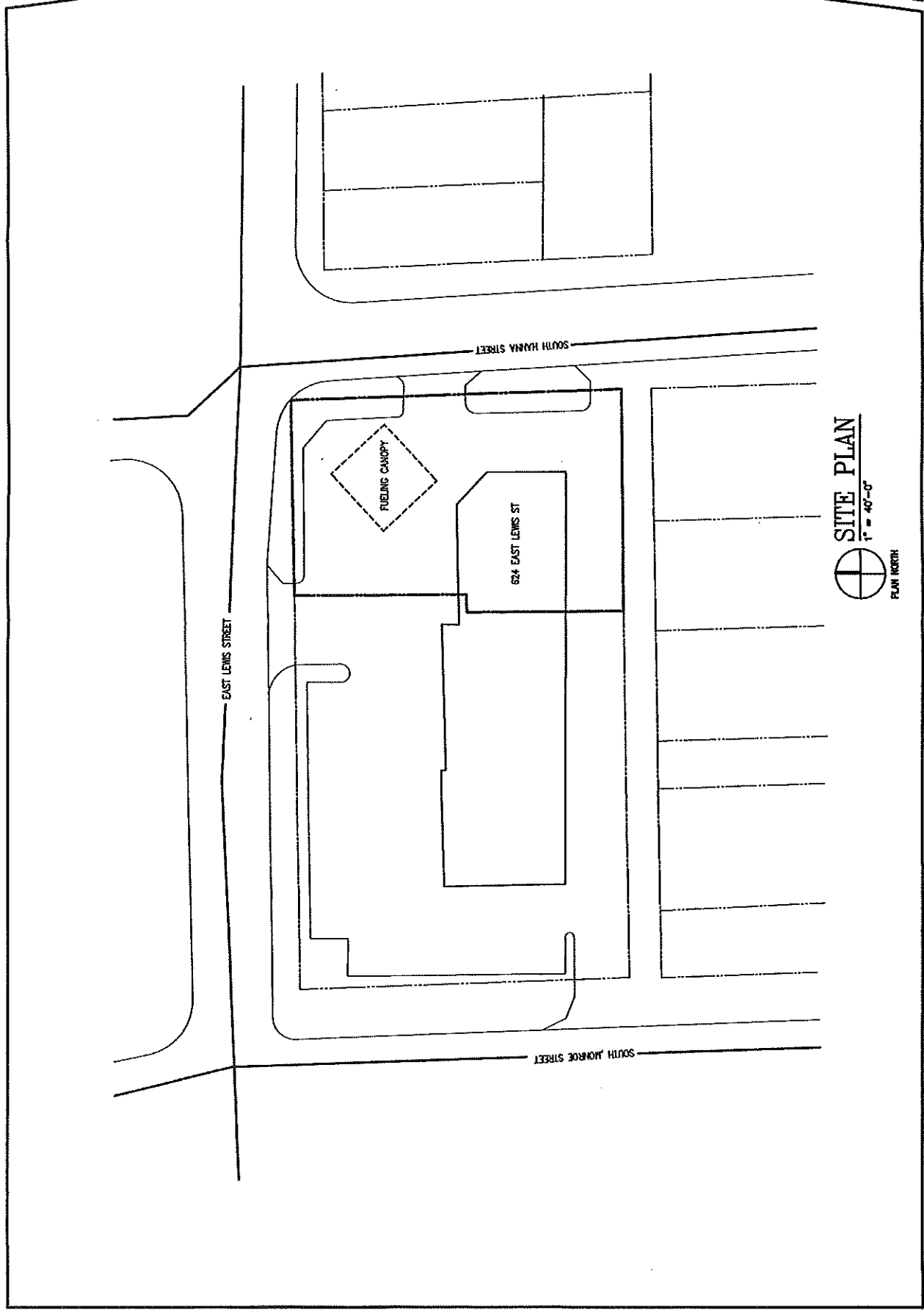


Cassandra How, Notary Public
A resident of Allen County

This instrument prepared by Michael T. Deam, Attorney at Law

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Michael T. Deam*

Grantee Mailing Address: 624 E Lewis St. Fort Wayne, IN 41802 Mail Tax Bills To: Same



SITE PLAN
 1" = 40'-0"
 PLAN NORTH