

#REZ-2022-0007

BILL NO. Z-22-02-08

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. M-14 (Sec. 35 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:

Parcel 1:

The North Twenty-five (25) feet of Lot Five (5) and the North ½ of the vacated alley, except
2 ½ feet for street and the South Fifteen (15) feet of Lot (6) except 2 ½ feet for street in John
H. Jacobs Third Addition, to the City of Fort Wayne, Allen County, Indiana.

EXCEPTING THEREFROM:

A part of Lots 5 and 6 in John H. Jacobs Third Addition to the City of Fort Wayne, Indiana,
the plat of which is recorded in Plat Book 4, page 47 in the Office of the Recorder of Allen
County, Indiana and being described as follows: Beginning at the Southeast corner of said
Lot 5, thence North 70 degrees 54 minutes 59 seconds West 7.50 feet along the southern line
of said Lot 5, thence North 19 degrees 05 minutes 01 second East 55.00 feet; thence South
70 degrees 54 minutes 59 seconds East 5.00 feet to the western boundary of US 27 (North
Clinton Street); thence South 19 degrees 05 minutes 01 second West 40.00 feet along the
boundary of said US 27, thence South 70 degrees 54 minutes 59 seconds East 2.50 feet along
said boundary to the eastern line of said Lot 5; thence South 19 degrees 05 minutes 01
second West 15.00 feet along said eastern line and along the boundary of said US 27 to the
point of beginning.

Parcel 2:

The South 1/2 of the vacated alley lying North of and adjacent to Lot 4 John H. Jacobs Third
Addition, to the City of Fort Wayne, Allen County, Indiana, except 2 ½ feet for street.

EXCEPTING THEREFROM:

A part of Lots 5 and 6 in John H. Jacobs Third Addition to the City of Fort Wayne, Indiana,
the plat of which is recorded in Plat Book 4, page 47 in the Office of the Recorder of Allen
County, Indiana and being described as follows: Beginning at the Southeast corner of said
Lot 5, thence North 70 degrees 54 minutes 59 seconds West 7.50 feet along the southern line
of said Lot 5, thence North 19 degrees 05 minutes 01 second East 55.00 feet; thence South
70 degrees 54 minutes 59 seconds East 5.00 feet to the western boundary of US 27 (North
Clinton Street); thence South 19 degrees 05 minutes 01 second West 40.00 feet along the

1 boundary of said US 27, thence South 70 degrees 54 minutes 59 seconds East 2.50 feet along
2 said boundary to the eastern line of said Lot 5; thence South 19 degrees 05 minutes 01
3 second West 15.00 feet along said eastern line and along the boundary of said US 27 to the
point of beginning

4 **TOGETHER WITH:**

5 Lots 7, 8 and 9 and the North 25 feet of Lot No. 6 in John H. Jacobs Third Addition to the
6 City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 4, Page 47, in the
7 office of the Recorder of Allen County, Indiana. Excepting therefrom said Lots that portion
thereof appropriated for the widening of N. Clinton Street under Declaratory Resolution 677,
and also excepting therefrom said Lot 9 that portion thereof appropriated for the State Street
right-of-way under Declaratory Resolution 2016-39611.

8
9 and the symbols of the City of Fort Wayne Zoning Map No. M-14 (Sec. 35 of Washington
10 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
11 Wayne, Indiana is hereby changed accordingly.

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

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

20
21 _____
22 Council Member

23 APPROVED AS TO FORM AND LEGALITY:

24
25 _____
26 Carol T. Helton, City Attorney
27
28
29
30

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Lassus Bros. Oil, Inc.
Address 1800 Magnavox Way
City Fort Wayne State IN Zip 46804
Telephone (260)436-1415 E-mail samschenkel@lassus.com

Contact Person
Contact Person Sam Schenkel, Lassus Bros. Oil, Inc.
Address 1800 Maganvox Way
City Fort Wayne State IN Zip 46804
Telephone (260)436-1415 E-mail samschenkel@lassus.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 2239 N. Clinton St., Fort Wayne, IN 46805
Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 0.38
Proposed density 1 units per acre
Township name Wayne Township section # 30
Purpose of rezoning (attach additional page if necessary) To bring an existing Lassus convenience store and gas station use into conformance with the City of Fort Wayne Zoning Ordinance.
Sewer provider City Water provider City

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.

Lassus Bros. Oil, Inc. by Sam Schenkel, Vice Pres.

(printed name of applicant)

(signature of applicant)

(date)

J&J Realty Co., LLP by Jon F. Lassus, Partner

(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	Receipt No.	Hearing Date	Petition No.
1-5-2022	139210	2-14-2022	REZ- 2022 - 0007

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Lassus Bros. Oil, Inc.
Address 1800 Magnavox Way
City Fort Wayne State IN Zip 46804
Telephone (260)436-1415 E-mail samschenkel@lassus.com

Contact Person
Contact Person Sam Schenkel, Lassus Bros. Oil, Inc.
Address 1800 Maganvox Way
City Fort Wayne State IN Zip 46804
Telephone (260)436-1415 E-mail samschenkel@lassus.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 2227 N. Clinton St., Fort Wayne, IN 46805
Present Zoning R1 Proposed Zoning C3 Acreage to be rezoned 0.18
Proposed density 1 units per acre
Township name Wayne Township section # 30
Purpose of rezoning (attach additional page if necessary) To allow the expansion of Lassus convenience store parking and drive area with said proposed use into conformance with City of Fort Wayne Zoning Ordinance.
Sewer provider City Water provider City

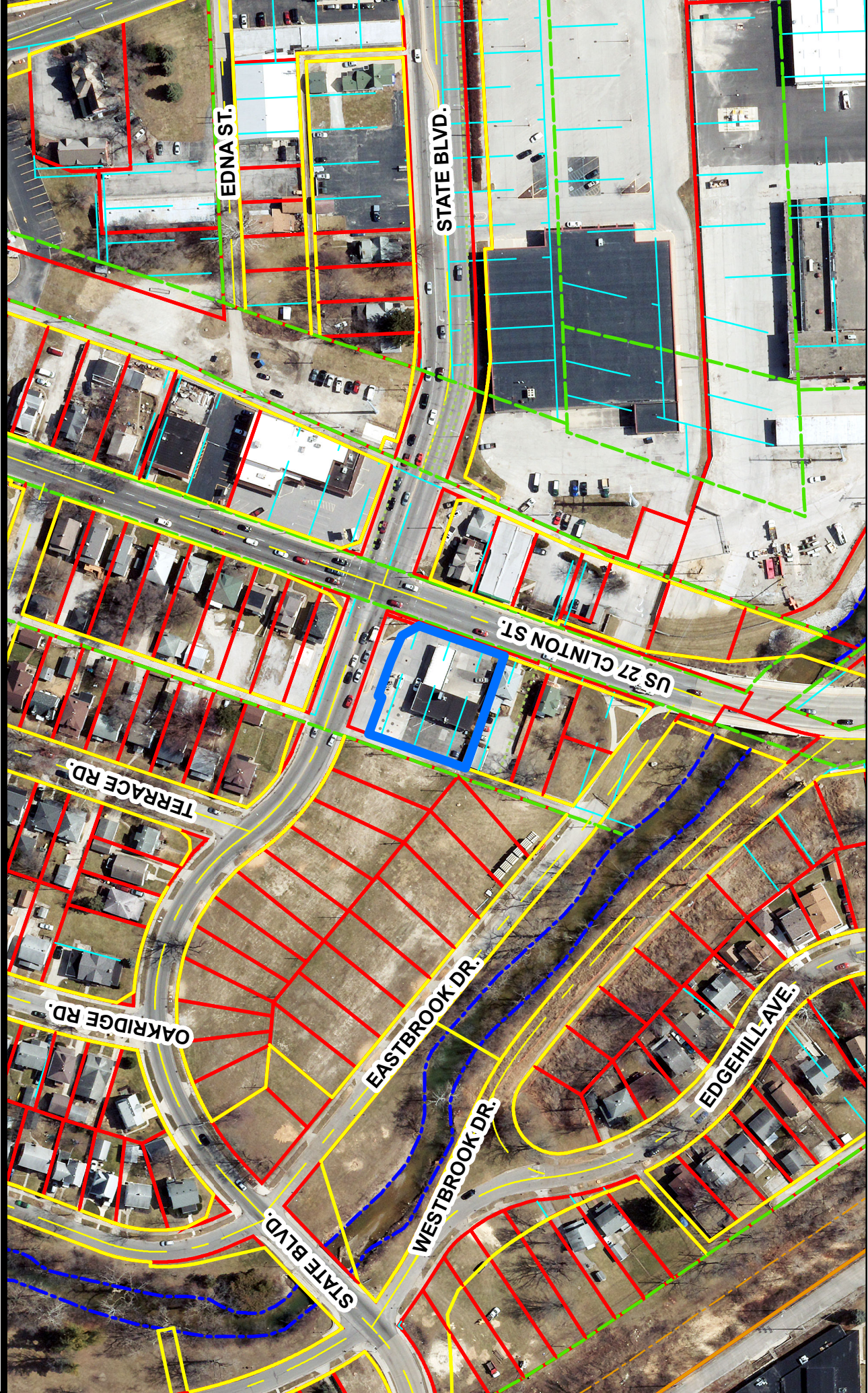
Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.
☒ Applicable filing fee
☐ Applicable number of surveys showing area to be rezoned (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.

Lassus Bros. Oil, Inc. by Sam Schenkel, Vice Pres.
(printed name of applicant) Sam Schenkel, VICE PRESIDENT 12/13/21
(signature of applicant) [Signature] (date)
Robert C. Wiard
(printed name of property owner) Robert C. Wiard 12/14/21
(signature of property owner) [Signature] (date)
Joy E. Wiard
(printed name of property owner) Joy E. Wiard 12-16-21
(signature of property owner) [Signature] (date)
(printed name of property owner) _____ (signature of property owner) _____ (date)

Received	Receipt No.	Hearing Date	Petition No.
1-5-2022	139210	2-14-2022	REZ-2022-0007

Rezoning Petition REZ-2022-0007 - 2239 North Clinton 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.

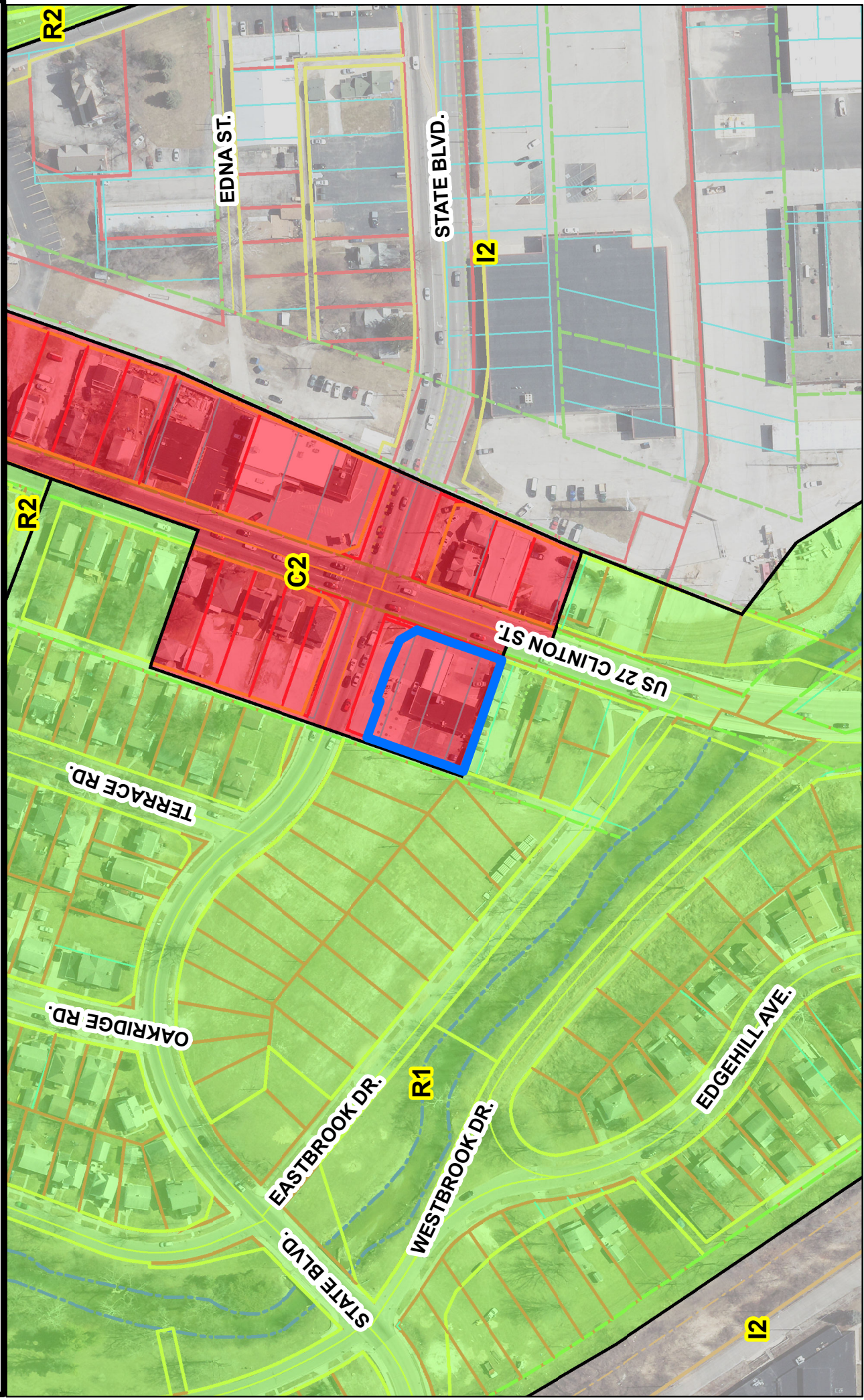
© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 1/19/2022



1 inch = 150 feet



Rezoning Petition REZ-2022-0007 - 2239 North Clinton 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.

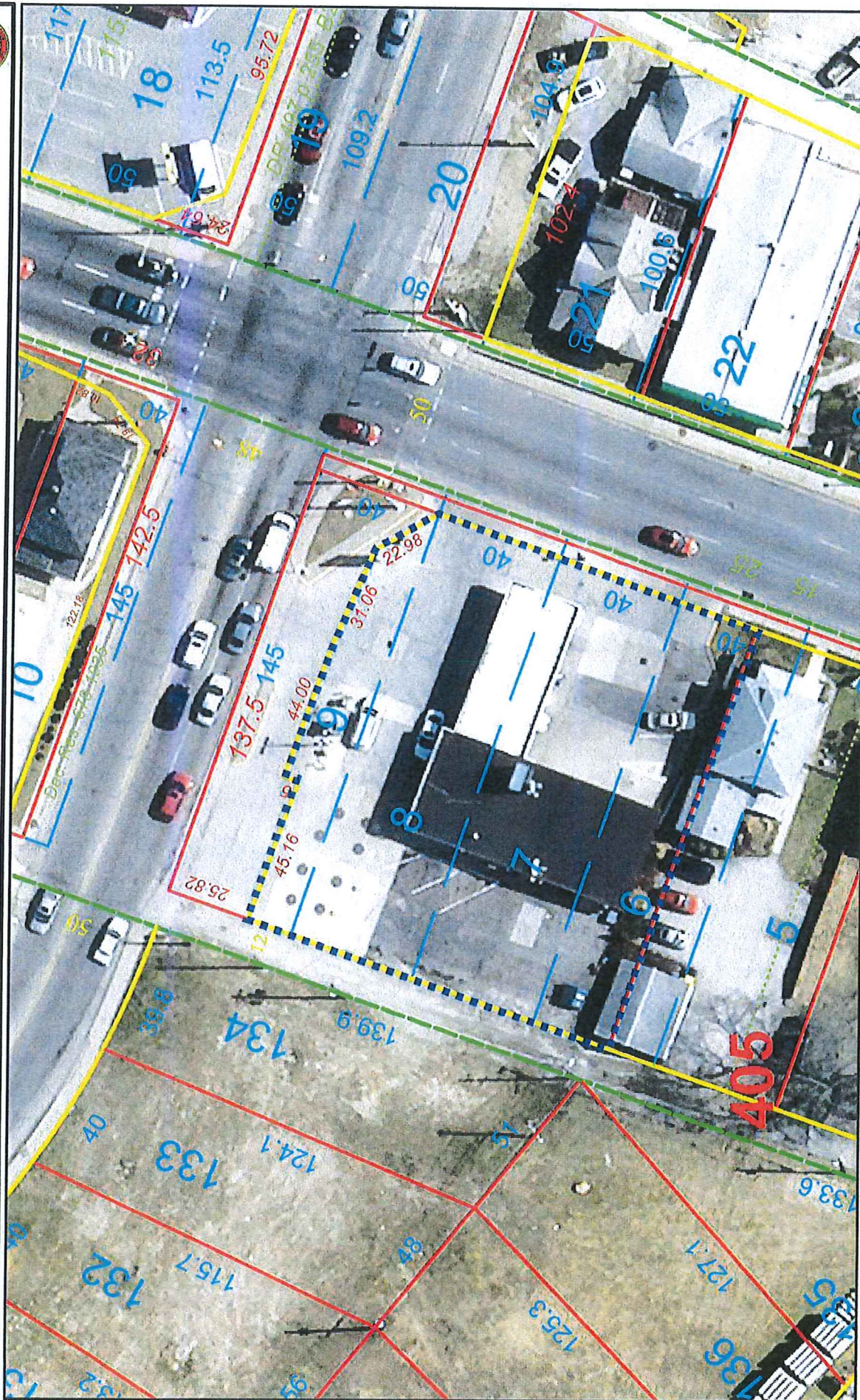
© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 1/19/2022



1 inch = 150 feet



Lassus Store 6

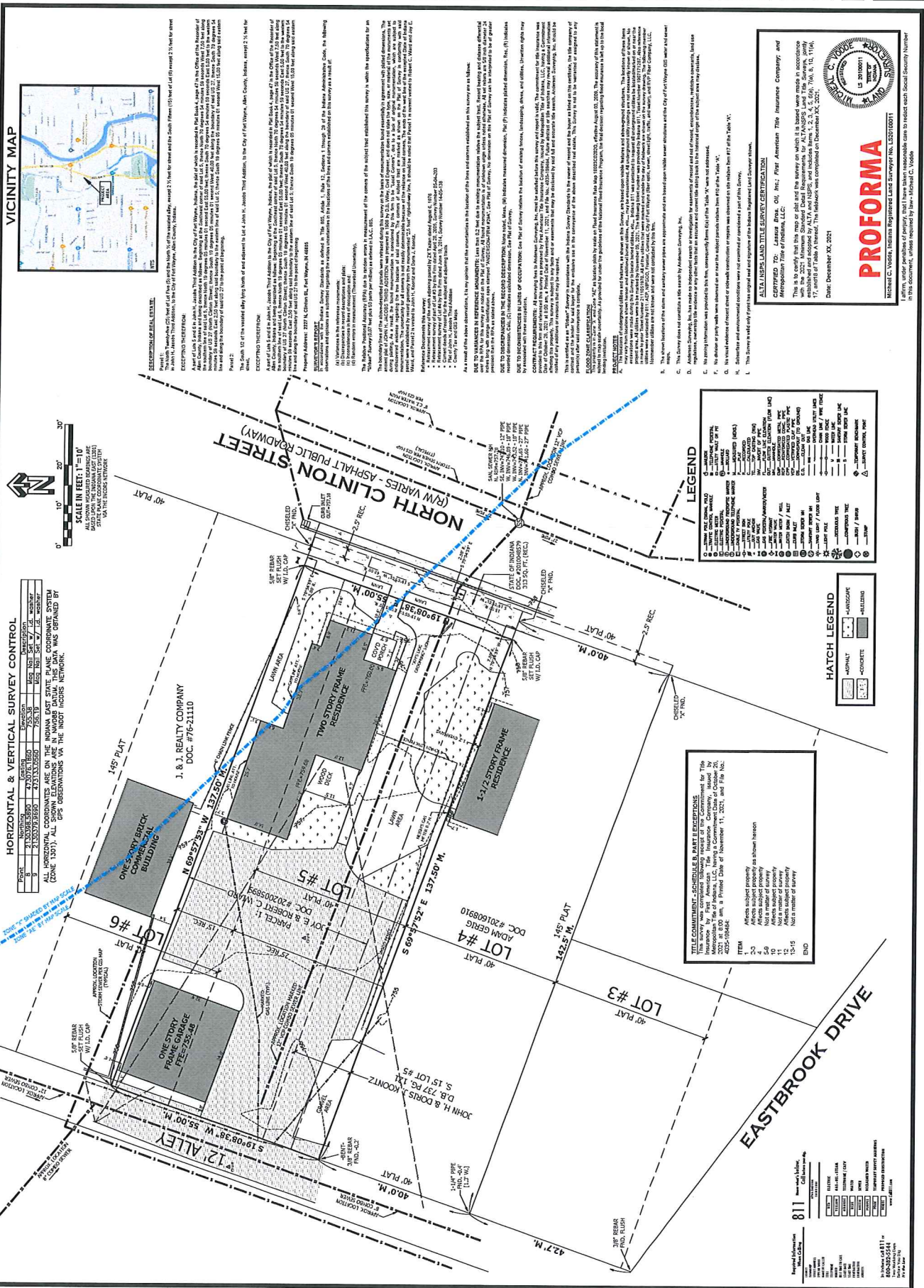


Although strict accuracy standards have been employed in the compilation of this map, the County does not warrant or guarantee the accuracy of the map. The County disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East



Date: 5/8/2020 1" = 42'

[illegible]

J&J / Lasso Parcel:

Lots 7, 8 and 9 and the North 25 feet of Lot No. 6 in John H. Jacobs Third Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 4, Page 47, in the office of the Recorder of Allen County, Indiana. Excepting therefrom said Lots that portion thereof appropriated for the widening of N. Clinton Street under Declaratory Resolution 677, and also excepting therefrom said Lot 9 that portion thereof appropriated for the State Street right-of-way under Declaratory Resolution 2016-39611.

Property Address: 2239 N. Clinton St., Fort Wayne, IN 46805

Z. K. TAZIAN ASSOCIATES, Inc.

PROFESSIONAL ENGINEERS & LAND SURVEYORS

Zohrab K. Tazian, PE & LS
President

Jerry K. Walker, PE & LS
Vice-President

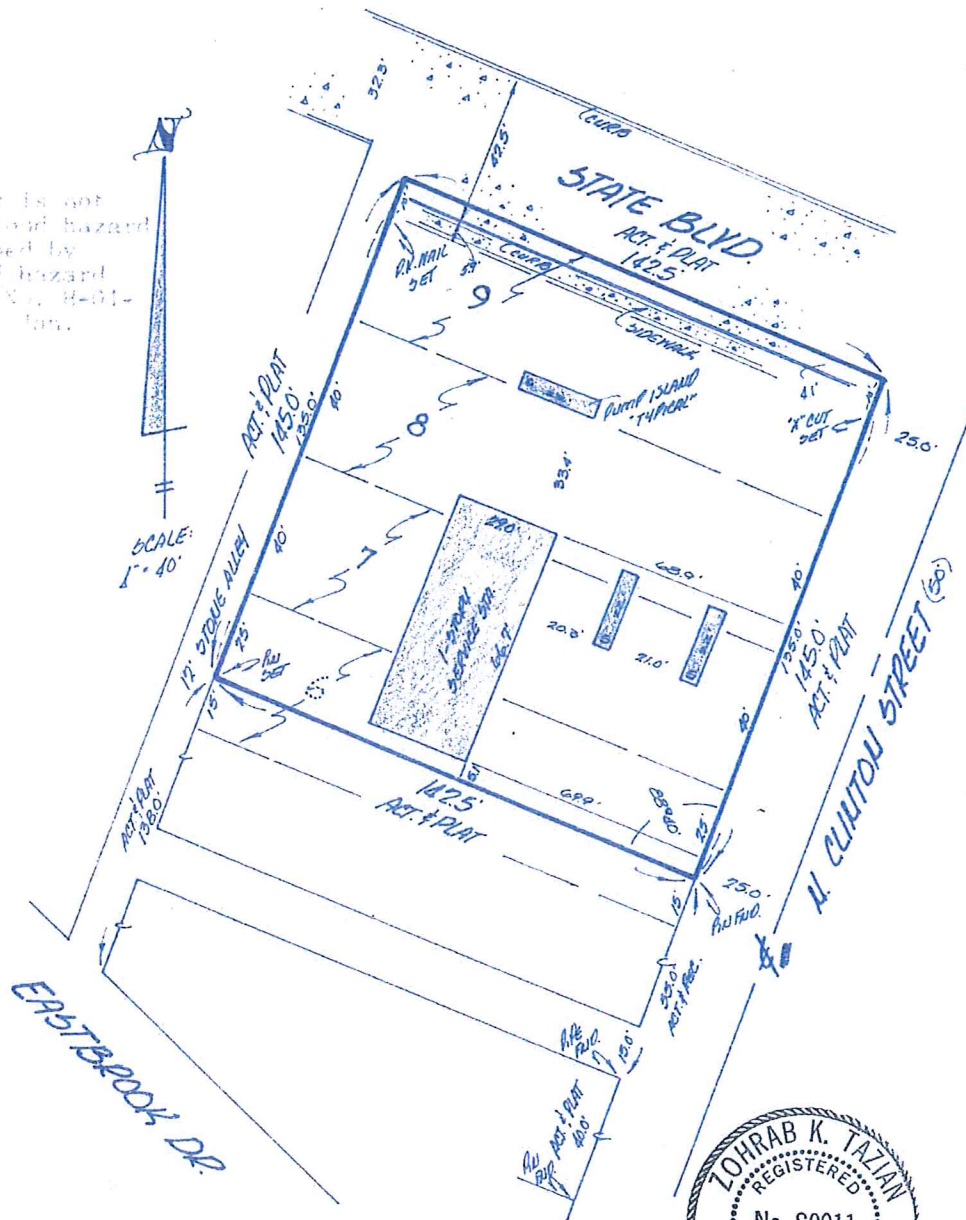
Certificate of Survey

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically shown below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

The North 25 Feet of Lot #6, all of Lots #7, #8 and #9 in John H. Jacob's Third Addition to the City of Fort Wayne, according to the Plat Record 4, page 47, in the office of the Recorder of said County, except that part thereof appropriated for the widening of Clinton Street under Declaratory Resolution 477.

This property is not in a special flood hazard area, as defined by the NFIP Flood Hazard Boundary Map No. H-01-10, effective Jan. 1, 1975.



I hereby certify on the 24th day of August, 19 76, that the above survey is correct.

Surveyed for: Atlantic Richfield
Survey No. 70-145

Zohrab K. Tazian



City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2022-0007
Bill Number: Z-22-02-08
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 0.56 acres from R1/Single Family Residential and C2/Limited Commercial to C3/General Commercial with a Written Commitment to restrict certain uses

Location: 2227 and 2239 North Clinton

Reason for Request: To bring an existing gas station and convenience store into compliance with the zoning ordinance, and to add one additional parcel for improved circulation and access.

Applicant: Lassus Brothers Oil, Inc.

Property Owner: Lassus Brothers Oil, Inc.

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. The additional lot will remain zoned for residential uses.