

#REZ-2026-0023

BILL NO. Z-26-05-13

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L23 (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 zoning district under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

LEGAL DESCRIPTION

Lots Numbered 265, 266, 267, 268, 269, 270, and 271 in Fairfield Terrace Addition, Section "B", and addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 11, pages 52-53, EXCEPT that portion of Lot Numbered 265 conveyed to the City of Fort Wayne as recorded in Deed Record 631, page 440 and by Dedication to the City of Fort Wayne recorded as Document Number 70-8461.

and the symbols of the City of Fort Wayne Zoning Map No. L23 (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 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:

Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2026-0023
Bill Number: Z-26-05-13
Council District: 5 – Geoff Paddock

Introduction Date: May 26, 2026

Plan Commission
Public Hearing Date: June 8, 2026 (not heard by Council)

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

Synopsis of Ordinance: To rezone 0.842 acres from R1/Single Family Residential, C2/Limited Commercial, and C3/General Commercial to C3/General Commercial

Location: 5805 & 5825 Fairfield Ave and 430 W Cox Dr (Section 26 of Wayne Township)

Reason for Request: To permit new construction on existing site, including updated access drives and enhanced landscaping

Applicant: Humaidi Group LLC

Property Owner: Humaidi Group LLC and A And H Oil Co LLC

Related Petitions: Primary Development Plan - PDP-2026-0013 – Humaidi Group LLC

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which would permit proposed new construction on existing site, including updated access drives and enhanced landscaping.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential, C2/Limited Commercial, and C3/General Commercial, which would not permit proposed new construction on existing site. The site may continue with existing or non-conforming uses, and may be redeveloped with similar single-family residential, and some limited and general commercial uses.

Rezoning Petition REZ-2026-0023 and Primary Development Plan PDP-2026-0013 - Humaidi Group



AIRPORT EXPY

AIRPORT EXPY

BUELL DR

W PAULDING RD

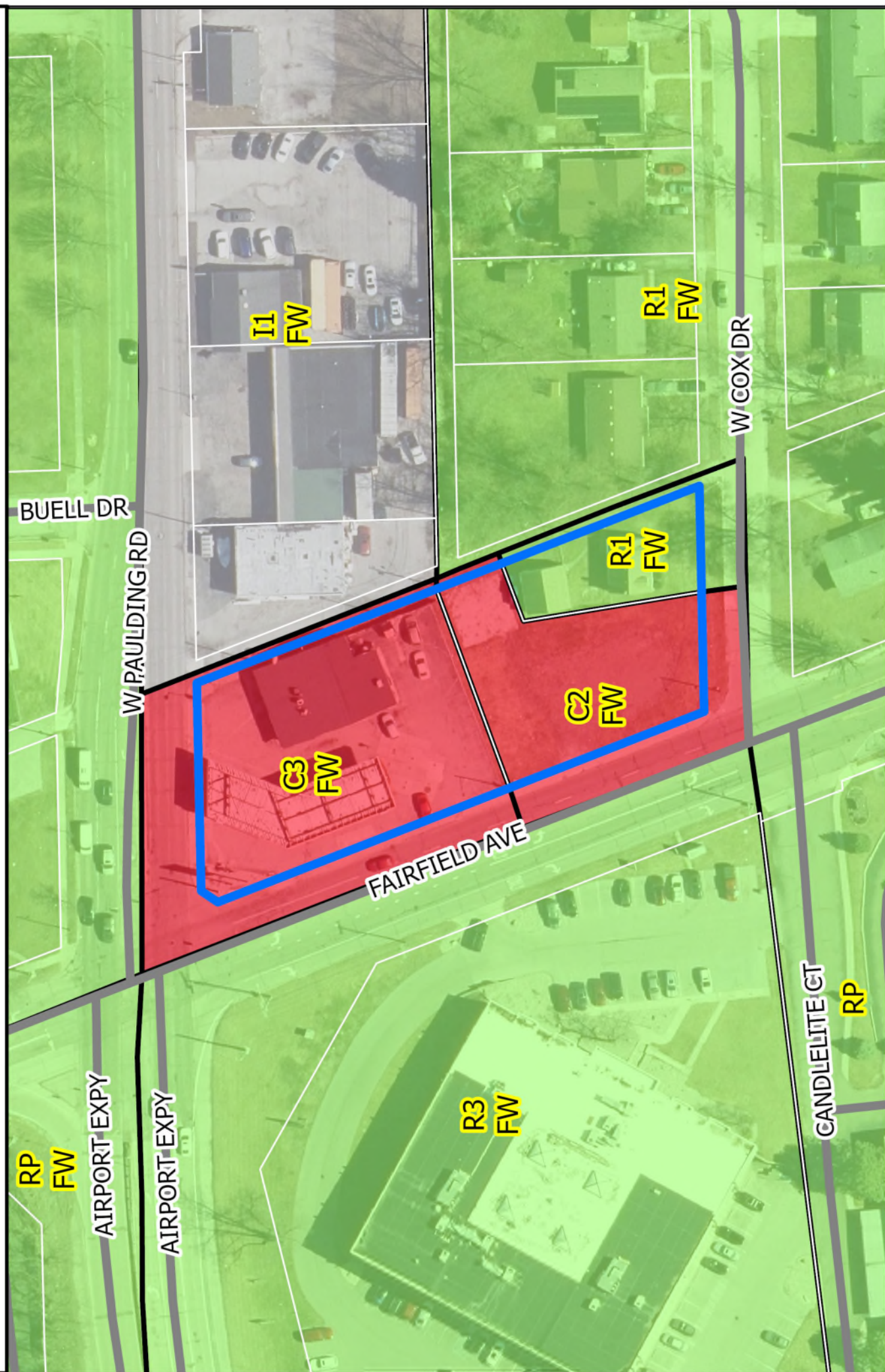
FAIRFIELD AVE

W COX DR

CANDLELITE CT



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Photos and Contours: Spring 2009
Date: 5/12/2026



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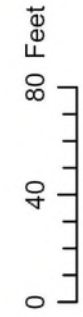
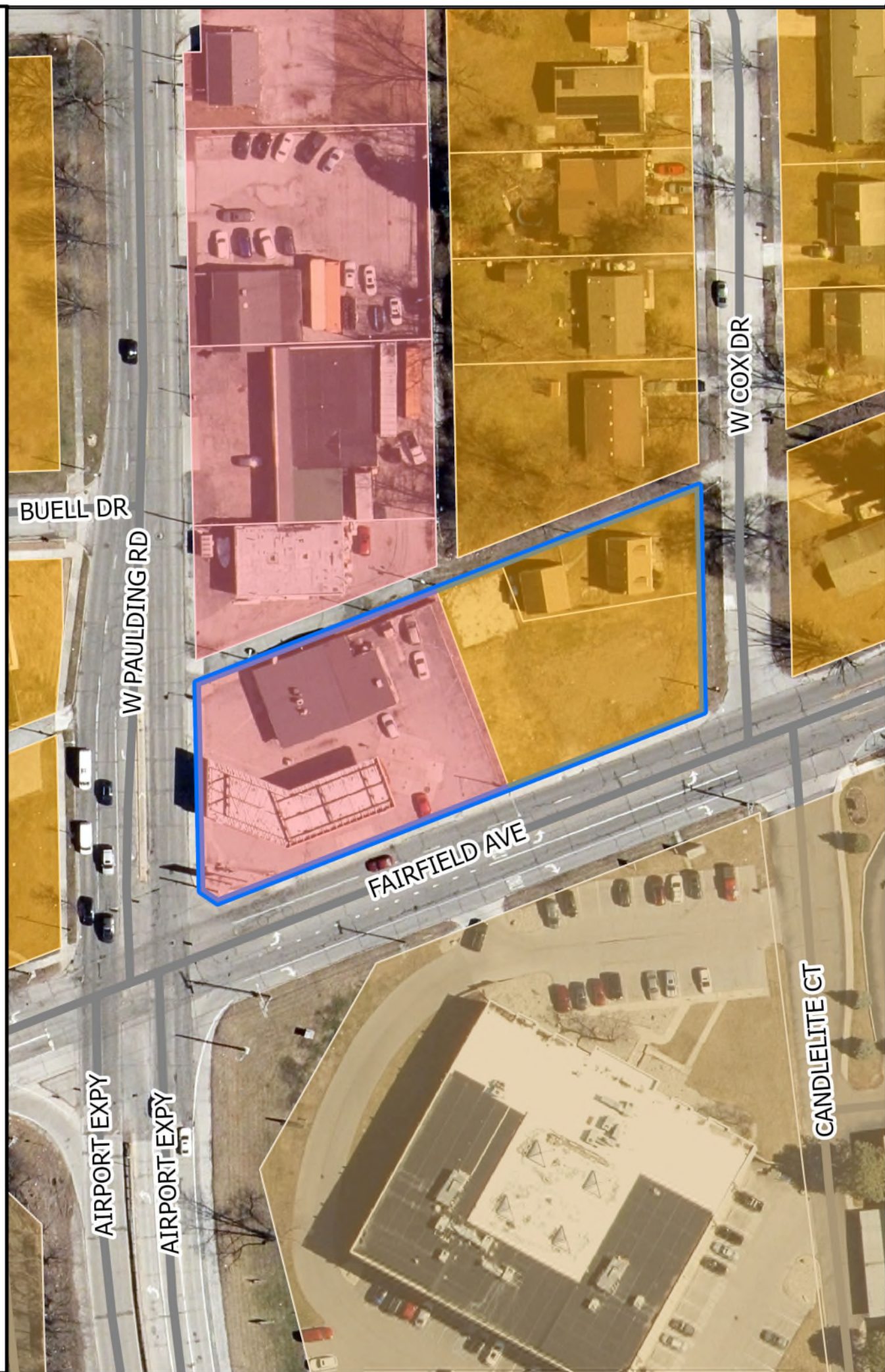
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- Traditional Neighborhood
- Mixed Residential
- Neighborhood
- Commercial

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DESCRIPTION OF REAL ESTATE:

Lots Numbered 265, 266, 267, 268, 269, 270, and 271 in Fairfield Terrace Addition, Section "B", and addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 11, pages 52-53, EXCEPT that portion of Lot Numbered 265 conveyed to the City of Fort Wayne as recorded in Deed Record 631, page 440 and by Dedication to the City of Fort Wayne recorded as Document Number 70-8461.

Property Addresses: 5805 Fairfield Ave, Fort Wayne, IN 46807
5825 Fairfield Ave, Fort Wayne, IN 46807
430 W Cox Dr, Fort Wayne, IN 46807

SURVEYOR'S REPORT

In accordance with the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12, Sections 1 through 29 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments:
- (b) Discrepancies in record descriptions and plats:
- (c) Inconsistencies in lines of occupation and:
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (RPA) due to random errors in measurement of the corners of the subject tract established this survey is within the specifications for an "**Urban**" Survey (0.07 feet plus 50 parts per million) as defined in I.A.C. 865.

The boundary lines of the above Lots were retraced during this survey on the basis of found monumentation essentially in agreement with platted and record dimensions. The ancient plat of Fairfield Terrace Addition, Section "B" was prepared by Orin Darling, Professional Engineer, in 1925 and does not state the type, size, or material of the monuments set during platting. As a result, the found monumentation is considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the Plat of Survey in conformity with said monumentation. The uncertainty for all corners is not readily determinable because of the reliance on local corners.

The rebars found at the northeast corner of Lot #265 and the southeast corner of Lot #271 were accepted in place. The found spike nail at the southerly corner of the excepted City of Fort Wayne parcel (Document #70-8461) was accepted in place. The southwest corner of Lot #270 was established by distance-distance intersection from the aforesaid spike nail and from the rebar monumenting the southeast corner of Lot #271. The east corner of the excepted City of Fort Wayne parcel was established being record distance east of the calculated northwest corner of Lot #265. All as shown on the Plat of Survey.

Reference Documents this survey:

- Fairfield Terrace Addition, Section "B"
- County Tax and GIS Maps
- City Sewer and Water Maps

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: As shown on the Plat of Survey. Record bearing and distance differential over the RPA for this survey are noted on the Plat of Survey. All found monumentation is of unknown origin unless noted otherwise. All set rebars are 5/8 inch diameter 24 inches long with orange identification caps stamped "ANDERSON-FIRM #29A". See Plat of Survey. No dimension on this Plat of Survey can be interpreted to be of greater precision than the RPA as stated above.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: None noted. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: See Plat of Survey relative the location of existing utilities. Unwritten rights may be associated with these occupations.

CONTRACT REQUIREMENTS: All surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report is valid. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

This is certified as an "**Urban**" Survey in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. This Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

FLOOD ZONE CLASSIFICATION

This property is in Zone "X" as location plots by scale on Flood Insurance Rate Maps 18003C0292G and 18003C0294G, effective August 03, 2009. The accuracy of this statement is subject to map scale uncertainty.

PROJECT NOTES

The locations of underground utilities and features, as shown on this Survey, are based upon visible features and above-ground structures. The locations of these items may vary from locations shown hereon and additional buried utilities, etc.... may be encountered. All underground utility routings are not necessarily known or shown. No excavations were made during this Survey to locate buried utilities, etc... Indiana 811 was contacted to request all underground utilities be located/located on or near the project area. All utilities were to be marked by July 02, 2021. The following ticket number was provided by Indiana 811, Ticket Number 2106301235. All of the utilities that were marked and visible the day of fieldwork are shown on the survey drawing. The following member utilities were contacted by 811: AEP, NIPSCO, Frontier, Comcast, and the City of Fort Wayne (water, traffic, fiber optic, & sewer). Nonmember utilities are not known and were not contacted by this firm.

This Survey does not constitute a title search by Anderson Surveying, Inc.

Anderson Surveying, Inc. has made no independent search or investigation for easements of record and not of record, encumbrances, restrictive covenants, land use regulations, ownership title evidence or any other facts that an accurate and current title dating back to the historical origin of the subject area may disclose.

Subsurface and environmental conditions were not examined or considered a part of this Survey.

This Survey is valid only if print has original seal and signature of the Indiana Registered Land Surveyor shown.

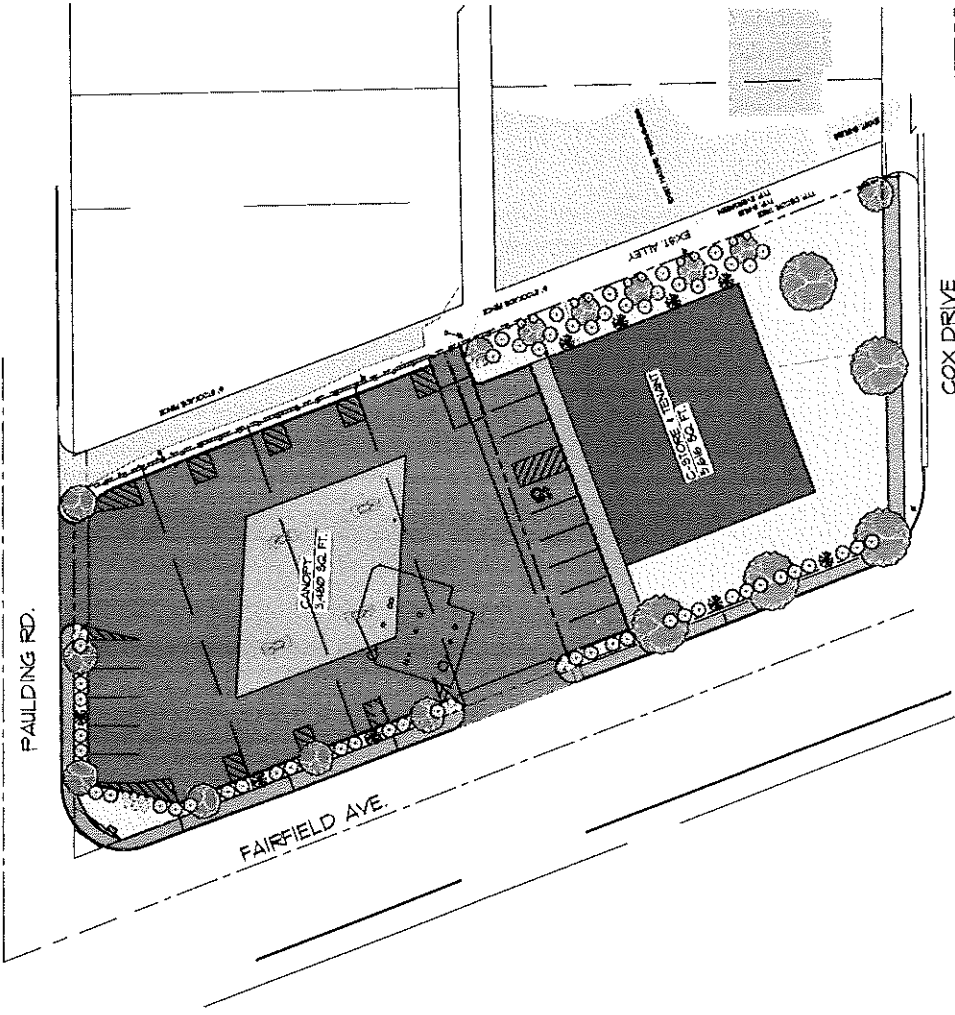


P. A. TROYER INC.
 ARCHITECTURE DEVELOPMENT CONSTRUCTION
 6625 BUNNY LANE INDIANAPOLIS, IN 46220
 PHIL@PATROYER.COM D. 260-318-0926



C-STORE
 FAIRFIELD AVE @ PAULDING RD
 FORT WAYNE, IN 46837

4
3
2
1



COLOR SITE PLAN
 1. ASPHALT DRIVEWAY
 2. ASPHALT DRIVEWAY
 3. ASPHALT DRIVEWAY
 4. ASPHALT DRIVEWAY



**DPS Plan Commission
Rezoning Petition Application**

Applicant

Applicant Name: Humaidi Group LLC
 Address: 5805 Fairfield Ave City: Fort Wayne State: IN Zip: 46807
 Email (type or print): Humaidim@gmail.com Phone: 260 343 8733

Property Ownership

Same as applicant

Owner Name: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Email (type or print): _____ Phone: _____

Primary Contact Person

Same as applicant

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

Primary Contact: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Email (type or print): _____ Phone: _____

Planning Jurisdiction

- Unincorporated Allen County Town of Grabill Town of Monroeville
 City of Fort Wayne Town of Huntertown City of Woodburn

Property Information

Development Address or PIN #: 5805 & 5825 Fairfield and 430 Cox Dr. Lots: 265,266,267,268,269,270,271 Fairfield Terrace
 Present Zoning : C3, C2, R1 Proposed Zoning : C3 Acreage to be rezoned : C3 (.455) + C2 (.268) + R1 (.119)
 Purpose of rezoning (attach additional page if necessary): Combine parcels to allow redevelopment of existing C3 use.
 This will allow updating of access drives, landscaping, and new construction. Improved tax base.
 Township Name: Wayne Township Section Number: 26
 Sewer Provider: City of Fort Wayne Water Provider: City of Fort Wayne

Filing Requirements

- Filing fee \$1250.00 or \$350.00 for downzoning an existing SFR use to R1 Zoning
 Application signed by property owner(s)
 Boundary/ Utility Survey showing area to be rezoned
 Legal Description of parcel to be rezoned (Please provide in separate word document)
 Rezoning Criteria (please complete attached document)

Acknowledgements and Signatures

- 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 applicable Zoning Ordinance as well as all procedures and policies of the Fort Wayne and Allen County Plan Commissions 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.
- In addition, I/We hereby authorize and consent to the on-site inspection and sign posting on the property subject to this zoning application by the Department of Planning Services for the purposes of verifying the information in this application and for purposes of determining compliance with the applicable zoning ordinance.

Ahmed Humaidi [Signature] 4-20-2026
 printed name of applicant signature of applicant date
Humaidi Group LLC [Signature] 4-20-2026
 printed name of property owner signature of property owner date

STAFF USE ONLY			
Received	Receipt Number	Hearing Date	Petition Number
4-20-26	149144	6-8-26	REZ-2026-





**DPS Plan Commission
Application for Waiver of Required Design Standards**

Project Name: Humaidi Group
 Applicant Name: Humaidi Group LLC
 Address: 5805 Fairfield Ave City: Fort Wayne State: IN Zip: 46807
 Email (type or print): Humaidim@gmail.com Phone: 260 243 8343

Description of Requested Waiver(s)

Reduce front setback from 35' to 25'.
 Reduce rear setback from 25' to 15'.

How will granting the waiver request(s) be in conformance with the purposes and intent of the ordinance and with the objectives and policies of the comprehensive plan?

Due to the public storm easement through the center of the site, the already small acreage does not allow the flexibility to expand building to the north.

How will failure to grant the waiver request(s) result in practical difficulties in the use of the property for the proposed development?

The intent is to construct a convenience store and small laundry facing north. All sides of the building will be architecturally detailed as 'front' (including glass). No access openings on East. Limited openings on South and West.

Ahmed Humaidi

printed name of applicant

signature of applicant

4.20.2026
4.20.2026

Date

STAFF USE ONLY

Received	Receipt Number	Hearing Date	Petition Number

