

1 #REZ-2014-0098

2 BILL NO. Z-14-10-17

3  
4 ZONING MAP ORDINANCE NO. Z-29-14

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map No. AA-19 (Sec. 23 of Aboite Township)

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
8 INDIANA:

9 SECTION 1. That the area described as follows is hereby designated a C3  
10 (General Commercial) District under the terms of Chapter 157 Title XV of the Code of the  
11 City of Fort Wayne, Indiana:

12 Doc.#200039972

13 Part of the South half of the Southwest Quarter of Section 23, Township 30 North, Range 11 East,  
14 Allen County, Indiana, more particularly described as follows:

15 Commencing at a point 12 feet West of the Northeast corner of the South half of the Southwest  
16 Quarter of Section 23, Township 30 North, Range 11 East, said point being on the North line of the  
17 South Half of said Southwest Quarter; thence South and parallel to the East line of the South half of  
18 the Southwest Quarter of said Section 23, a distance of 496.5 feet to an iron pin found on the North  
19 right-of-way line of U.S. Highway No. 24; thence Southwesterly by a deflection to the right of 50  
20 degrees 43 minutes 30 seconds along said North right-of-way line, a distance of 142.0 feet to an iron  
21 pin found on said North right-of-way line, said point also being the principal point of beginning;  
22 thence continuing Southwesterly along said right-of-way line, a distance of 23.0 feet to an Indiana  
23 State Highway right-of-way monument found; thence deflecting to the left 17 degrees 37 minutes 41  
24 seconds along the said North right-of-way line, a distance of 97.25 feet to an Indiana State Highway  
25 right-of-way monument found; thence deflecting to the right 22 degrees 54 minutes 45 seconds along  
26 said North right-of-way line, a distance of 139.5 feet to an iron pin found at the point of intersection  
27 of the North right-of-way line of U.S. Highway No. 24 and the West line of land conveyed to  
28 Continental Oil Company by Deed dated October 28, 1969 from Francis M. and Barb B. Metrailler;  
29 thence departing from said North right-of-way line by a deflection angle to the right of 123 degrees 43  
30 minutes 05 seconds along the said West line, a distance of 296.95 feet to an iron pin found; thence  
deflecting to the right of 90 degrees 00 minutes 27 seconds, a distance of 60.0 feet to an iron pin  
found; thence deflecting to the right 44 degrees 10 minutes 29 seconds, a distance of 177.65 feet to  
the point of beginning, containing 0.77 acres of land, more or less.

Together with a Non-exclusive Easement for ingress and egress described in that certain Grant of  
Right-of-Way Easement recorded March 20, 1087 as Document Number 87-13772 described as  
follows:

A 30 foot wide parcel in the Southwest Quarter of Section 23, Township 30 North, Range 11 East in  
Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 34 minutes  
00 seconds East along the East line of said Southwest Quarter 1812.36 feet to the North right-of-way  
of U.S. Highway No. 24; thence Southwesterly along the Northerly right-of-way of U.S. Highway No.  
24, South 49 degrees 55 minutes 00 seconds West, a distance of 156.80 feet to the Southeast corner of

1 a 0.77 acre parcel; thence along the Northerly boundary of said 0.77 acre parcel the following two  
2 courses: North 46 degrees 44 minutes 02 seconds West, a distance of 177.61 feet, and South 89  
3 degrees 04 minutes 26 seconds West, a distance of 60.0 feet to the Northwest corner of said 0.77 acre  
4 parcel, said point also being the point of beginning; thence South 00 degrees 55 minutes 34 seconds  
5 East along the West line of said 0.77 acre parcel, a distance of 296.95 feet to an iron pin on the  
6 Northerly right-of-way of U.S. Highway 24; thence along said Northerly right-of-way South 54  
7 degrees 3 minutes 50 seconds West, a distance of 36.37 feet to an iron pin; thence leaving said  
8 Northerly right-of-way North 00 degrees 55 minutes 34 seconds West, a distance of 317.51 feet to an  
9 iron pin; thence North 89 degrees 04 minutes 26 seconds East along the North line extended of said  
10 0.77 acre parcel, a distance of 30.0 feet to the point of beginning, containing 0.21 acres, more or less.

11 Together with:

12 Doc.# 2012069070

13 Part of the Southwest Quarter of Section 23, Township 30 North, Range 11 East of the Second  
14 Principal Meridian in Allen County, Indiana, more particularly described as follows:

15 Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 34 minutes  
16 00 seconds East (deed bearing and basis of bearings to follow), a distance of 1812.96 feet (1812.36  
17 feet Deed) along the East line of said Southwest Quarter to the Northerly right-of-way of U.S.  
18 Highway 24; thence South 50 degrees 04 minutes 17 seconds West, a distance of 144.84 feet along  
19 said Northerly right-of-way to a 5/8 inch rebar with "Karst" identification cap set at the Point of  
20 Beginning of the herein described tract; thence continuing South 50 degrees 04 minutes 17 seconds  
21 West, a distance of 11.54 feet along said Northerly right-of-way to a point on the Easterly line of an  
22 existing tract described in Document Number 20039972 in the Office of the Recorder of Allen  
23 County, Indiana, said point being referenced by a 1/2 inch rebar found 0.1 feet North and 0.3 feet West;  
24 thence North 46 degrees 44 minutes 38 seconds West, a distance of 177.65 feet along said Easterly  
25 line to a 5/8 inch rebar found on the North line of said existing tract; thence South 89 degrees 04  
26 minutes 53 seconds West, a distance of 83.00 feet along said North line to a 5/8 inch rebar with  
27 "Karst" identification cap set on an East line of an existing tract described in Document Number 90-  
28 037274 in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 55 minutes  
29 34 seconds West, a distance of 51.30 feet along said East line to a point on the South right-of-way of  
30 Coventry Lane, said point being referenced by a 1/2 inch rebar found in concrete 0.1 feet West, said  
point also being on a point of curvature of a non-tangent curve concave to the Southwest, having a  
radius of 220.0 feet; thence Southeasterly along said curve and along the Southwesterly right-of-way  
of said Coventry Lane, a distance of 275.45 feet, having a central angle of 71 degrees 44 minutes 08  
seconds and a chord of 257.80 feet bearing South 56 degrees 13 minutes 14 seconds East to a 5/8 inch  
rebar with "Karst" identification cap set at the point of tangency; thence South 20 degrees 21 minutes  
10 seconds East, a distance of 22.34 feet along the Westerly right-of-way of said Coventry Lane to the  
Point of Beginning. Containing 0.248 acres, more or less. Subject to easements of record.

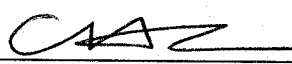
and the symbols of the City of Fort Wayne Zoning Map No. AA-19 (Sec. 23 of Aboite  
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort  
Wayne.

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SECTION 2. 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:

  
\_\_\_\_\_  
Carol T. Helton, City Attorney

**City of Fort Wayne Common Council  
DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2014-0098  
Bill Number: Z-14-10-17  
Council District: 4 – Mitch Harper

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Introduction Date: October 28, 2014  
Plan Commission  
Public Hearing Date: November 10, 2014  
Next Council Action: Ordinance will return to Council after recommendation by the  
Plan Commission

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Synopsis of Ordinance: To rezone approximately 1.23 acres of property from C2-Limited Commercial  
to C3-General Commercial  
Location: 8724 U.S. 24  
Reason for Request: To bring the current gas station use into compliance with the zoning  
ordinance.  
Applicant: Lassus Brothers Oil  
Property Owner: Lassus Brothers Oil

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Related Petitions: Primary Development Plan, Lassus Coventry

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Effect of Passage: Property will be rezoned to C3-General Commercial to bring the existing gas  
station use into compliance with the new ordinance. The existing  
convenience store will be rebuilt.

Effect of Non-Passage: The property will remain zoned C2-Limited Commercial and the existing use  
will be non-conforming and will not be able to expand on the property  
without some other special approval.

**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 260-436-0340 E-mail lassust@lassus.com

**Contact Person**  
 Contact Person Phillip A Troyer Inc  
 Address 1510 W Ludwig Rd  
 City Fort Wayne State IN Zip 46825  
 Telephone 260-489-2810 E-mail phil@patroyer.com

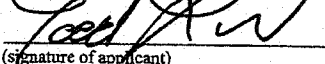
*All staff correspondence will be sent only to the designated contact person.*

**Request**  
 Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction  
 Address of the property 8724 U.S. 24  
 Present Zoning C-2 Proposed Zoning C-3 Acreage to be rezoned 1.228  
 Proposed density n.a. units per acre  
 Township name Aboite Township section # 23  
 Purpose of rezoning (attach additional page if necessary) Reconstruction of existing Convenience store.  
 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.

Todd Lassus  9-22-2014  
 (printed name of applicant) (signature of applicant) (date)

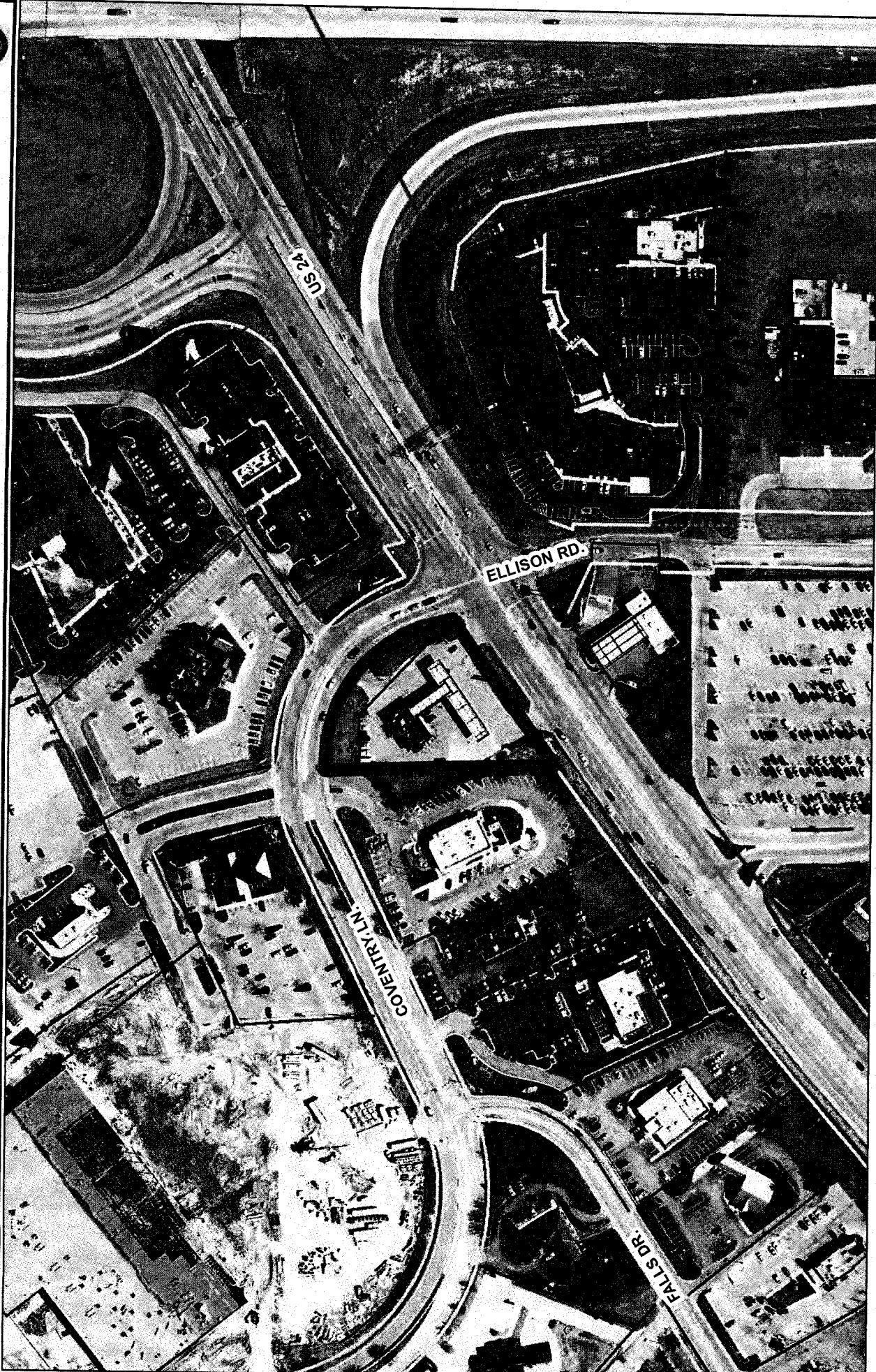
\_\_\_\_\_  
 (printed name of property owner) (signature of property owner) (date)

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 (printed name of property owner) (signature of property owner) (date)

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 (printed name of property owner) (signature of property owner) (date)

Received	Receipt No.	Hearing Date	Petition No.
10/1/14	116333	11/10/14	REZ-2014-0098

Rezoning Petition REZ-2014-0098 and Primary Development Plan - Lassus Coventry



Project boundaries represented by bold colored lines are for representational purposes only.

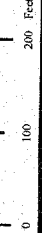
© 2004 Board of Commissioners of the County of Allen  
Aerial Photography from 1983  
State Plane, Coventry, Indiana, East  
Photos and Contours, Spring, 2009

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.

Date: 10/20/2014

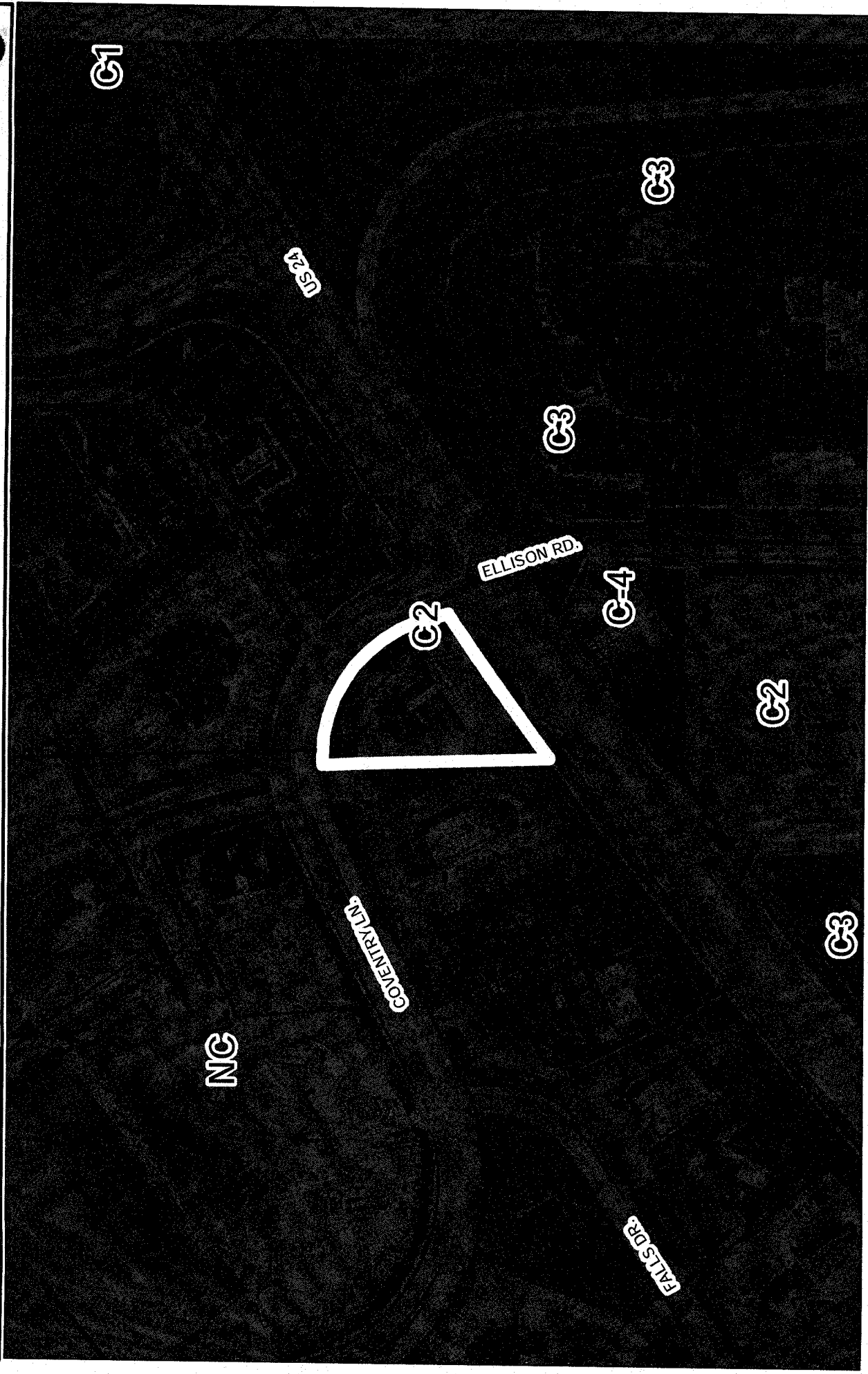


1 inch = 200 feet





Rezoning Petition REZ-2014-0098 and Primary Development Plan - Lassus Coventry



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© 2014 Board of Commissioners of the County of Allen  
North American Datum 1983  
State Plane Coordinate System, Indiana East  
Photos and Contours: Spring 2009

Date: 10/20/2014





Public Hearing Date, if applicable 11-10-14

Read the first time in full and on motion by Councilman Mitch Harper,  
Read the second time by title and referred to the Regulations Committee  
Committee. Read the third time in full and on motion by Councilman  
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	_____	<u>✓</u>	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 12-9-14 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE  
(RESOLUTION) NO. 2-29-14 on the 9<sup>th</sup> day of  
December, 2014

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY,  
CITY CLERK

Martin A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10<sup>th</sup> day  
of December, 2014, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11<sup>th</sup> day of December  
2014, at the hour of 9:30 o'clock AM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**BILL NO. Z-14-10-17**

**REPORT OF THE COMMITTEE ON REGULATIONS**

**DECEMBER 9, 2014**

**MITCH HARPER - CHAIR**  
**THOMAS DIDIER- CO-CHAIR**  
**ALL COUNCIL MEMBERS**

WE, YOUR COMMITTEE ON \_\_\_\_\_ REGULATIONS TO \_\_\_\_\_ WHOM WAS REFERRED

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas Didier*  
*[Signature]*  
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SANDRA E. KENNEDY  
CITY CLERK