

1 #REZ-2019-0079

2 BILL NO. Z-20-01-05

3  
4 ZONING MAP ORDINANCE NO. Z- 9-20

5 AN ORDINANCE amending the City of Fort Wayne  
6 Zoning Map No. P-19 (Sec. 19 of Adams 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 (General  
10 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort  
11 Wayne, Indiana:

12 Land situated in the County of Allen, State of Indiana, is described as follows:

13 PARCEL I:

14 Beginning at the Northwest corner of Lot 1 of Meyer's Farm Lots, said point being  
15 on the east line of South Anthony Boulevard; thence North along said east line of  
16 South Anthony Boulevard to a point 32 feet North of the Northwest corner of Lot 1,  
17 Meyer's Farm Lots; thence easterly and parallel with the North line of Lot 1 of  
18 Meyer's Farm Lots 250 feet to a point; thence southwardly and parallel with the East  
19 line of South Anthony Boulevard and the West line of Lot 1 of Meyer's Farm Lots  
20 200 feet to a point on the South line of Lot 1 of Meyer's Farm Lots; thence  
21 westwardly along said South line 100 feet; thence northerly and parallel with the  
22 East line of South Anthony Boulevard and the West line of said Lot 1 of Meyer's  
23 Farm Lots 100 feet; thence westerly and parallel with the North line of said Lot 1,  
24 150 feet to the West line of Lot 1 of Meyer's Farm Lots and the East line of South  
25 Anthony Boulevard; thence North along the West line of said Lot 1 and the East line  
26 of South Anthony Boulevard 68 feet to the place of beginning, containing 0.803 acre.

27 PARCEL II:

28 The South 100 feet of the West 150 feet of Lot Number 1 in Meyer's Farm Lots, an  
29 addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat  
30 Record 14, page 86, in the Office of the Recorder of Allen County, Indiana.

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

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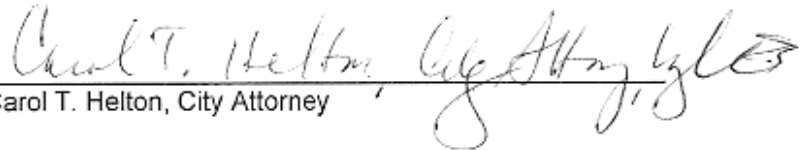
Wayne, Indiana is hereby changed accordingly.

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:

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

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Two Brothers Gas and Convenience LLC  
 Address 5405 S Anthony Blvd  
 City Fort Wayne State IN Zip 46806  
 Telephone 260 515 1210 E-mail salehsalih16@gmail.com

**Contact Person**  
 Contact Person Saleh Salih  
 Address 5405 S Anthony Blvd  
 City Fort Wayne State IN Zip 46806  
 Telephone 260 515 1210 E-mail salehsalih16@gmail.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 5405 S Anthony Blvd., Fort Wayne, IN 46806  
 Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned \_\_\_\_\_  
 Proposed density \_\_\_\_\_ units per acre  
 Township name Adams Township section # 70  
 Purpose of rezoning (attach additional page if necessary) Recent change in the city of Fort Wayne zoning ordinance does not permit use of property for the current business in the existing C2 zoning. In order to bring this location into compliance with the zoning ordinance, we are requesting the rezoning to C3 zoning  
 Sewer provider Republic Water provider City Utilities

**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.

Saleh Salih \_\_\_\_\_ 09/13/2019  
 (printed name of applicant) (signature of applicant) (date)

Saleh Salih \_\_\_\_\_ 09/13/2019  
 (printed name of property owner) (signature of property owner) (date)

Rec: 12-2-19 Rec # 132755 REZ-2019-0079

### WRITTEN COMMITMENT

This Written Commitment (this "Commitment") is made effective as of the 13<sup>th</sup> day of September, 2019, by Two Brothers Gas & Convenience LLC, an Indiana Corporation ("Company").

### RECITALS

- A. By virtue of that certain Corporate Deed dated November 5<sup>th</sup> 2013 and recorded on November 5<sup>th</sup> 2013 as Document Number 2013063072 in the office of the Recorder of Allen County, Indiana, Company is the owner of record in fee simple of certain real estate located in Allen County, Indiana, which is legally described in the addendum attached to this Commitment as Exhibit "A" (the Real Estate).
- B. Company filed an application under Case Number \_\_\_\_\_ (the "Rezoning Application") to change the zoning map applicable to the Real Estate from the C2 Zoning District to the C3 Zoning District.
- C. Pursuant to Ind. Code § 36-7-4-1015)a)(1) and the City of Fort Wayne Zoning Ordinance (the "Ordinance"), the Fort Wayne Plan Commission (the "Plan Commission") may require as owner of the real property to make a written commitment concerning the use or development of the real property as part of rezoning application (the "Approval").
- D. In connection with the Rezoning Application, Company offered to make, and the Plan Commission required Company to make, a written commitment concerning the use and development of the Real Estate.

### COMMITMENT

In consideration of the Approval, Company makes the following written commitments pursuant to I.C. §36-7-4-1015(a)(1):

1. **PERMITTED/PROHIBITED USES.** All uses normally permitted in the C3/General Commercial zoning district under §157.216 of the Ordinance that are not permitted uses in the C2/Limited Commercial under §157.213 of the Ordinance (all of which shall remain permitted) shall be prohibited except for the following (which shall be permitted):

- a. Gas Station
- b. Propane/bottled gas sales and service as an accessory use to gas station convenience store.

2. **ENFORCEMENT RIGHTS.** The Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment, and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exhaustive. A violation of this commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation, provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.
3. **EFFECTIVE DATE.** This commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.
4. **SUCCESSORS AND ASSIGNS.** This Commitment and the restrictions set forth above shall be inure to the benefit of: (a) all persons who own property comprising the Real Estate, and their successors and assigns; and (b) the Zoning Administrator and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.
5. **SEVERABILITY.** Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
6. **GOVERNING LAW.** This commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of INDIANA.
7. **STATUTORY AUTHORITY.** This commitment is made pursuant to I.C. §36-7-4-1015(a)(1).
8. **PERMITS.** No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. This Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

9. **MODIFICATION AND TERMINATION.** Modification and termination of this Commitment may only be made in accordance I.C. §36-7-4-1015, as such statute may be amended from time-to-time.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGE FOLLOWS]

Two Brothers Gas & Convenience LLC,  
an Indiana Corporation

By: Saleh Salih  
Saleh Salih, President "Company"

STATE OF INDIANA    )  
                                  ) SS:  
COUNTY OF ALLEN    )

Before me, the undersigned Notary Public in and for said County and State, this 27 day of November, 2019, personally appeared Saleh Salih, as President of Two Brothers Gas & Convenience LLC, an Indiana corporation, and acknowledged the execution of the foregoing Written Commitment on behalf of said company.

WITNESS my hand and Notarial Seal.

My Commission expires: July 2, 2020

Amanda Marie Woenker



AMANDA MARIE WOENKER, Notary Public  
Allen County, State of Indiana  
Commission Number 0636537  
My Commission Expires July 2, 2020

**Exhibit A**

**Legal Description of Real Estate**

Land situated in the County of Allen, State of Indiana, is described as follows:

**PARCEL I:**

Beginning at the northwest corner of Lot 1 of Meyer's Farm Lots, said point being on the east line of South Anthony Boulevard; thence North along said east line of South Anthony Boulevard to a point 32 feet north of the northwest corner of Lot 1, Meyer's Farm lots; thence easterly and parallel with the north line of lot 1 of Meyer's Farm Lots 250 feet to point; thence southwardly and parallel with the east line of South Anthony Boulevard and the west line of Lot 1 of Meyer's Farm lots 200 feet to a point on the south line of Lot 1 of Meyer's Farm lots; thence westwardly along said south line 100 feet; thence northerly and parallel with the east line of South Anthony Boulevard and the west line of said Lot 1 of Meyer's Farm Lots 100 feet; thence westerly and parallel with the north line of said Lot 1, 150 feet to the west line of Lot 1 of Meyer's Farm Lots and the east line of South Anthony Boulevard; thence north along the west line of said Lot 1 and the east line of South Anthony Boulevard 68 feet to the place of beginning, containing 0.803 acre.

**PARCEL II:**

The South 100 feet of the west 150 feet of Lot Number 1 in Meyer's Farm Lots, an addition to the City of Fort Wayne, according to the plat thereof, recoded in Plat Record 14, page 86, in the office of the Recorder of Allen County, Indiana.

"Jeff Klaehn" <jklaehn@metrotci.com>  
To: "Wray Law Office" <oscott@hankkeel.com>  
pdf of survey and my survey read

November 4, 2013 1:53 PM

Bruce and John,

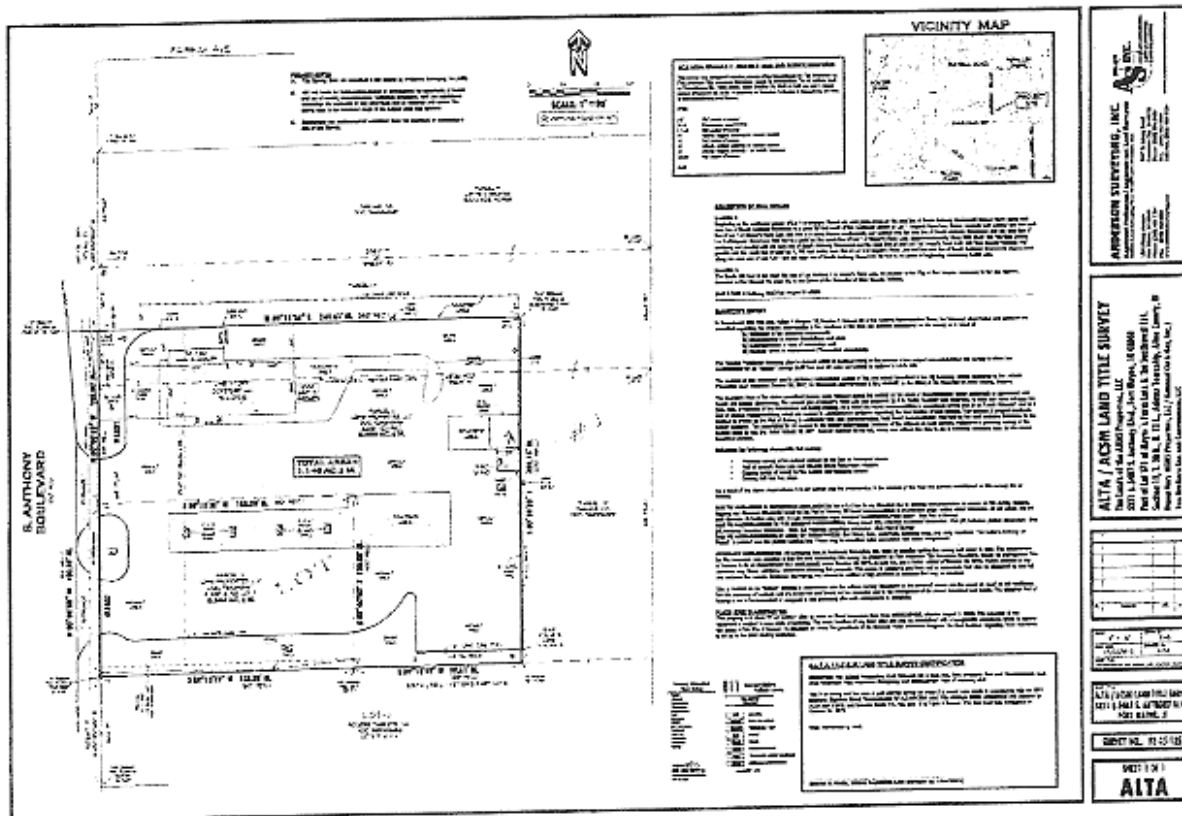
Attached is a pdf of the survey and my survey read.

Jeff Klaehn  
Commercial Manager  
P: 260-407-6172  
F: 260-489-0584  
C: 260-402-7910

[jklaehn@metrotci.com](mailto:jklaehn@metrotci.com)

PLEASE NOTE: Our North office address is:  
9604 Cobdwater Road  
Suite 105  
Fort Wayne, IN 46825

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06/27/2013 11:53



Rezoning Petition REZ-2019-0079 (5407 S. Anthony)



Although these images are dark, they have been processed to enhance the visibility of the map. After the work done at our office, we guarantee for accuracy of the information contained herein. We do not warrant any and all liability resulting from any errors or omissions in this map.

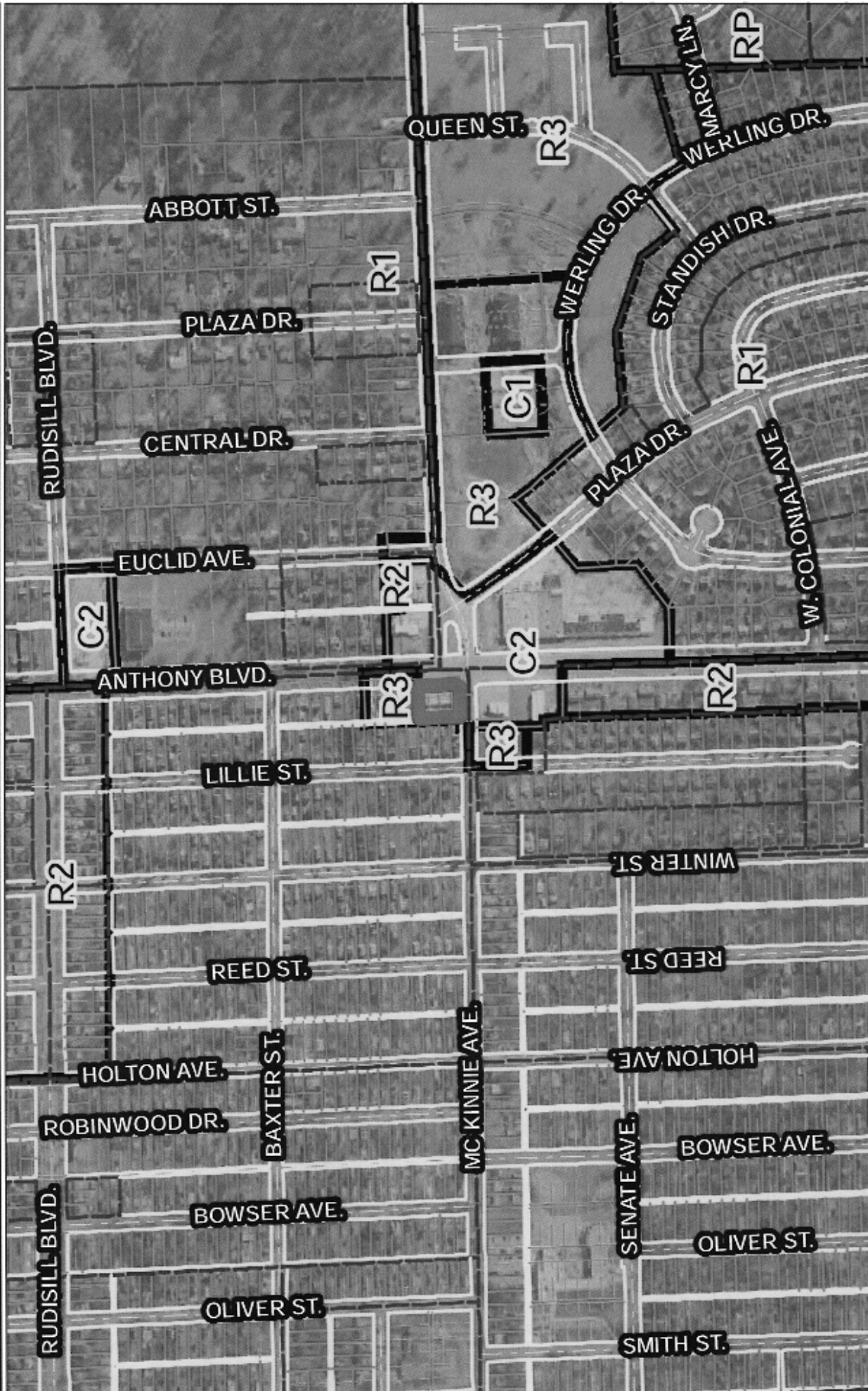
© 2019 Board of Commissioners of the County of Miller  
 North American Edition 1983  
 State Plane Coordinate System, Indiana East  
 North Carolina State Plane 12065  
 Date: 12/22/2019



1 inch = 300 feet



Rezoning Petition REZ-2019-0080 (4224 S Anthony)



Although stated, accuracy standards have been met for this map in the context of this map. All other County Board rezoning or other rezoning actions are subject to the accuracy of the information contained herein and is subject to any and all other applicable laws, rules and regulations. Any error or omission in this map is the responsibility of the user. © 2019 Board of Commissioners of the County of Allegheny. North American Edition 1988. State Plane Coordinate System, National East Zone and Datum, April 2, 2005. Scale: 1"=438'

## FACT SHEET

Case #REZ-2019-0079 Bill # Z-20-01-05 Project Start: December 2019

PROPOSAL:	Rezoning Petition REZ-2019-0079
APPLICANT:	Two Brothers Gas and Convenience LLC
REQUEST:	To rezone property from C2/Limited Commercial to C3/General Commercial to bring the existing gas station use in conformance with the Zoning Ordinance.
LOCATION:	The site is located on the east side of the 5300 to 5400 blocks of South Anthony Boulevard, the current location of Anthony Express/Marathon (Section 19 of Adams Township).
LAND AREA:	Approximately 1 acre
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	6-Sharon Tucker
ASSOCIATED PROJECTS:	none
SPONSOR:	City of Fort Wayne Plan Commission

### 13 January 2020 Public Hearing

- No one spoke at the hearing in support or opposition.
- Judi Wire was absent.

### 27 January 2020 – Business Meeting

#### Plan Commission Recommendation: DO PASS w/Written Commitment

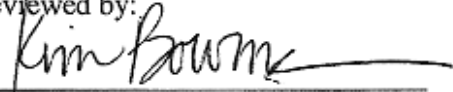
A motion was made by Patrick Zaharako and seconded by Paul Sauerteig to return the ordinance with a Do Pass recommendation and Written Commitment to Common Council for their final decision.

#### 7-0 MOTION PASSED

- Rachel Tobin-Smith was absent.

Fact Sheet Prepared by:  
Michelle B. Wood, Senior Land Use Planner  
February 5, 2020

Reviewed by:



Kimberly R. Bowman, AICP  
Executive Director  
Secretary to the Commission

## PROJECT SUMMARY

- The property was originally developed as a drive thru restaurant in 1979.
- In 2012 the property was converted to a fully developed convenience store with gas pumps/canopy.

The petitioner requests a rezoning from C2/Limited Commercial to C3/General Commercial to allow the existing use of the property to comply with the current zoning ordinance. The existing gas station and convenience are located at 5407 South Anthony Blvd, just north of its intersection with E Paulding Road.

Until the Zoning Ordinance Amendment in 2014, a gas station was a permitted use in the C2 zoning district. The petitioner seeks the allowance of the existing gas station, and the ability to maintain, expand and improve as allowed for a permitted use. Along with the rezoning request, the petitioner has submitted a voluntary Written Commitment governing uses on the property. If approved, all but four C3 /General Commercial uses will be **prohibited**. Those new C3 uses proposed to be **permitted** are:

- (1) Gas station
- (2) Propane/bottled gas sales and service as an accessory to a gas station or convenience store

The Comprehensive Plan encourages development that will not adversely affect the current conditions of an area or the character of the current structures in the area. Records show that this area has been used commercially since the late 1970's. The area is mixed with residential and commercial uses. The proposal does not include any request to change or increase the intensity of the existing use. Staff is not opposed to bringing the existing use into compliance with the ordinance with the proposed Written Commitment.

The comprehensive plan supports this development through the following objectives:

**LU1.** Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;

**LU3.** Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

**LU8.** Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

### **PUBLIC HEARING SUMMARY:**

Presenter: Alan Gunkel, National Oil, presented the proposal to the Plan Commission, as outlined above.

### Public Comments:

none

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

---

### Rezoning Petition REZ-2019-0079

APPLICANT: Two Brothers Gas and Convenience LLC  
REQUEST: To rezone property from C2/Limited Commercial to C3/General Commercial to bring the existing gas station use in conformance with the Zoning Ordinance.  
LOCATION: The site is located on the east side of the 5300 to 5400 blocks of South Anthony Boulevard, the current location of Anthony Express/Marathon (Section 19 of Adams Township).  
LAND AREA: Approximately 1 acre  
PRESENT ZONING: C2/Limited Commercial  
PROPOSED ZONING: C3/General Commercial

---

**The Plan Commission recommends that Rezoning Petition REZ-2019-0079, with a Written Commitment, be returned to Council with a "Do Pass" recommendation after considering the following:**

1. Approval of the rezoning request will be in substantial compliance with City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. This property corner has long been used for commercial purposes. The general area is a mix of residential and non-residential uses. The purpose of the rezoning is to allow an existing use to comply with the zoning ordinance.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The use on the property is existing and is not proposed to change. A proposed Written Commitment prohibiting all but existing C3 uses will protect surrounding property owners from new intensive or incompatible uses.
3. Approval is consistent with the preservation of property values in the area. This proposal does not increase the intensity of the existing use, and allows for the property to be maintained, expanded and/or improved, allowing for investment when desired or necessary.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.

These findings approved by the Fort Wayne Plan Commission on January 27, 2020.



---

Kimberly R. Bowman, AICP  
Executive Director  
Secretary to the Commission

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Two Brothers Gas and Convenience LLC  
 Address 5405 S Anthony Blvd  
 City Fort Wayne State IN Zip 46806  
 Telephone 260 515 1210 E-mail salehsalih16@gmail.com

**Contact Person**  
 Contact Person Saleh Salih  
 Address 5405 S Anthony Blvd  
 City Fort Wayne State IN Zip 46806  
 Telephone 260 515 1210 E-mail salehsalih16@gmail.com

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

**Request**  
 Allen County Planning Jurisdiction  City of Fort Wayne Planning Jurisdiction  
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 Purpose of rezoning (attach additional page if necessary) Recent change in the city of Fort Wayne zoning ordinance does not permit use of property for the current business in the existing C2 zoning. In order to bring this location into compliance with the zoning ordinance, we are requesting the rezoning to C3 zoning  
 Sewer provider Republic Water provider City Utilities

**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.

Saleh Salih (printed name of applicant) \_\_\_\_\_ (signature of applicant)

09/13/2019  
(date)

Saleh Salih (printed name of property owner) \_\_\_\_\_ (signature of property owner)

09/13/2019  
(date)

### WRITTEN COMMITMENT

This Written Commitment (this "Commitment") is made effective as of the 13<sup>th</sup> day of September, 2019, by Two Brothers Gas & Convenience LLC, an Indiana Corporation ("Company").

### RECITALS

- A. By virtue of that certain Corporate Deed dated November 5<sup>th</sup> 2013 and recorded on November 5<sup>th</sup> 2013 as Document Number 2013063072 in the office of the Recorder of Allen County, Indiana, Company is the owner of record in fee simple of certain real estate located in Allen County, Indiana, which is legally described in the addendum attached to this Commitment as Exhibit "A" (the Real Estate).
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2. **ENFORCEMENT RIGHTS.** The Fort Wayne Zoning Administrator (the "Zoning Administrator") and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment, and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exhaustive. A violation of this commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation, provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.
3. **EFFECTIVE DATE.** This commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.
4. **SUCCESSORS AND ASSIGNS.** This Commitment and the restrictions set forth above shall be inure to the benefit of: (a) all persons who own property comprising the Real Estate, and their successors and assigns; and (b) the Zoning Administrator and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate.
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[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGE FOLLOWS]

Two Brothers Gas & Convenience LLC,  
an Indiana Corporation

By: *Saleh Salih*  
Saleh Salih, President "Company"

STATE OF INDIANA    )  
                                  ) SS:  
COUNTY OF ALLEN    )

Before me, the undersigned Notary Public in and for said County and State, this 27 day of November, 2019, personally appeared Saleh Salih, as President of Two Brothers Gas & Convenience LLC, an Indiana corporation, and acknowledged the execution of the foregoing Written Commitment on behalf of said company.

WITNESS my hand and Notarial Seal.

My Commission expires: July 2, 2020

*Amanda Marie Woenker*



AMANDA MARIE WOENKER, Notary Public  
Allen County, State of Indiana  
Commission Number 0636537  
My Commission Expires July 2, 2020

**Exhibit A**

**Legal Description of Real Estate**

Land situated in the County of Allen, State of Indiana, is described as follows:

**PARCEL I:**

Beginning at the northwest corner of Lot 1 of Meyer's Farm Lots, said point being on the east line of South Anthony Boulevard; thence North along said east line of South Anthony Boulevard to a point 32 feet north of the northwest corner of Lot 1, Meyer's Farm lots; thence easterly and parallel with the north line of lot 1 of Meyer's Farm Lots 250 feet to point; thence southwardly and parallel with the east line of South Anthony Boulevard and the west line of Lot 1 of Meyer's Farm lots 200 feet to a point on the south line of Lot 1 of Meyer's Farm lots; thence westwardly along said south line 100 feet; thence northerly and parallel with the east line of South Anthony Boulevard and the west line of said Lot 1 of Meyer's Farm Lots 100 feet; thence westerly and parallel with the north line of said Lot 1, 150 feet to the west line of Lot 1 of Meyer's Farm Lots and the east line of South Anthony Boulevard; thence north along the west line of said Lot 1 and the east line of South Anthony Boulevard 68 feet to the place of beginning, containing 0.803 acre.

**PARCEL II:**

The South 100 feet of the west 150 feet of Lot Number 1 in Meyer's Farm Lots, an addition to the City of Fort Wayne, according to the plat thereof, recoded in Plat Record 14, page 86, in the office of the Recorder of Allen County, Indiana.

"Jeff Klaehn" <jklaehn@metrotci.com>  
To: Vinay Law Office, vlaw@heimkabeams.com  
pdf of survey and my survey read

November 4, 2013 1:53 PM

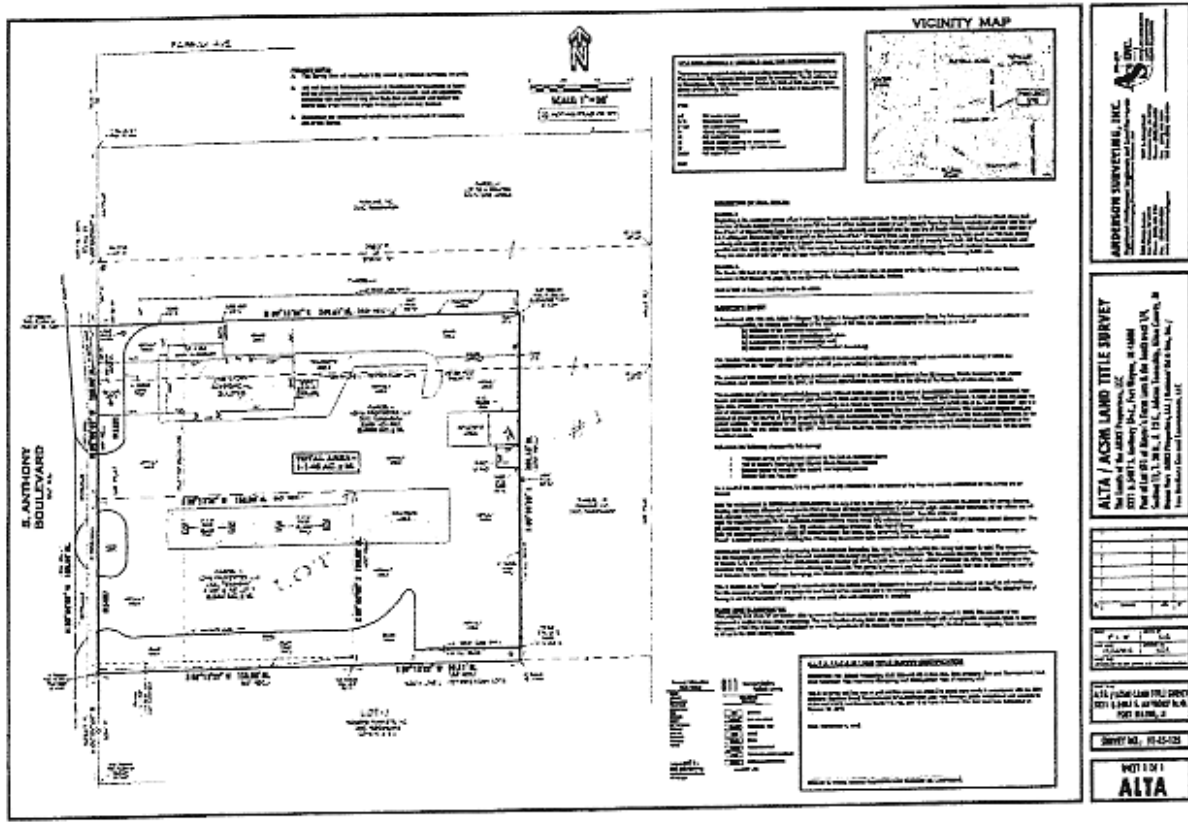
Bruce and John,

Attached is a pdf of the survey and my survey read.

Jeff Klaehn  
Commercial Manager  
P: 260-407-6172  
F: 260-489-0584  
C: 260-402-7910  
jklaehn@metrotci.com

PLEASE NOTE: Our North office address is:  
9604 Coldwater Road  
Suite 105  
Fort Wayne, IN 46825

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11/13/2013 1:53:23



Rezoning Petition REZ-2019-0079 (5407 S Anthony)



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1 inch = 300 feet





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-2019-0079  
Bill Number: Z-20-01-05  
Council District: 6-Sharon Tucker

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Introduction Date: January 14, 2020  
Plan Commission  
Public Hearing Date: January 13, 2020 (not heard by Council)  
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

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Synopsis of Ordinance: To rezone approximately 1.14 acres from C2/Limited Commercial to C3/General Commercial with a Written Commitment.

Location: 5407 South Anthony Boulevard

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

Applicant: Two Brothers Gas and Convenience, LLC

Property Owner: Two Brothers Gas and Convenience, LLC

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Related Petitions: none

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Effect of Passage: Property will be rezoned to the C3/General Commercial district, with a Written Commitment which will only add the existing uses on the property to the options of permitted uses.

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial. The existing gas station may remain, but future improvements and/or refinancing may be difficult without proper zoning.

**BILL NO. Z-20-01-05**

**REPORT OF COMMITTEE ON REGULATIONS**

**February 11, 2020**

***Tom Freistroffer Chair***


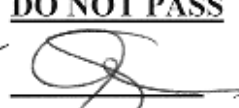

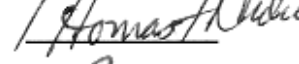
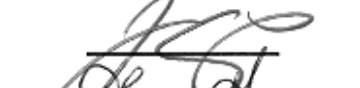

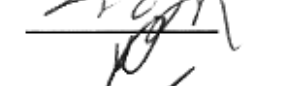
***Glynn Hines Co-Chair***

***All Council Members***

An Ordinance amending the City of Fort Wayne Zoning Map No. P-19 (Sec. 19 of Adams Township)

*To rezone approximately 1.14 acres from C2/Limited Commercial to C3/General Commercial with a Written Commitment at 5407 South Anthony Boulevard*

**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
		_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: January 13, 2020

Read the first time in full and on motion by Councilperson Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Freistroffer, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: February 11, 2020

  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning Ordinance No. Z-20-01-05 on the 11th day of February, 2020

ATTEST:

  
LANA R. KEESLING  
CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of February 2020, at the hour of 9:40 o'clock A.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13<sup>TH</sup> day of FEBRUARY 2020, at the hour of 1:00 o'clock PM E.S.T.

  
THOMAS C. HENRY, MAYOR

