

1 #REZ-2019-0080

2 BILL NO. Z-20-01-06

3
4 ZONING MAP ORDINANCE NO. Z-8-20

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. O-11 (Sec. 13 of Wayne 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 Lots numbered 133, 134, 135, and 136 in Elmwood Addition to the City of Fort
13 Wayne, as recorded in Plat Record 8, page 20, EXCEPT the East 25 feet
14 appropriated for the widening of Anthony Boulevard Improvement Resolution No.
15 38 and ALSO EXCEPT the South 5 feet of said Lot Number 136. ALSO EXCEPT
16 the following:

17 Part of Lot Number 136 in Elmwood Addition, an Addition to the City of Fort
18 Wayne, as Recorded in Plat Record 8, page 20, more particularly described as
19 follows:

20 Beginning at the Southeast corner of the aforesaid Lot as it now exists, also the point
21 of intersection of the North right-of-way line of McKinnie Avenue as it now exists
22 and the West right-of-way line of Anthony Boulevard as it now exists; thence West
23 on and along the North right-of-way line of McKinnie Avenue a distance of 12 feet;
24 thence Northeast to a point on the West right-of-way line of Anthony Boulevard,
25 said point being situated 12 feet North of the Southeast corner of the aforesaid Lot;
26 thence South on and along the West right-of-way line of Anthony Boulevard a
27 distance of 12 feet to the POINT OF BEGINNING, containing 72 square feet or
28 0.0002 acres, more or less.

29 and the symbols of the City of Fort Wayne Zoning Map No. O-11 (Sec. 13 of Wayne
30 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

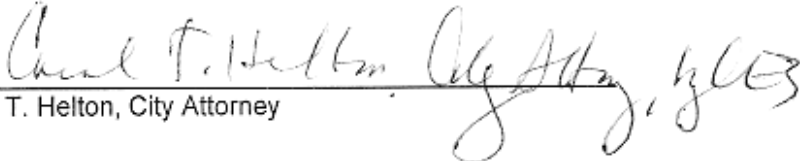
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SECTION 2. If a written commitment is a condition of the Plan Commission's recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that written commitment 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 Y and S Gas Inc
 Address 4224 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 4224 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 4224 S Anthony Blvd., Fort Wayne, IN 46806
 Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned _____
 Proposed density _____ units per acre
 Township name WAYNE TOWNSHIP Township section # 074
 Purpose of rezoning (attach additional page if necessary) We have been operating and managing a gas station and convenience located at 4224 S Anthony Blvd., Fort Wayne, IN for past several years. We need to bring the zoning into compliance per recent changes in the city of Fort Wayne zoning ordinance.
 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 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.

Saleh Salih 09/11/2019
 (printed name of applicant) (signature of applicant) (date)

Saleh Salih 09/11/2019
 (printed name of property owner) (signature of property owner) (date)

Rec #132756 Rec 12-2-19 REZ-2019-0080

WRITTEN COMMITMENT

This Written Commitment (this "Commitment") is made effective as of the 13th day of SEPTEMBER 2019, by Y & S Gas Inc., an Indiana Corporation ("Company").

RECITALS

- A. By virtue of that certain Warranty Deed dated April 10th 2013 and recorded on April 10th 2013 as Document Number 2013021676 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.

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[SIGNATURE PAGE FOLLOWS]

Y and S Gas Inc.,
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 Y and S Gas Inc., 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

Lots numbered 133, 134, 135, and 136 in Elmwood Addition to the City of Fort Wayne, as recorded in Plat record 8, page 20, Except the East 25 feet appropriated for the widening of Anthony Boulevard Improvement Resolution No. 38 and ALSO EXCEPT the South 5 feet of said Lot Number 136. ALSO EXCEPT the following:

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BEGINNING at the Southeast corner of the aforesaid Lot as it now exists, also the point of intersection of the North right of way line of McKinnie Avenue as it now exists and the West right of way line of Anthony Boulevard as it now exists; thence West on and along the North right of way line of McKinnie Avenue a distance of 12 feet; thence Northeast to a point on the West right of way line of Anthony Boulevard, said point being situated 12 feet North of the Southeast corner of the aforesaid Lot; thence South on and along the West right of way line of Anthony Boulevard a distance of 12 feet to the POINT of BEGINNING, containing 72 square feet of 0.0002 acres, more or less.

**ALTA/ACSM LAND TITLE SURVEY
BP GAS STATION
0.34± ACRES**

STATE OF INDIANA
 I, **Robert R. Bennett**, of the County of Adams, State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the office of the Recorder of Deeds for the County of Adams, State of Indiana, on this 15th day of August, 2010.



NOTARY PUBLIC
 My Commission Expires 12/31/2012

TO ALL WHOM THESE PRESENTS SHALL COME, I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the office of the Recorder of Deeds for the County of Adams, State of Indiana, on this 15th day of August, 2010.

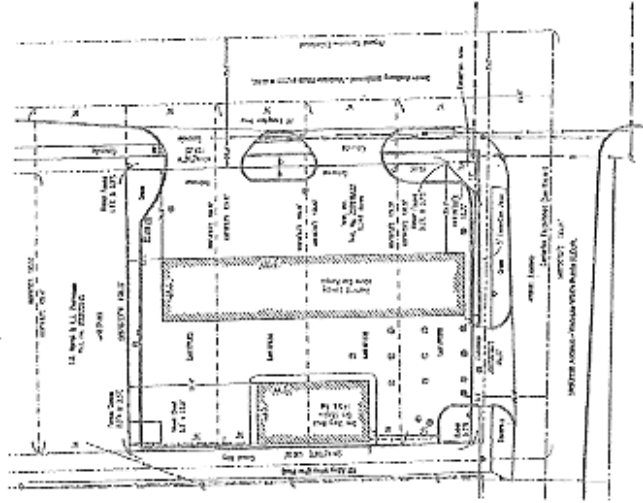
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SYMBOL LEGEND

1	EXISTING SURVEY	10	EXISTING CURB
2	EXISTING DRIVE	11	EXISTING DRIVE
3	EXISTING DRIVE	12	EXISTING DRIVE
4	EXISTING DRIVE	13	EXISTING DRIVE
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9	EXISTING DRIVE	18	EXISTING DRIVE
19	EXISTING DRIVE	19	EXISTING DRIVE

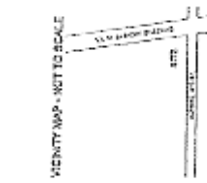


GROUND LEVEL SURVEYS, INC.
 1000 N. STATE ST.
 FORT WAYNE, INDIANA 46802
 PH: 765.746.1234
 FAX: 765.746.1235
 WWW.GROUNDLEVELSURVEYS.COM

ALTA/ACSM LAND TITLE SURVEY
 PREPARED FOR:
 National Oil & Gas, Inc.

CONVENTIONS AND ABBREVIATIONS

1	EXISTING SURVEY
2	EXISTING DRIVE
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20	EXISTING DRIVE



PROJECT INFORMATION

Project Name: BP GAS STATION
 Project Number: 09-4310
 Sheet Number: 1 of 1

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



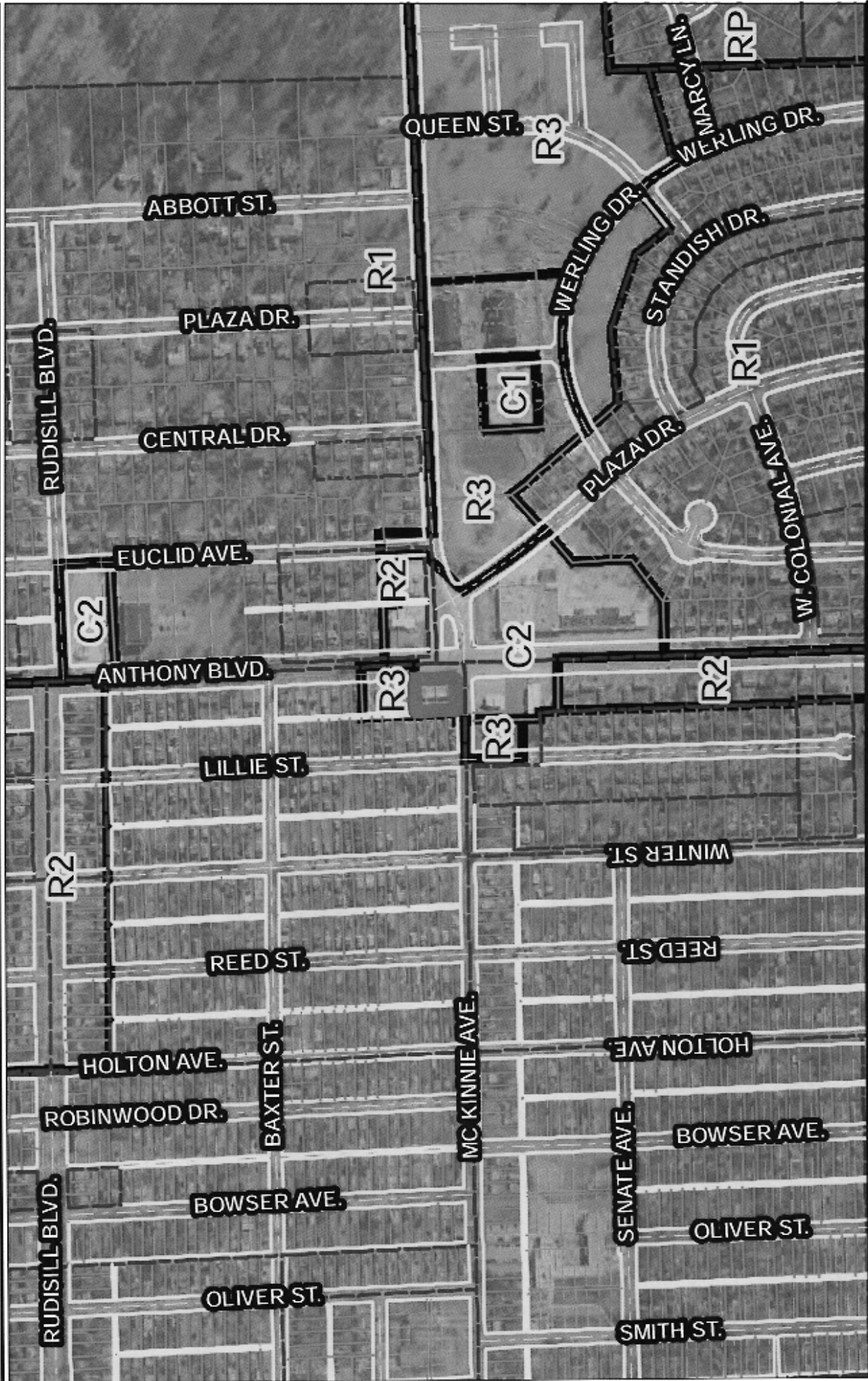
N

1 inch = 438 feet

0 76 152 304

All lot boundaries are shown.
 Boundaries are shown in the color of the map.
 After County Board of Commissioners meeting for the purposes of the rezoning petition, the rezoning petition shall be held for a public hearing and all interested parties shall be given an opportunity to be heard.
 © 2019 Board of Commissioners of the County of Allen
 North American Earth 1988
 State of Oregon County of Allen, Indiana East
 This is a source: Spring 2019
 Date: 1/20/20

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



1 inch = 438 feet



All geographic information shown herein is derived from the most current data available to the County. The County does not warrant the accuracy of the information contained herein and is not liable for any errors or omissions in this map. © 2019 Board of Commissioners of the City of Arden. Site Plans: Concrete Systems, Inc. and East Parks and Co. works. Spring 2019. Date: 11/02/20

FACT SHEET

Case #REZ-2019-0080	Bill # Z-20-01-06	Project Start: December 2019
APPLICANT:	Y and S Gas Inc.	
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 at the northwest corner of South Anthony Boulevard and McKinnie Avenue. The address of the subject property is 4224 South Anthony Boulevard (Section 13 of Wayne Township).	
LAND AREA:	Approximately 0.34 acres	
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

- One person spoke at the hearing with questions.
- Judi Wire was absent.

27 January 2020 – Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

A motion was made by Judi Wire and seconded by Tom Freistroffer 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 has been a gas station and convenience store at this location since 1990 in its current configuration.

STAFF DISCUSSION:

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 4224 South Anthony Blvd, at its intersection with McKinnie Ave.

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 1950'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:

LUI. 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:

Cherise Dixie, Southeast Area Partnership – Questions whether additional pumps will or may be added.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

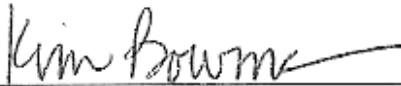
Rezoning Petition REZ-2019-0080

APPLICANT: Y and S Gas Inc.
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 at the northwest corner of South Anthony Boulevard and McKinnie Avenue. The address of the subject property is 4224 South Anthony Boulevard (Section 13 of Wayne Township).
LAND AREA: Approximately 0.34 acres
PRESENT ZONING: C2/Limited Commercial
PROPOSED ZONING: C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2019-0080, 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 Y and S Gas Inc
 Address 4224 S Anthony Blvd.
 City Fort Wayne State IN Zip 46806
 Telephone 260 515 1210 E-mail salehsalih16@gmail.com

Contact Person
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Saleh Salih 09/11/2019
 (printed name of applicant) (signature of applicant) (date)

Saleh Salih 09/11/2019
 (printed name of property owner) (signature of property owner) (date)

Rec #1 32754

Rec 10-2-19

REZ- 2019- 0080

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[SIGNATURE PAGE FOLLOWS]

Y and S Gas Inc.,
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 Y and S Gas Inc., 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 Woelker



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

Lots numbered 133, 134, 135, and 136 in Elmwood Addition to the City of Fort Wayne, as recorded in Plat record 8, page 20, Except the East 25 feet appropriated for the widening of Anthony Boulevard Improvement Resolution No. 38 and ALSO EXCEPT the South 5 feet of said Lot Number 136. ALSO EXCEPT the following:

Part of Lot Number 136 in Elmwood Addition, an Addition to the City of Fort Wayne, as Recorded in Plat Record 8, page 20, more particularly described as follows:

BEGINNING at the Southeast corner of the aforesaid Lot as it now exists, also the point of intersection of the North right of way line of McKinnie Avenue as it now exists and the West right of way line of Anthony Boulevard as it now exists; thence West on and along the North right of way line of McKinnie Avenue a distance of 12 feet; thence Northeast to a point on the West right of way line of Anthony Boulevard, said point being situated 12 feet North of the Southeast corner of the aforesaid Lot; thence South on and along the West right of way line of Anthony Boulevard a distance of 12 feet to the POINT of BEGINNING, containing 72 square feet of 0.0002 acres, more or less.

LIMITED WARRANTY DEED

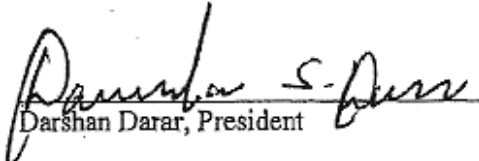
THIS INDENTURE WITNESSETH, that Veer Inc., an Indiana corporation ("Grantor"), CONVEYS AND WARRANTS to Y and S Gas Inc., an Indiana corporation ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the real estate in Allen County, in the State of Indiana legally described in Exhibit A attached hereto and incorporated herein by this reference (the "Real Estate").

The foregoing conveyance shall be subject to: (i) all real estate taxes and assessments due and payable after the date of Closing; (ii) all matters described in the pro forma owner's policy of title insurance for the Real Estate, issued by Lawyers Title Company, LLC as File No: 751302556; and (iii) together with all other covenants, restrictions, conditions and easements of record.

THE WARRANTIES OF GRANTOR HEREUNDER ARE LIMITED TO ITS ACTS AND DEEDS, AND THOSE CLAIMING BY, THROUGH OR UNDER GRANTOR, AND NOT OTHERWISE.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 10th day of April, 2013.

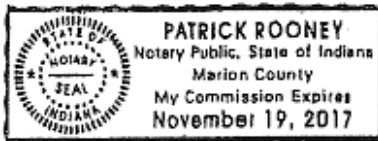
GRANTOR:
VEER INC.,
an Indiana corporation

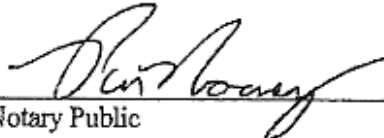

Darshan Darar, President

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared **Darshan Darar**, who being first duly sworn by me upon his oath, acknowledged execution of the foregoing, stated that he is the President of **Veer Inc.**, an Indiana corporation, that he is duly authorized to execute the foregoing Limited Warranty Deed on its behalf, and who having been duly sworn stated that the representations therein are true.

WITNESS my hand and Notarial Seal this 10th day of April, 2013.





Notary Public

State Tax Parcel Numbers: 02-12-13-483-026.000-074 and 02-12-13-483-027.000-074.

Address of Transferred Property: 4224 S. Anthony Blvd., Fort Wayne, Indiana 46806.

Mail Tax Statements To:
Y and S Gas Inc.
c/o Yasir Salih
10717 Deep Creek Ct
Fort Wayne, IN 46804

THIS INSTRUMENT PREPARED BY:
Patrick M. Rooney
E. A. Harvey & Associates, P.C.
6910 North Shadeland Avenue, Suite 200
Indianapolis, Indiana 46220

I affirm under penalties for perjury that
I have taken reasonable care to redact
each social security number in this
document, unless required by law.
/s/ Patrick M. Rooney

Exhibit A

Legal Description of Real Estate

Lots numbered 133, 134, 135, and 136 in Elmwood Addition to the City of Fort Wayne, as recorded in Plat Record 8, page 20, EXCEPT the East 25 feet appropriated for the widening of Anthony Boulevard Improvement Resolution No. 38 and ALSO EXCEPT the South 5 feet of said Lot Number 136. ALSO EXCEPT the following:

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ALTA/ACSM LAND TITLE SURVEY
BP GAS STATION
0.34± ACRES



RE: DEDICATION
CSA SOUTH ARTHUR BLVD.
FORT WAYNE, INDIANA
PROJECT LOCATED IN:
SECTION 10 - TOWNSHIP 36N - RANGE 04E
STATE OF INDIANA, 4th COUNTY
ALTA/ACSM
LAND TITLE SURVEY
PREPARED FOR:
Anderson Oil & Gas, Inc.

PROPERTY OWNERS:

1. ANDERSON OIL & GAS, INC.
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DRAWING LEGEND

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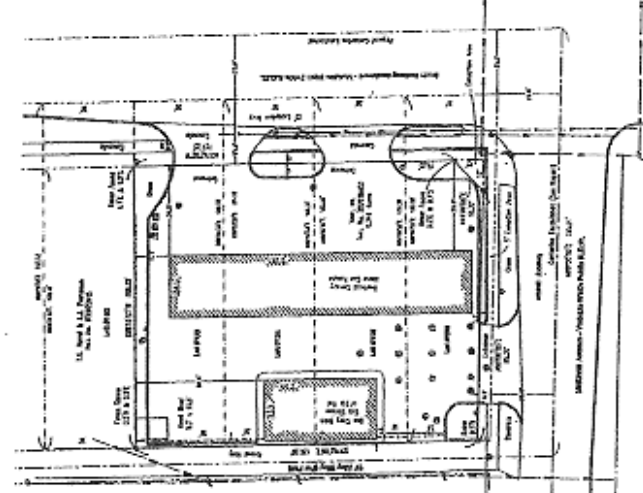
VICINITY MAP - NOT TO SCALE



SYMBOL LEGEND

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Project Number: **C8-4310**
 Sheet Number: **1 of 1**



SYMBOL LEGEND

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CONVEYANCE
 This plan is prepared by me in accordance with the laws of the State of Indiana, and I hereby certify that it is a true and correct copy of the original plan as filed in my office.

[Signature]
 Surveyor

NOTICE TO CONTRACTORS
 The owner of the property shown on this plan is Anderson Oil & Gas, Inc. The owner warrants that the property is free from all liens and encumbrances, and that the same is being conveyed to the purchaser free from all such liens and encumbrances.

NOTICE TO ADJOINING OWNERS
 The owner of the property shown on this plan is Anderson Oil & Gas, Inc. The owner warrants that the property is free from all liens and encumbrances, and that the same is being conveyed to the purchaser free from all such liens and encumbrances.

GENERAL NOTES
 1. The survey was made by the use of a total station and a steel tape. The bearings were measured to the nearest second and the distances to the nearest hundredth of a foot.

2. The survey was made in accordance with the laws of the State of Indiana.

3. The survey was made in accordance with the laws of the State of Indiana.

4. The survey was made in accordance with the laws of the State of Indiana.

5. The survey was made in accordance with the laws of the State of Indiana.

6. The survey was made in accordance with the laws of the State of Indiana.

7. The survey was made in accordance with the laws of the State of Indiana.

8. The survey was made in accordance with the laws of the State of Indiana.

9. The survey was made in accordance with the laws of the State of Indiana.

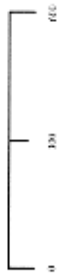
10. The survey was made in accordance with the laws of the State of Indiana.



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

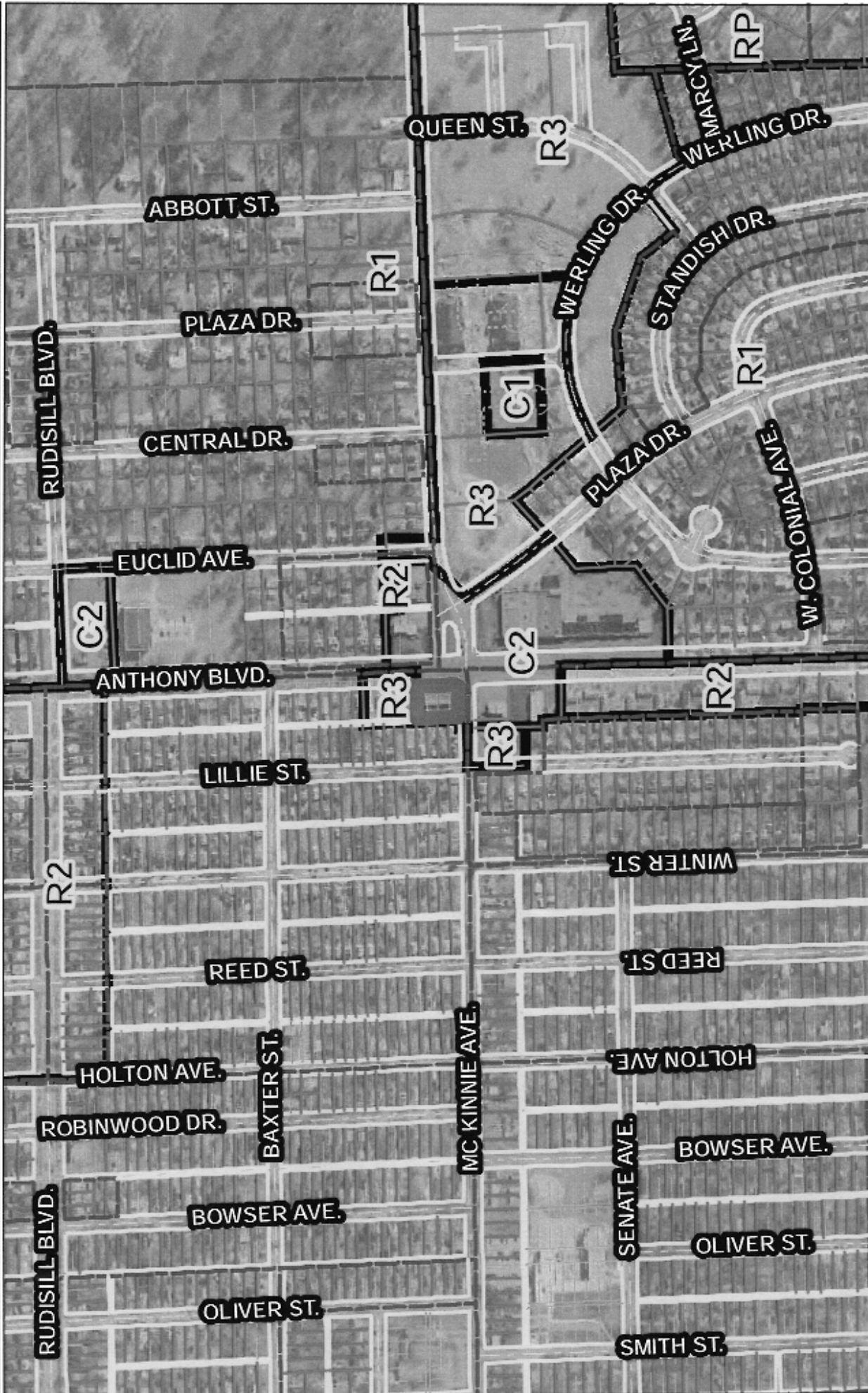


1 inch = 438 feet



Although every reasonable effort was made to ensure the accuracy of this map, the City of Alton does not warrant or guarantee the accuracy of the information contained herein and assumes no liability for any errors or omissions. This map is for informational purposes only. © 2019 City of Alton, Illinois. All rights reserved. Date: 10/15/2019. File: 190320

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



All maps and accuracy cannot have been employed with 100% precision of 1/8 inch. Also, to only be used as a guide to the accuracy of the information contained herein and not as a legal document. Any use of this information is at the user's own risk. City of Aurora, Planning Department, 1400 East Alton Street, Aurora, Colorado 80014. State of Colorado, State Engineer, 1400 East Alton Street, Aurora, Colorado 80014. Date: 1/10/2020



1 inch = 438 feet



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2019-0080
Bill Number: Z-20-01-06
Council District: 6-Sharon Tucker

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

Synopsis of Ordinance: To rezone approximately 0.34 acres from C2/Limited Commercial to C3/General Commercial with a Written Commitment.
Location: 4224 South Anthony Boulevard
Reason for Request: To bring the existing uses of gas station and convenience store into compliance with the zoning ordinance.
Applicant: Y and S Gas, Inc.
Property Owner: Y and S Gas, Inc.

Related Petitions: none

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-20-01-06

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. O-11 (Sec. 13 of Wayne Township)

To rezone approximately 0.34 acres from C2/Limited Commercial to C3/General Commercial with a Written Commitment at 4224 South Anthony Boulevard

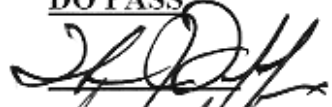
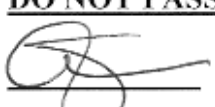

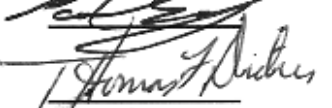


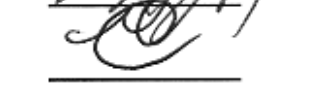
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

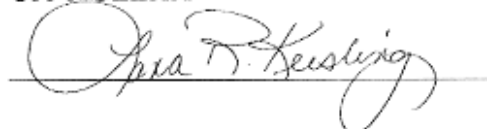
DO NOT PASS

ABSTAIN

NO REC

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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-20-01-06 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 13TH day of FEBRUARY 2020, at the hour of 1:00 o'clock PM E.S.T.


THOMAS C. HENRY, MAYOR

