

1 #REZ-2020-0033

2 BILL NO. Z-20-10-04

3
4 ZONING MAP ORDINANCE NO. Z-32-20

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. L-23 (Sec. 26 of Wayne Township)

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

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

13 Lots numbered 265, 266, 267, and 268 in Fairfield Terrace Addition, Section "B", an
14 Addition to the City of Fort Wayne, as recorded in Plat Record 11, Pages 52-53,
15 EXCEPT that portion of Lot 265 conveyed to the City of Fort Wayne by Deed
16 recorded in Deed Record 631, Page 440 and by dedication to the City of Fort Wayne
recorded as Document Number 70-8461.

17 and the symbols of the City of Fort Wayne Zoning Map No. L-23 (Sec. 26 of Wayne
18 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
19 Wayne, Indiana is hereby changed accordingly.

20
21 SECTION 2. If a written commitment is a condition of the Plan Commission's
22 recommendation for the adoption of the rezoning, or if a written commitment is modified and
23 approved by the Common Council as part of the zone map amendment, that written
24 commitment is hereby approved and is hereby incorporated by reference.

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

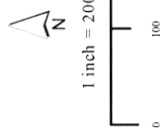


Council Member

APPROVED AS TO FORM AND LEGALITY:

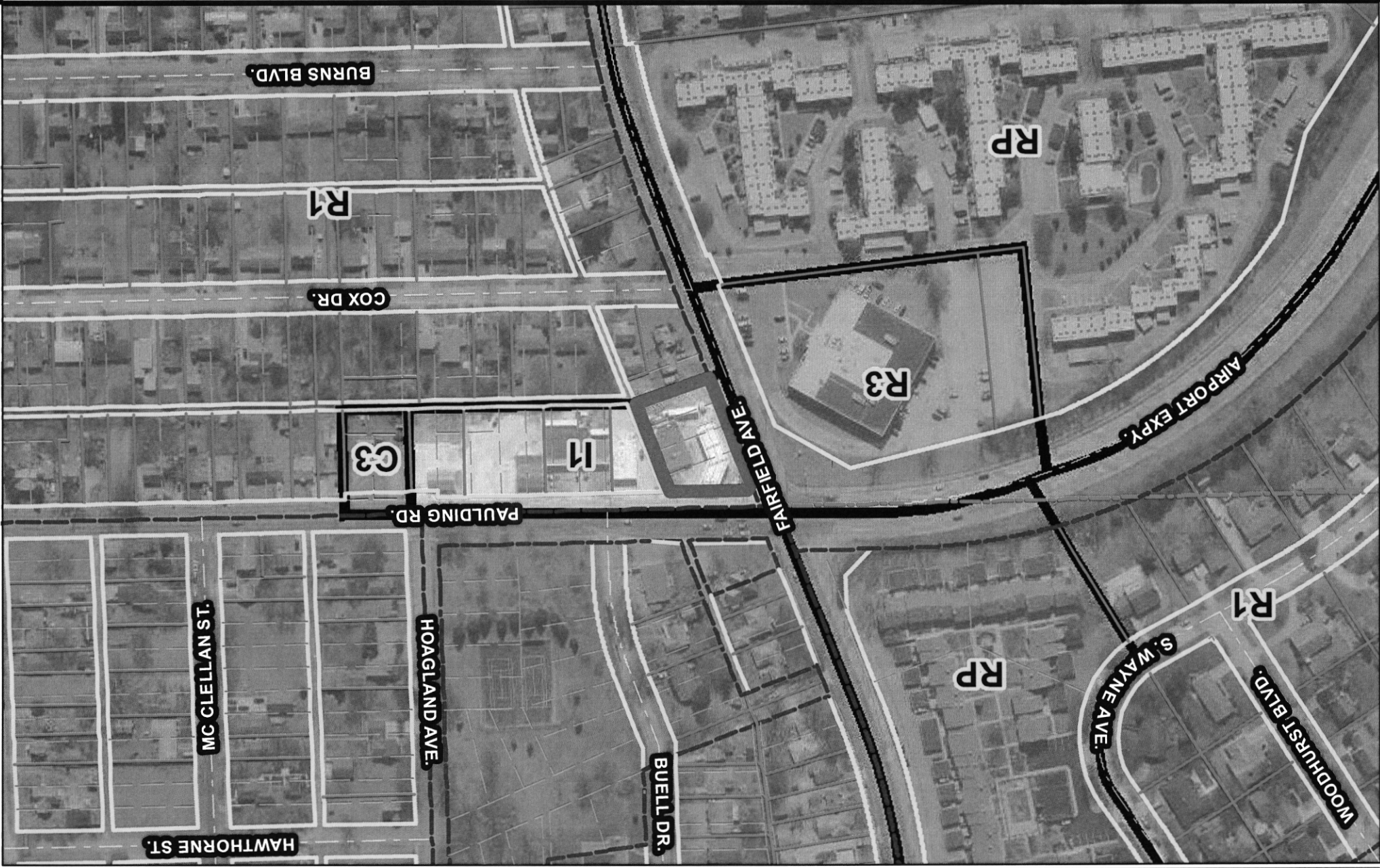
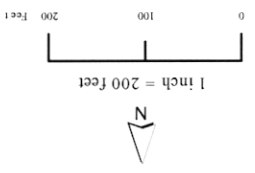


Carol T. Helton, City Attorney



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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 9/16/2020

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Date: 9/16/2020



**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant A and H oil co LLC
 Address 5805 Fairfield Ave
 City fort wayne State IN Zip 46807
 Telephone 2607450975 E-mail Humaidim@gmail.com
260 3438383

Contact Person
 Contact Person Ahmed Humaidi
 Address 5805 Fairfield Ave
 City fort wayne State IN Zip 46807
 Telephone 2603438383 E-mail Humaidim@gmail.com

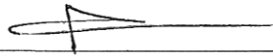
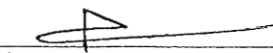

All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 5805 Fairfield Ave
 Present Zoning I1 Proposed Zoning C3 Acreage to be rezoned .46
 Proposed density ~~10 units~~ units per acre
 Township name WAYNE Township section # 26
 Purpose of rezoning (attach additional page if necessary) To bring the subject real estate into compliance with the city of fort wayne zoning ordinance
 Sewer provider city of fortwayne Water provider City of 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.

<u>A and H oil co LLC</u> (printed name of applicant)	 (signature of applicant)	<u>8.18.2020</u> (date)
<u>A and H oil co LLC</u> (printed name of property owner)	 (signature of property owner)	<u>8.18.2020</u> (date)
<u>Ahmed Humaidi</u> (printed name of property owner)	 (signature of property owner)	<u>8.18.2020</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received 8-18-2020	Receipt No. 134912	Hearing Date 10-12-2020	Petition No. REZ 2020 - 0033
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Shell
33¢
Food Mart

Fairfield

Fairfield

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0033
Bill Number: Z-20-10-04
Council District: 5-Geoff Paddock

Introduction Date: October 13, 2020
Plan Commission
Public Hearing Date: October 12, 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 0.46 acres from I1/Limited Industrial to C3/General Commercial.
Location: 5805 Fairfield Avenue
Reason for Request: To bring the existing gas station and convenience store in compliance with the zoning ordinance.
Applicant: A & H Oil Co., LLC
Property Owner: A & H Oil Co., LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which will bring the existing gas station and convenience store in compliance with the zoning ordinance.

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial. The gas station use not permitted in the district. The use is non-conforming and may remain, however, future financing and/or expansion may be hindered or limited.

REPORT OF COMMITTEE ON REGULATIONS

November 24, 2020

Glynn Hines Chair

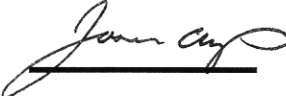



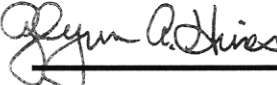



Tom Freistroffer Co-Chair

All Council Members

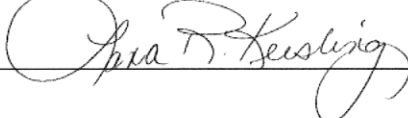
An Ordinance amending the City of Fort Wayne Zoning Map No. L-23 (Sec. 26 of Wayne Township)

To rezone approximately 0.46 acres from I1/Limited Industrial to C3/General Commercial at 5805 Fairfield Avenue

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: 10/12/20

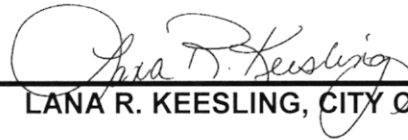
Read the first time in full and on motion by Councilperson Freistroffer.

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

Read the third time in full and on motion by Councilperson Hines, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: November 24, 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-20-10-04 on the 24th day of November, 2020

ATTEST:



LANA R. KEESLING
CITY CLERK



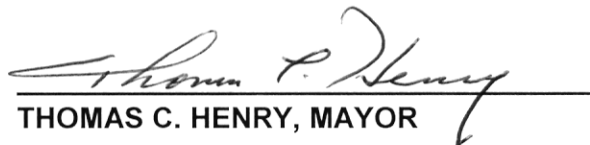
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th of November 2020, at the hour of 9:20 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 1ST day of December 2020, at the hour of 9:00 o'clock AM E.S.T.



THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED

NOV 01 2020

LANA R. KEESLING
CITY CLERK