

1 #REZ-2020-0035

2 BILL NO. Z-20-10-06

3
4 ZONING MAP ORDINANCE NO. Z- 30-20

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. T-46 (Sec. 9 of St. Joseph 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 Block B, Sunnybrook Acres, Third Addition, in St. Joseph Township, Allen County,
14 Indiana, as recorded in Plat Book 23, Page 129, in the Office of the Recorder of
Allen County, Indiana, except for the following described parcel:

15 Commencing at the Southwest corner of said Block; thence running Northeastward
16 on the West line thereof, as situated coincident with the center line of the public
17 road, known as the St. Joe Road, a distance of 180 feet; thence Southeastward on a
18 line parallel to the South line of said Block, a distance of 180 feet; thence
19 Southwestward and parallel to the St. Joe Road center line, a distance of 180 feet to
the South line of said Block; thence Northwestward on the aforesaid line, 180 feet to
the place of beginning, containing 31,619 square feet.

20 and the symbols of the City of Fort Wayne Zoning Map No. T-46 (Sec. 9 of St. Joseph
21 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
22 Wayne, Indiana is hereby changed accordingly.

23
24 SECTION 2. If a written commitment is a condition of the Plan Commission's
25 recommendation for the adoption of the rezoning, or if a written commitment is modified and
26 approved by the Common Council as part of the zone map amendment, that written
27 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.



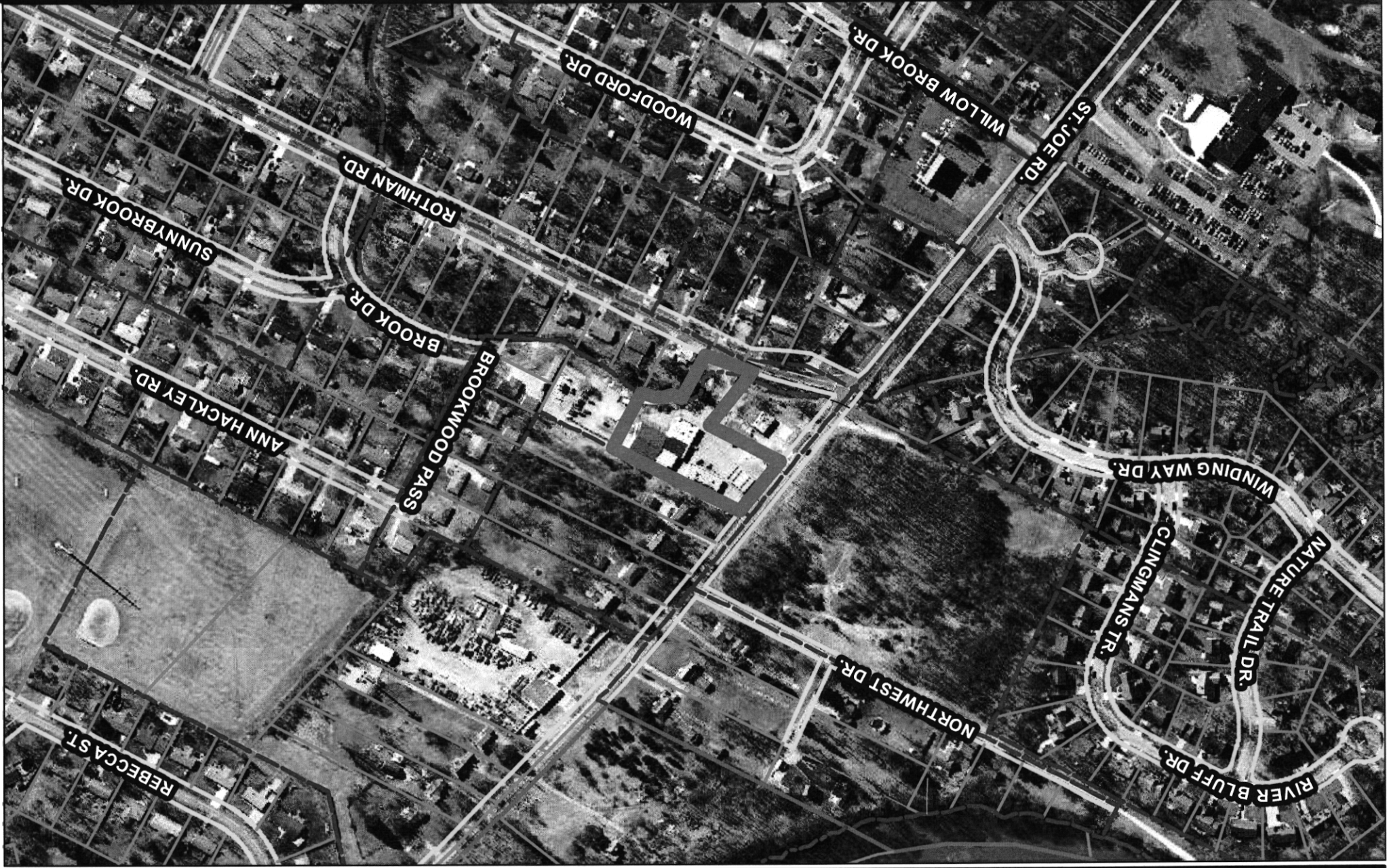
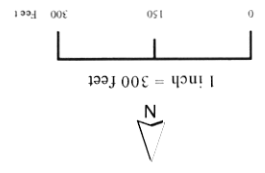
Council Member

APPROVED AS TO FORM AND LEGALITY:



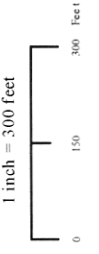
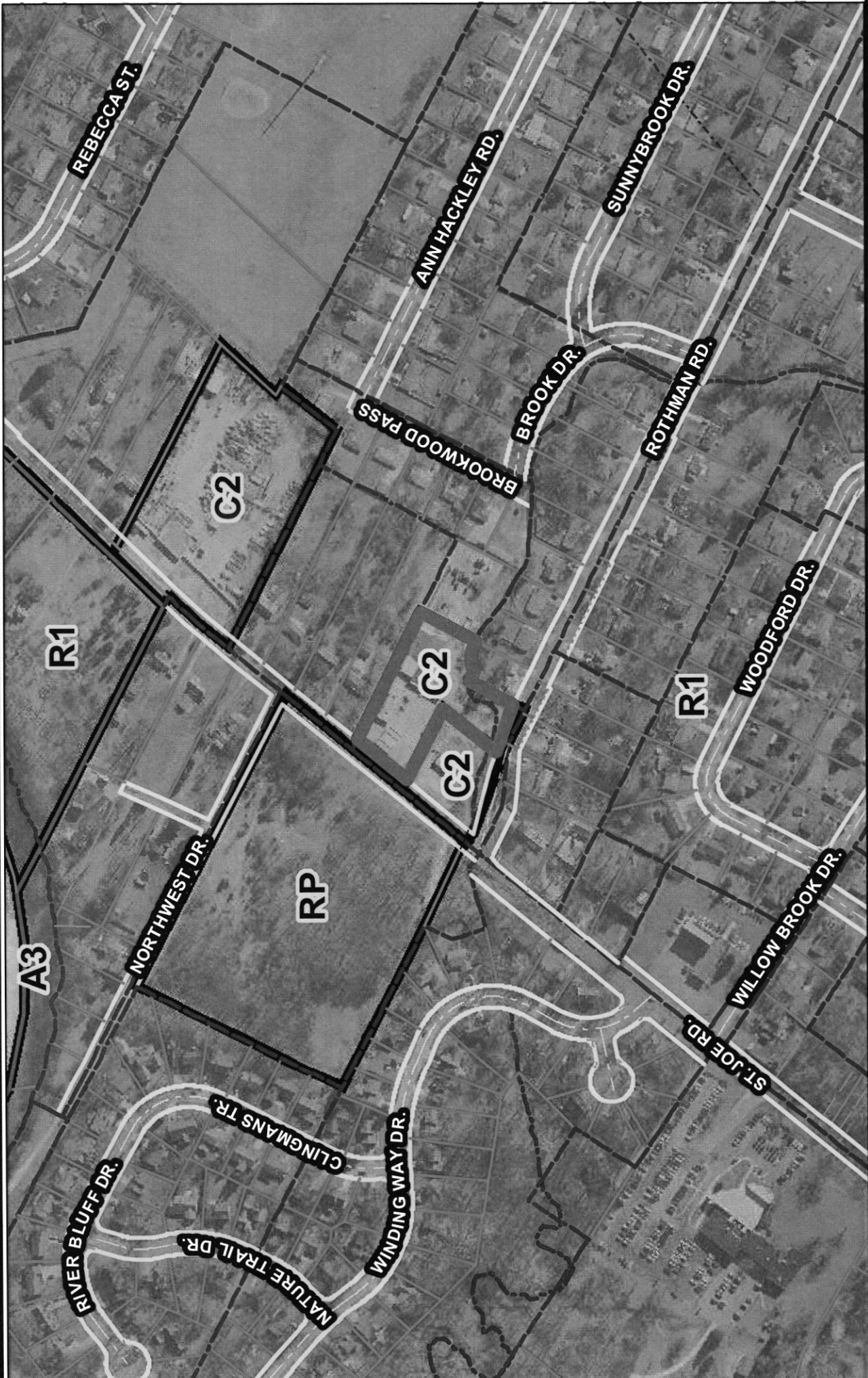
Carol T. Helton, City Attorney

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



Rezoning Petition REZ-2020-0035 (7440 St. Joe Road)





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

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant River Bend Real Estate Inc.
 Address 7440 Saint Joe Road
 City Fort Wayne State IN Zip 46835
 Telephone _____ E-mail _____

Contact Person
 Contact Person Alison Podlaski, Barrett McNagny LLP
 Address 215 E. Berry St. P.O. Box 2263
 City Fort Wayne State IN Zip 46801-2263
 Telephone 260-423-8904 E-mail avp@barrettllaw.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 7440 Saint Joe Road
 Present Zoning C2 Proposed Zoning C3 Acreage to be rezoned 1.59
 Proposed density _____ units per acre
 Township name St. Joseph Township section # 9
 Purpose of rezoning (attach additional page if necessary) To bring the subject real estate into compliance with the City of Fort Wayne Zoning Ordinance. See attached Exhibit A.
 Sewer provider City of Fort Wayne 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.

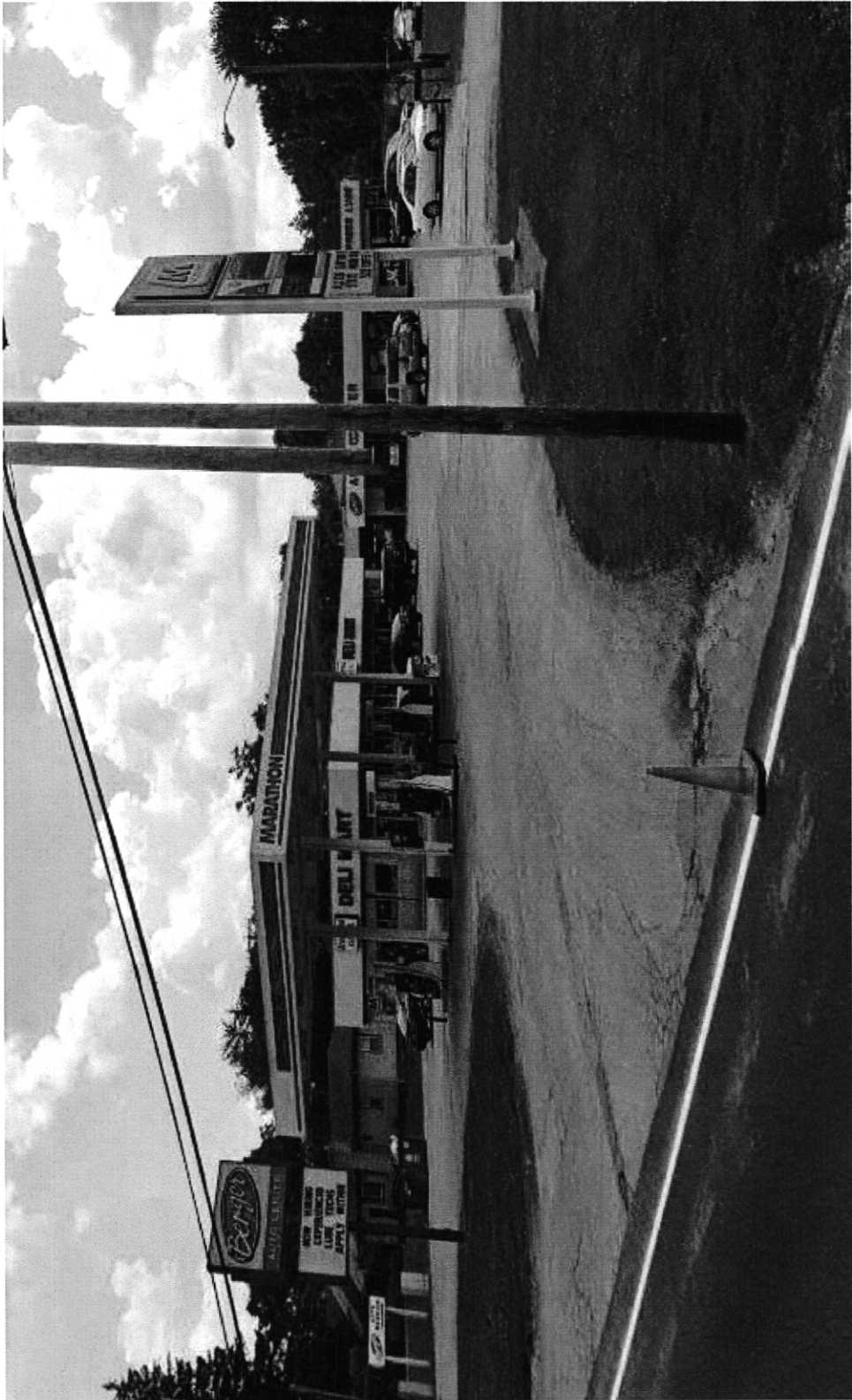
See attached Exhibit B. _____
 (printed name of applicant) (signature of applicant) (date)

See attached Exhibit B. _____
 (printed name of property owner) (signature of property owner) (date)

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

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

Received	Receipt No.	Hearing Date	Petition No.
9-1-2020	135090	10-12-2020	REZ-2020-0035



City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0035
Bill Number: Z-20-10-06
Council District: 2-Russ Jehl

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 1.59 acres from C2/Limited Commercial to C3/General Commercial.
Location: 7440 St. Joe Road
Reason for Request: To bring the existing gas station, convenience store, and automobile service center in compliance with the zoning ordinance.
Applicant: River Bend Real Estate, Inc.
Property Owner: River Bend Real Estate, Inc.

Related Petitions: none

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

Effect of Non-Passage: The property will remain zoned C2/Limited Commercial. The gas station and service center uses are not permitted in the district. The uses are 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


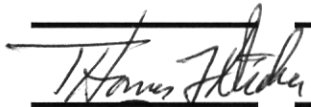
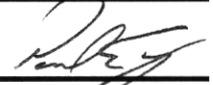
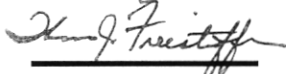
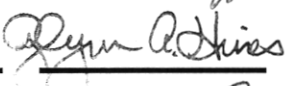



Tom Freistroffer Co-Chair

All Council Members

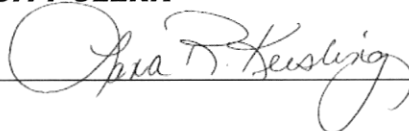
An Ordinance amending the City of Fort Wayne Zoning Map No. T-46 (Sec. 9 of St. Joseph Township)

To rezone approximately 1.59 acres from C2/Limited Retail to C3/General Commercial at 7440 St. Joe Road

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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-20-10-06 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

