

1 #REZ-2020-0054

2 BILL NO. Z-21-01-09

3 ZONING MAP ORDINANCE NO. Z-5-21

4 AN ORDINANCE amending the City of Fort Wayne
5 Zoning Map No. J-54 (Sec. 3 of Washington Township)

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

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

10 Lots 27 and 38 of Thompsonville Extended Addition to the City of Fort Wayne, Indiana, according
11 to the recorded plat thereof.

12 TOGETHER WITH:

13 That part of Claxton Avenue located South of Lot 27 in Thompsonville Extended Addition
14 recorded in Plat Book 11, page 73, in the Office of the Recorder of Allen County, Indiana.

15 and the symbols of the City of Fort Wayne Zoning Map No. J-54 (Sec. 3 of Washington
16 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne,
17 Indiana is hereby changed accordingly.

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

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

24 
25 _____
26 Council Member

27 APPROVED AS TO FORM AND LEGALITY:

28 
29 _____
30 Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant

Applicant Roberts Construction Group, Inc.
 Address 3744 W. Lakeshore Drive
 City Columbia City State IN Zip 46725
 Telephone _____ E-mail robertsconstructiongroup@yahoo.com

Contact Person

Contact Person T-E Incorporated c/o Justin Hoffman
 Address 8620 Bluffton Road
 City Fort Wayne State IN Zip 46809
 Telephone 260-489-5541 E-mail jhoffman@t-einc.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 1827 Cremer Avenue
 Present Zoning R1 Proposed Zoning C3 Acreage to be rezoned 0.84
 Proposed density n/a units per acre
 Township name Washington Township section # 3
 Purpose of rezoning (attach additional page if necessary) To allow commercial development and use of the property for a private business
 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 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.

Michael Roberts ^{Co-owner} Michael Roberts 11-27-2020
 (printed name of applicant) _{REGZ} (signature of applicant) (date)
Roberts Construction Group, Inc. Michael Roberts 11-27-2020
 (printed name of property owner) (signature of property owner) (date)
_{Co-owner}
Roberts Construction, Inc.

Rec 10-1-2020

REZ - 2020 - 0054



Rezoning Petition REZ-2020-0054 and Primary Development Plan PDP-2020-0042 - Roberts Construction



Although this document is under review, it is not intended to be used as a final plan. Any use of this document is at the user's own risk. The City of Allen is not responsible for any errors or omissions in this document. The information contained herein is for informational purposes only and does not constitute a contract. Any use of this document is at the user's own risk. © 2024 Board of Commissioners of the County of Allen. State Plane Coordinate System, Indiana East. Prepared by: Tillman Systems, Inc. Date: 12/12/2024

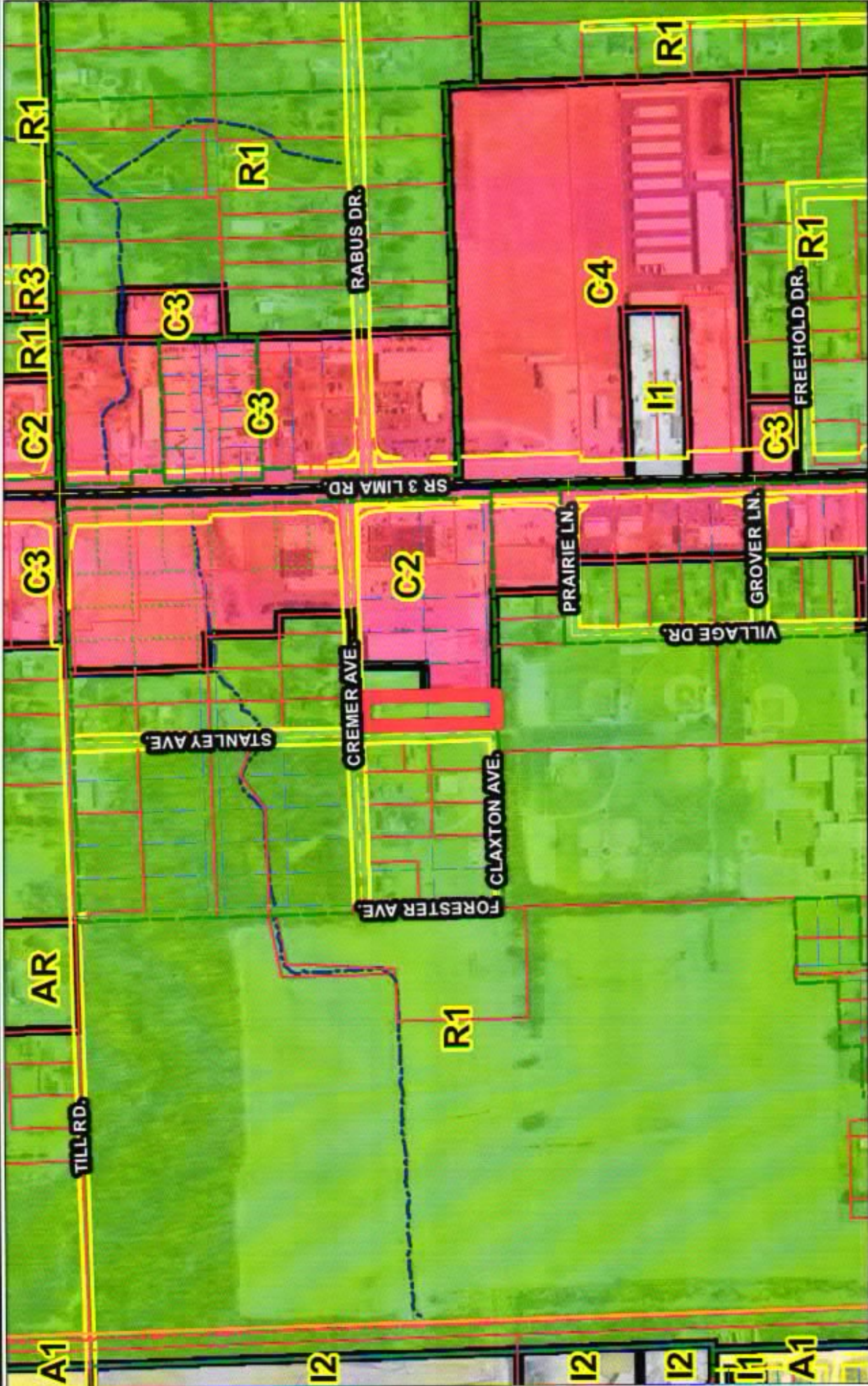


1 inch = 400 feet





Rezoning Petition REZ-2020-0054 and Primary Development Plan PDP-2020-0042 - Roberts Construction



Although these documents describe items to be completed in the completion of this map, Alter County does not warrant or guarantee the accuracy of the information contained herein and shall not be liable for any errors or omissions in this map.

© 2014 Board of Commissioners of the County of Alter
 North American States, 1983
 State Plane Coordinate System, Indiana East
 NAD83 and Contour: Spring 2005
 Date: 11/11/2020



1 inch = 400 feet



WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made as of this 8 day of January, 2021, the property owner Roberts Construction Group, Inc. ("Declarant"), under the following circumstances:

WITNESSETH:

WHEREAS, Declarant is the owner of approximately .9 acres of real estate located in Fort Wayne, Allen County, Indiana, the legal description of which is attached hereto as Exhibit A (the "Real Estate"); and

WHEREAS, Declarant's Zoning Map Amendment Application, filed with the City of Fort Wayne Plan Commission (the "Plan Commission"), bearing number REZ-2020-0054 (the "Application"), respecting the Real Estate, has been approved by the City of Fort Wayne, Indiana Common Council and the Mayor of the City of Fort Wayne; and

WHEREAS, pursuant to the Application, the Real Estate has been rezoned to C3/General Commercial pursuant to the City of Fort Wayne Zoning Ordinance (the "Ordinance") which permits development upon the Real Estate of certain professional office and personal service uses and limited and retail commercial uses; and

WHEREAS, the Declarant's have submitted this Commitment, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015 for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate; and

WHEREAS, in conjunction with said Application, the Plan Commission has required the execution of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office prior to the commencement of any building improvements for uses permitted pursuant to the Application.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the Declarant's hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations. The following specific uses, which are otherwise allowed in the C3/General Commercial zoning district, shall be prohibited upon the Real Estate:

- 1) Agricultural equipment sales and service
- 2) Amusement Park
- 3) Arena
- 4) Arcade
- 5) Automobile auction
- 6) Automobile body shop
- 7) Automobile rental
- 8) Automobile repair

- 9) Automobile sales
- 10) Automobile washing facility
- 11) Betting or other gambling facility
- 12) Boat/watercraft sales
- 13) Check Cashing
- 14) Correctional Services facility
- 15) Firework Sales
- 16) Homeless/emergency shelter
- 17) Gas station
- 18) Hotel
- 19) Motor vehicle sales, rental, or repair
- 20) Pawn Shop
- 21) Storage Shed Sales
- 22) Truck Fueling Station
- 23) Truck Stop
- 24) Propane/bottled gas sales and service
- 25) Manufactured Home Sales
- 26) Flea Market
- 27) Zoo
- 28) Tattoo Establishment

2. Outside Storage. Outside storage areas will be screened according to Zoning Ordinance standards.

3. Lighting. Site lighting shall be of a type to minimize light pollution onto any adjacent property by utilizing only full cut-off fixtures and be completely downward directed.

4. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

5. Enforcement Rights. The City of 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 the 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 exclusive. 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.

6. Amendment or Termination. This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with the prior written consent of all owners

of the Real Estate and the Plan Commission, following a public hearing to consider said amendment or termination.

7. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

8. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

9. 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.

10. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

11. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

12. Last Deed of Record. The last deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number 2019031637.

13. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

[SIGNATURE AND EXHIBIT PAGES FOLLOW]

"DECLARANT"

Roberts Construction Group, Inc.

By: *Christopher Roberts*
Name: Christopher Roberts

Its: President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this 18 day of JANUARY, 2021, personally appeared CHRISTOPHER ROBERTS as the property owner, and acknowledged the execution of the foregoing instrument for and on behalf of said company.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Conita R. Lothamer
CONITA R. LOTHAMER, Notary Public

My Commission Expires: 2-16-25
My County of Residence: ALLEN



CONITA R. LOTHAMER, Notary Public
Allen County, State of Indiana
My Commission Expires February 16, 2025

THIS INSTRUMENT prepared by T-E Incorporated, 8620 Bluffton Road, Fort Wayne, IN 46809

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Justin Hoffman

When recorded, return to: the Department of Planning Services

EXHIBIT A

LEGAL DESCRIPTION per Document Number 2019031637:

LOTS 27 AND 38 THOMPSONVILLE EXTENDED ADDITION TO THE CITY OF FORT WAYNE, INDIANA, ACCORDING TO THE RECORDED PLAT THEREOF.

TOGETHER WITH:

THAT PART OF LOT CLAXTON AVENUE LOCATED SOUTH OF THE LOT 27 IN THOMPSONVILLE EXTENDED ADDITION (SOMETIMES KNOWN AS THOMPSONVILLE EXTENDED ADDITION RECORDED IN PLAT BOOK 11, PAGE 73, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2020-0054
Bill Number: Z-21-01-09
Council District: 3 – Tom Didier

Introduction Date: January 26, 2021
Plan Commission
Public Hearing Date: January 13, 2021 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone 0.84 acres from R1/Single Family Residential to C3/General Commercial
Location: 1827 Cremer Avenue
Reason for Request: To allow for commercial development of a construction business.
Applicant: Roberts Construction Group Inc.
Property Owner: Roberts Construction Group Inc.

Related Petitions: Primary Development Plan, Roberts Construction

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which allows a variety of commercial development. Applicant submitted a Written Commitment to restrict more intensive uses.
Effect of Non-Passage: The property will remain zoned for residential purposes and may redevelop as such.

FACT SHEET

Case #REZ-2020-0054 Bill # Z-21-01-09 Project Start: December 2020	
APPLICANT:	Roberts Construction Group, Inc.
REQUEST:	To rezone property from R1/Single Family Residential to C3/General Commercial; and approve a primary development for a new construction contractor facility.
LOCATION:	The site is located on the south side of the 1800 block of Cremer Avenue and on the east side of the 9100 block of Stanley Avenue (Section 3 of Washington Township).
LAND AREA:	Approximately 0.9 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	3-Tom Didier
ASSOCIATED PROJECT:	none
SPONSOR:	City of Fort Wayne Plan Commission

January 13, 2020 Public Hearing

- No one from the public spoke at the public hearing.
- Tom Freistroffer, Justin Shurley and Rachel Tobin-Smith were absent.

January 13, 2020 Business Meeting

Plan Commission Recommendation: DO PASS w/Written Commitment

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

6-0 MOTION PASSED

- Tom Freistroffer, Justin Shurley and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
February 4, 2021

PROJECT SUMMARY

The site has historically been used residentially, with a mobile home placed on the site.

The petitioner requests a rezoning from R1/Single Family Residential to C3/General Commercial for a new structure that is proposed to house a construction contractor business. The proposed structure is approximately 3,200 square feet in gross floor area. Indiana Michigan Power has transmission lines and a large easement that encompasses the south portion of the site.

The subject property has been zoned residentially for decades and contained a mobile home used as a single family residential dwelling. Although the surrounding zoning is primarily residential, a number of non-residential uses are in the area, including the Washington Township fields to the south, a property owned by Indiana Michigan Power on the west side of Stanley Avenue, and the property on the north side of Cremer Avenue has a long Board of Zoning Appeals history of non-residential uses. The property to the east is under the ownership of White Swan Plaza (primarily zoned C2), but White Swan, LLC also owns a property that is zoned R1, and adjacent to the site. Single family homes are present along Cremer Avenue in proximity to the site.

Although separated by public streets, the subject property is in proximity to single family homes. With appropriate buffering and layout, the proposal could allow for redevelopment of an underused site. With the site being zoned R1 today, a number of commercial uses would be gained with a rezoning to C3. Staff recommends a written commitment that will prohibit uses that provide high traffic or high intensity commercial uses. The contractor facility will not create a large amount of traffic and primarily be used by the employees. With a sufficient Written Commitment, the proposal could be supported by the following goals and policies of the Comprehensive Plan:

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

LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;

LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.

LU6.C Encourage the conversion of vacant or underutilized properties into compatible mixed-use development areas.

LU6.D Support carefully planned, coordinated, compatible mixed-use development.

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

A Written Commitment has been provided to restrict certain more intensive uses in the C3/General Commercial district.

The proposed site plan includes one new structure including a 3,200 square foot construction contractor facility with an area for potential storage. Parking surrounds the building to the north and west and a storage area is proposed to the rear of the building. There is a single access point proposed to Cremer Avenue to provide adequate ingress and egress for this type of development. A detention basin is proposed on the south side of the site. The applicant has not submitted a landscape plan with specific plant locations, but the only landscape waiver requested regarding landscaping is the width along the east property line. The other typical Zoning Ordinance landscape code buffer standards apply. The applicant is proposing waivers of Zoning Ordinance standards, including building setback to the east; landscape buffer width to the east; and location of the storage area with fencing (required to be primary building setback).

PUBLIC HEARING SUMMARY:

Presenter: Chris Roberts, applicant and owner, presented the proposal as outlined above.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

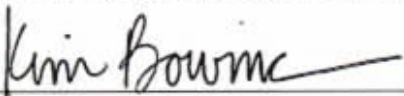
Rezoning Petition REZ-2020-0054

APPLICANT: Roberts Construction Group, Inc.
REQUEST: To rezone property from R1/Single Family Residential to C3/General Commercial; and approve a primary development for a new construction contractor facility.
LOCATION: The site is located on the south side of the 1800 block of Cremer Avenue and on the east side of the 9100 block of Stanley Avenue (Section 3 of Washington Township).
LAND AREA: Approximately 0.9 acres
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2020-0054, 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 the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The site is near similar commercial development and the proposal will be a low traffic impact between the commercial uses to the east and the residential uses to the west. This proposal will provide infill development using existing infrastructure.
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. Site plan and architectural review from the Plan Commission and staff will ensure a compatible development that complements the neighborhood.
3. Approval is consistent with the preservation of property values in the area. This proposal will provide redevelopment in the neighborhood and provide a substantial investment into the community.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on January 14, 2021.



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

**Department of Planning Services
Rezoning Petition Application**

Applicant

Applicant Roberts Construction Group, Inc.
 Address 3744 W. Lakeshore Drive
 City Columbia City State IN Zip 46725
 Telephone _____ E-mail robertsconstructiongroup@yahoo.com

Contact Person

Contact Person T-E Incorporated c/o Justin Hoffman
 Address 8620 Bluffton Road
 City Fort Wayne State IN Zip 46809
 Telephone 260-489-5541 E-mail jhoffman@t-einc.com

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Request

Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 1827 Cremer Avenue
 Present Zoning R1 Proposed Zoning C3 Acreage to be rezoned 0.84
 Proposed density n/a units per acre
 Township name Washington Township section # 3
 Purpose of rezoning (attach additional page if necessary) To allow commercial development and use of the property for a private business
 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.

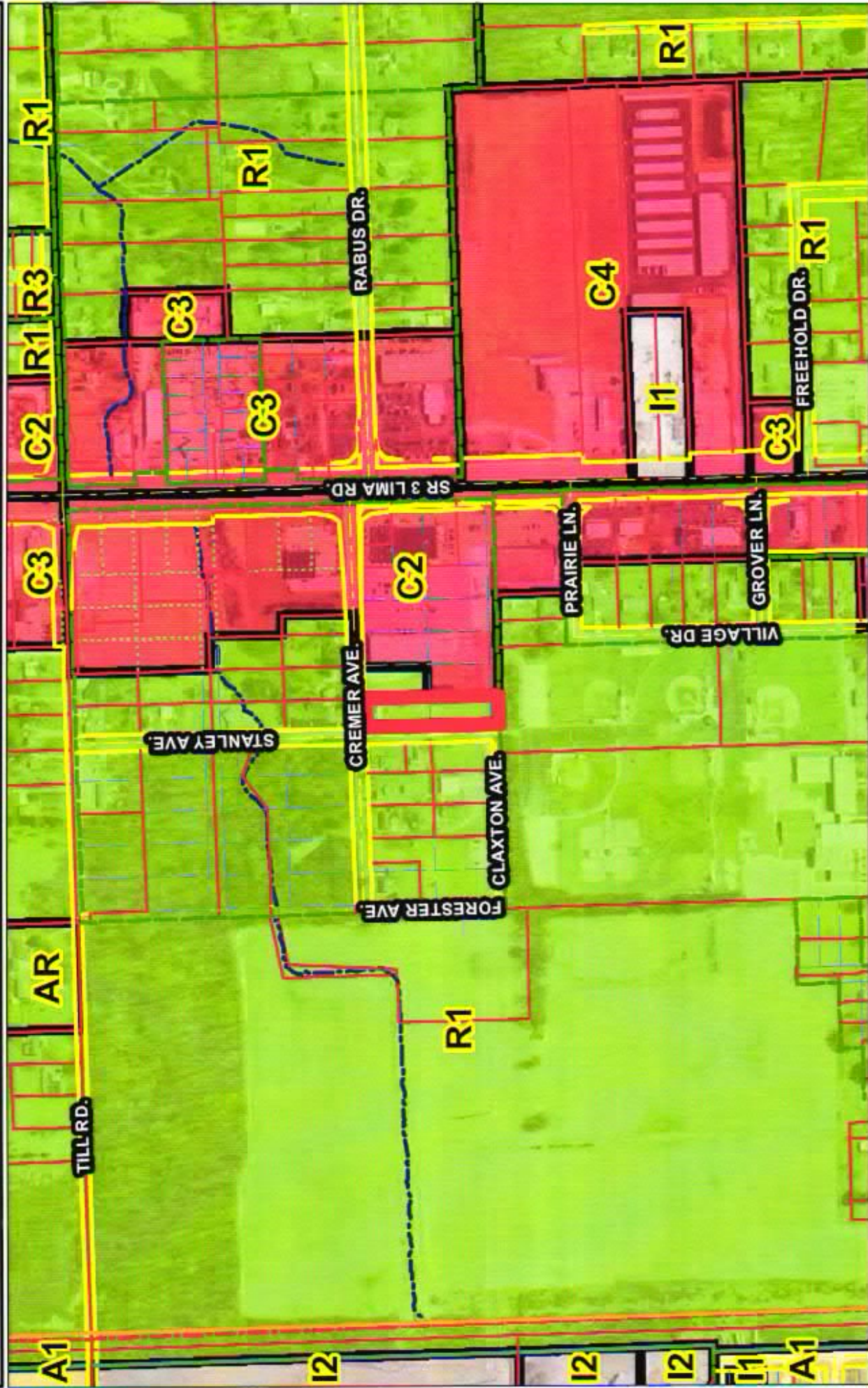
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- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezonings Only

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.

Michael Roberts ^{Co-owner} Michael Roberts 11-27-2020
 (printed name of applicant) ^{RCG, I} (signature of applicant) (date)
Roberts Construction Group, Inc. Michael Roberts 11-27-2020
 (printed name of property owner) (signature of property owner) (date)
^{Co-owner}
Roberts Construction, Inc.



Rezoning Petition REZ-2020-0054 and Primary Development Plan PDP-2020-0042 - Roberts Construction



Although this rezoning is intended to be a permanent change, it is subject to the jurisdiction of the City of Albia. The City of Albia reserves the right to amend, modify, or rescind this rezoning at any time. The City of Albia is not responsible for any errors or omissions in this map. The City of Albia is not responsible for any damages or losses resulting from the use of this map. The City of Albia is not responsible for any damages or losses resulting from the use of this map. The City of Albia is not responsible for any damages or losses resulting from the use of this map.

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 South American Dakota (SAD)
 State Planning Services, Inc. (SPS)
 Planning and Consulting Services, Inc. (PCS)
 Date: 12/14/2024



1 inch = 400 feet



*A Primary
Development Plan for:*

Roberts Construction Group

1827 Center Avenue, Fort Wayne, Indiana

A development located in the Southwest
Quadrant of Section 1, Township 11 North,
Range 12 East, Allen County, Indiana

Developer:
Roberts Construction Group, Inc.
2344 W. Lakeshore Drive
Columbus City, IN 46223
(317) 731-2700

Engineer/Architect:
T-E Incorporated
8620 Indiana Road
Fort Wayne, IN 46825
(317) 498-3343

1827-1831 Center Avenue, Fort Wayne, Indiana, including the intersection of Center
Avenue and Stanley Avenue. The subject property is located in the Southwest
Quadrant of Section 1, Township 11 North, Range 12 East, Allen County, Indiana.



PROJECT SITE

Symbol Legend

Symbol	Description
(Symbol)	Proposed 17' Building setback line
(Symbol)	Proposed 25' Building setback line
(Symbol)	Proposed 30' Building setback line
(Symbol)	Proposed 35' Building setback line
(Symbol)	Proposed 40' Building setback line
(Symbol)	Proposed 45' Building setback line
(Symbol)	Proposed 50' Building setback line
(Symbol)	Proposed 55' Building setback line
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(Symbol)	Proposed 70' Building setback line
(Symbol)	Proposed 75' Building setback line
(Symbol)	Proposed 80' Building setback line
(Symbol)	Proposed 85' Building setback line
(Symbol)	Proposed 90' Building setback line
(Symbol)	Proposed 95' Building setback line
(Symbol)	Proposed 100' Building setback line
(Symbol)	Proposed 105' Building setback line
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(Symbol)	Proposed 115' Building setback line
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(Symbol)	Proposed 175' Building setback line
(Symbol)	Proposed 180' Building setback line
(Symbol)	Proposed 185' Building setback line
(Symbol)	Proposed 190' Building setback line
(Symbol)	Proposed 195' Building setback line
(Symbol)	Proposed 200' Building setback line

Line Legend

Line Style	Description
(Line Style)	Proposed 17' Building setback line
(Line Style)	Proposed 25' Building setback line
(Line Style)	Proposed 30' Building setback line
(Line Style)	Proposed 35' Building setback line
(Line Style)	Proposed 40' Building setback line
(Line Style)	Proposed 45' Building setback line
(Line Style)	Proposed 50' Building setback line
(Line Style)	Proposed 55' Building setback line
(Line Style)	Proposed 60' Building setback line
(Line Style)	Proposed 65' Building setback line
(Line Style)	Proposed 70' Building setback line
(Line Style)	Proposed 75' Building setback line
(Line Style)	Proposed 80' Building setback line
(Line Style)	Proposed 85' Building setback line
(Line Style)	Proposed 90' Building setback line
(Line Style)	Proposed 95' Building setback line
(Line Style)	Proposed 100' Building setback line
(Line Style)	Proposed 105' Building setback line
(Line Style)	Proposed 110' Building setback line
(Line Style)	Proposed 115' Building setback line
(Line Style)	Proposed 120' Building setback line
(Line Style)	Proposed 125' Building setback line
(Line Style)	Proposed 130' Building setback line
(Line Style)	Proposed 135' Building setback line
(Line Style)	Proposed 140' Building setback line
(Line Style)	Proposed 145' Building setback line
(Line Style)	Proposed 150' Building setback line
(Line Style)	Proposed 155' Building setback line
(Line Style)	Proposed 160' Building setback line
(Line Style)	Proposed 165' Building setback line
(Line Style)	Proposed 170' Building setback line
(Line Style)	Proposed 175' Building setback line
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T-E INCORPORATED

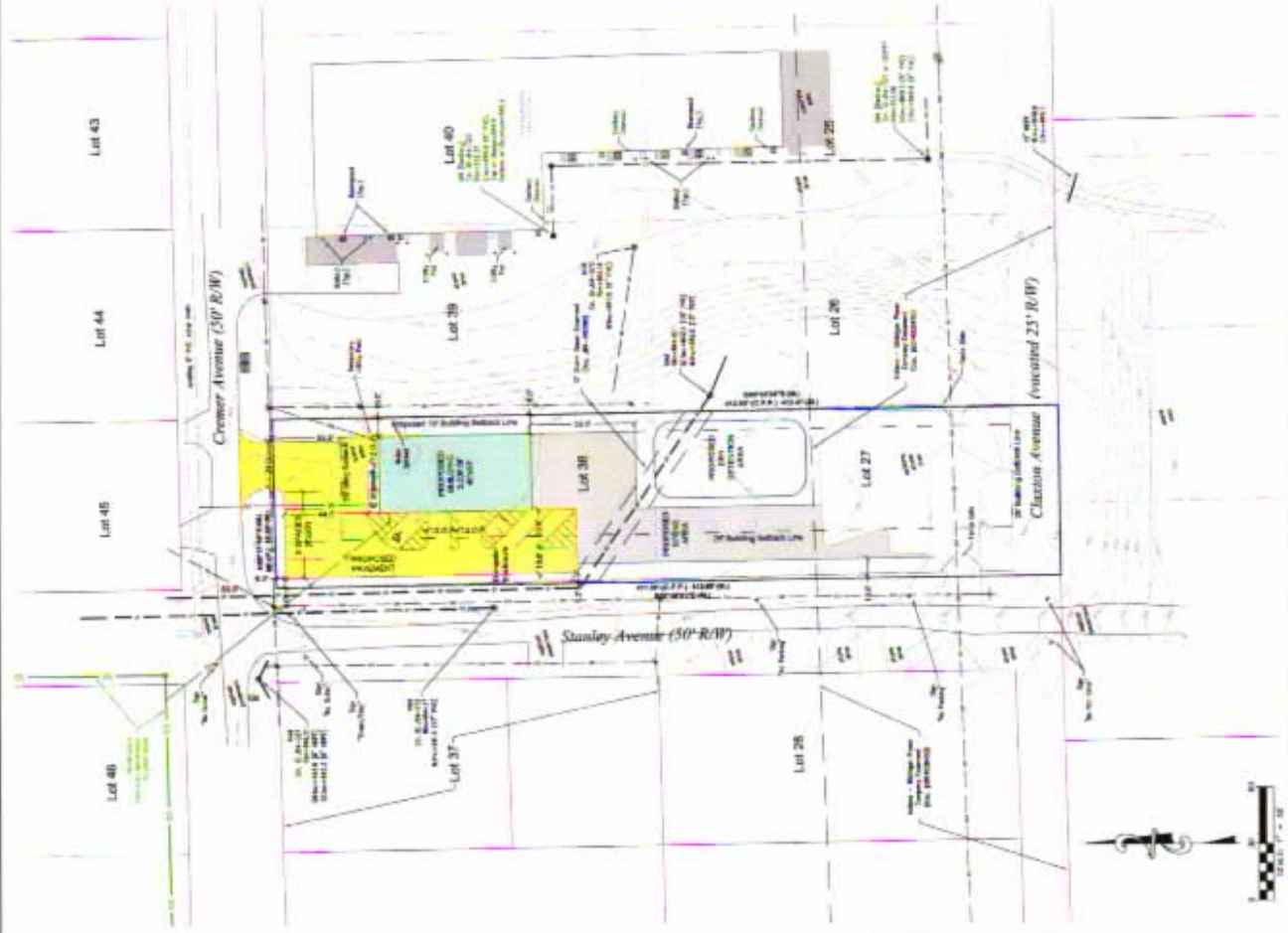
8620 Indiana Road
Fort Wayne, IN 46825
Phone: (317) 498-3343
Fax: (317) 498-3344
www.teinc.com



REZONING EXHIBIT (R.E.S.)

REZONING EXHIBIT (R.E.S.)

- ZONE B1
- ZONE C2
- PROPOSED ZONE C3



WRITTEN COMMITMENT

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WITNESSETH:

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WHEREAS, pursuant to the Application, the Real Estate has been rezoned to C3/General Commercial pursuant to the City of Fort Wayne Zoning Ordinance (the "Ordinance") which permits development upon the Real Estate of certain professional office and personal service uses and limited and retail commercial uses; and

WHEREAS, the Declarant's have submitted this Commitment, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015 for the purpose of limiting certain off site impacts and certain uses arising from development upon the Real Estate; and

WHEREAS, in conjunction with said Application, the Plan Commission has required the execution of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office prior to the commencement of any building improvements for uses permitted pursuant to the Application.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the Declarant's hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or a portion of the Real Estate.

1. Use Limitations. The following specific uses, which are otherwise allowed in the C3/General Commercial zoning district, shall be prohibited upon the Real Estate:

- 1) Agricultural equipment sales and service
- 2) Amusement Park
- 3) Arena
- 4) Arcade
- 5) Automobile auction
- 6) Automobile body shop
- 7) Automobile rental
- 8) Automobile repair

- 9) Automobile sales
- 10) Automobile washing facility
- 11) Betting or other gambling facility
- 12) Boat/watercraft sales
- 13) Check Cashing
- 14) Correctional Services facility
- 15) Firework Sales
- 16) Homeless/emergency shelter
- 17) Gas station
- 18) Hotel
- 19) Motor vehicle sales, rental, or repair
- 20) Pawn Shop
- 21) Storage Shed Sales
- 22) Truck Fueling Station
- 23) Truck Stop
- 24) Propane/bottled gas sales and service
- 25) Manufactured Home Sales
- 26) Flea Market
- 27) Zoo
- 28) Tattoo Establishment

2. Outside Storage. Outside storage areas will be screened according to Zoning Ordinance standards.

3. Lighting. Site lighting shall be of a type to minimize light pollution onto any adjacent property by utilizing only full cut-off fixtures and be completely downward directed.

4. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

5. Enforcement Rights. The City of 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 the 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 exclusive. 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.

6. Amendment or Termination. This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with the prior written consent of all owners

of the Real Estate and the Plan Commission, following a public hearing to consider said amendment or termination.

7. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.

8. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

9. 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.

10. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

11. Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

12. Last Deed of Record. The last deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number 2019031637.

13. Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(2).

[SIGNATURE AND EXHIBIT PAGES FOLLOW]

"DECLARANT"

Roberts Construction Group, Inc.

By: Christopher Roberts
Name: Christopher Roberts

Its: President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this 18 day of JANUARY, 2021, personally appeared CHRISTOPHER ROBERTS as the property owner, and acknowledged the execution of the foregoing instrument for and on behalf of said company.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Conita R. Latham
CONITA R. LOTHAMER, Notary Public

My Commission Expires: 2-16-25
My County of Residence: ALLEN



CONITA R. LOTHAMER, Notary Public
Allen County, State of Indiana
My Commission Expires February 16, 2025

THIS INSTRUMENT prepared by T-E Incorporated, 8620 Bluffton Road, Fort Wayne, IN 46809

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Justin Hoffman

When recorded, return to: the Department of Planning Services

EXHIBIT A

LEGAL DESCRIPTION per Document Number 2019031637:

LOTS 27 AND 38 THOMPSONVILLE EXTENDED ADDITION TO THE CITY OF FORT WAYNE, INDIANA, ACCORDING TO THE RECORDED PLAT THEREOF.

TOGETHER WITH:

THAT PART OF LOT CLAXTON AVENUE LOCATED SOUTH OF THE LOT 27 IN THOMPSONVILLE EXTENDED ADDITION (SOMETIMES KNOWN AS THOMPSONVILLE EXTENDED ADDITION RECORDED IN PLAT BOOK 11, PAGE 73, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

REPORT OF COMMITTEE ON REGULATIONS
February 9, 2021

Tom Freistroffer Chair


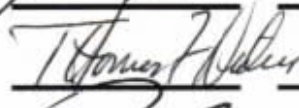




Geoff Paddock Co-Chair

All Council Members

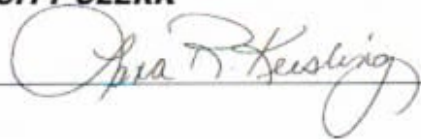
An Ordinance amending the City of Fort Wayne Zoning Map No. J-54 (Sec. 3 of Washington Township)

To rezone 0.84 acres from R1/Single Family Residential to C3/General Commercial at 1827 Cremer 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: January 13, 2021


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

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

Read the third time in full and on motion by Councilperson Paddock, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>


DATED: February 9, 2021



 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Ordinance No. Z-21-01-09 on the 9th day of February, 2021

ATTEST:



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of February 2021, at the hour of 9:50 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 10TH day of FEBRUARY 2021, at the hour of 10:30 o'clock AM . E.S.T.



 THOMAS C. HENRY, MAYOR

