

1 #REZ 2025 0001

2 BILL NO. Z-25-01-18

3
4 ZONING MAP ORDINANCE NO. Z- 7-25

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. C-06 (Sec. 1 of Aboite Township)

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

8
9 SECTION 1. That the area described as follows is hereby designated a C1 (Professional
10 Office and Personal Services) District under the terms of Chapter 157 Title XV of the Code of the
11 City of Fort Wayne, Indiana:

12
13 Parts of Lots 209 and 210 in Westlawn, Section D, an Addition to the City of Fort
14 Wayne, Indiana, the plat of which is recorded in Plat Book 23, page 42 as found in the
15 Office of the Recorder of Allen County Indiana, said parts being depicted on Wightman
16 Surveying, Inc. survey #242623, dated January 3, 2025, and being more particularly
17 described as follows:

18 Commencing at a 1" bar at the Southwest corner of the Southeast Quarter of Section 1,
19 Township 30 North, Range 11 East in Allen County, Indiana; thence North 01 degree 07
20 minutes 14 seconds East, on the West line of said Southeast Quarter, as depicted on
21 Indiana Department of Transportation R/W Plans for Project No. MG STP-4402 (013), a
22 distance of 440.00 feet; thence South 89 degrees 45 minutes 15 seconds East, 40.00 feet
23 to the Northwest corner of said Lot 209; thence continuing South 89 degrees 45 minutes
24 15 seconds East, on the North line of said Lot 209, a distance of 12.49 feet to the Point of
25 Beginning at the Northeast corner of a 1,249-square foot right-of-way parcel described in
26 Document #207032855; thence continuing South 89 degrees 45 minutes 15 seconds East,
27 on said North line, 187.51 feet to the Northeast corner of said Lot 209; thence South 01
28 degree 07 minutes 14 seconds West, on the East line of said Lots 209, and 210, a distance
29 of 200.00 feet to the Southeast corner of said Lot 210; thence North 89 degrees 45
30 minutes 15 seconds West, on the South line of said Lot 210, a distance of 173.99 feet to
the Southeasterly corner of a 1,839-square foot right-of-way parcel described in
Document #2007058232; thence North 07 degrees 41 minutes 59 seconds West, on the
Easterly line of said 1,839-square foot right-of-way parcel, 88.11 feet; thence continuing
on said Easterly line, North 01 degree 07 minutes 14 second East 12.72 feet to a point on
the South line of said Lot 209, also being the Southeasterly corner of the aforementioned
1,249 square foot right-of-way parcel; thence continuing North 01 degree 07 minutes 14
seconds East, on the Easterly line thereof, 100.00 feet to the Point of Beginning,

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containing 0.847 acres, more or less, and subject to easements and rights-of-way of record.

and the symbols of the City of Fort Wayne Zoning Map No. C-06 (Sec. 1 of Aboite Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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



Council Member

APPROVED AS TO FORM AND LEGALITY:



Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2025-0001
Bill Number: Z-25-01-18
Council District: 4 – Scott Myers

Introduction Date: January 28, 2025
Plan Commission
Public Hearing Date: February 10, 2025 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone 0.87 acres from R1/Single Family Residential to C1/Professional Office and Personal Services

Location: 1009 and 1017 South Hadley Road

Reason for Request: To allow for a 3-lot office park (2.2 acres overall)

Applicant: Scott and Robin Lougheed

Property Owner: Scott and Robin Lougheed/Lougheed & Associates, Inc.

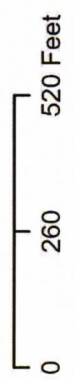
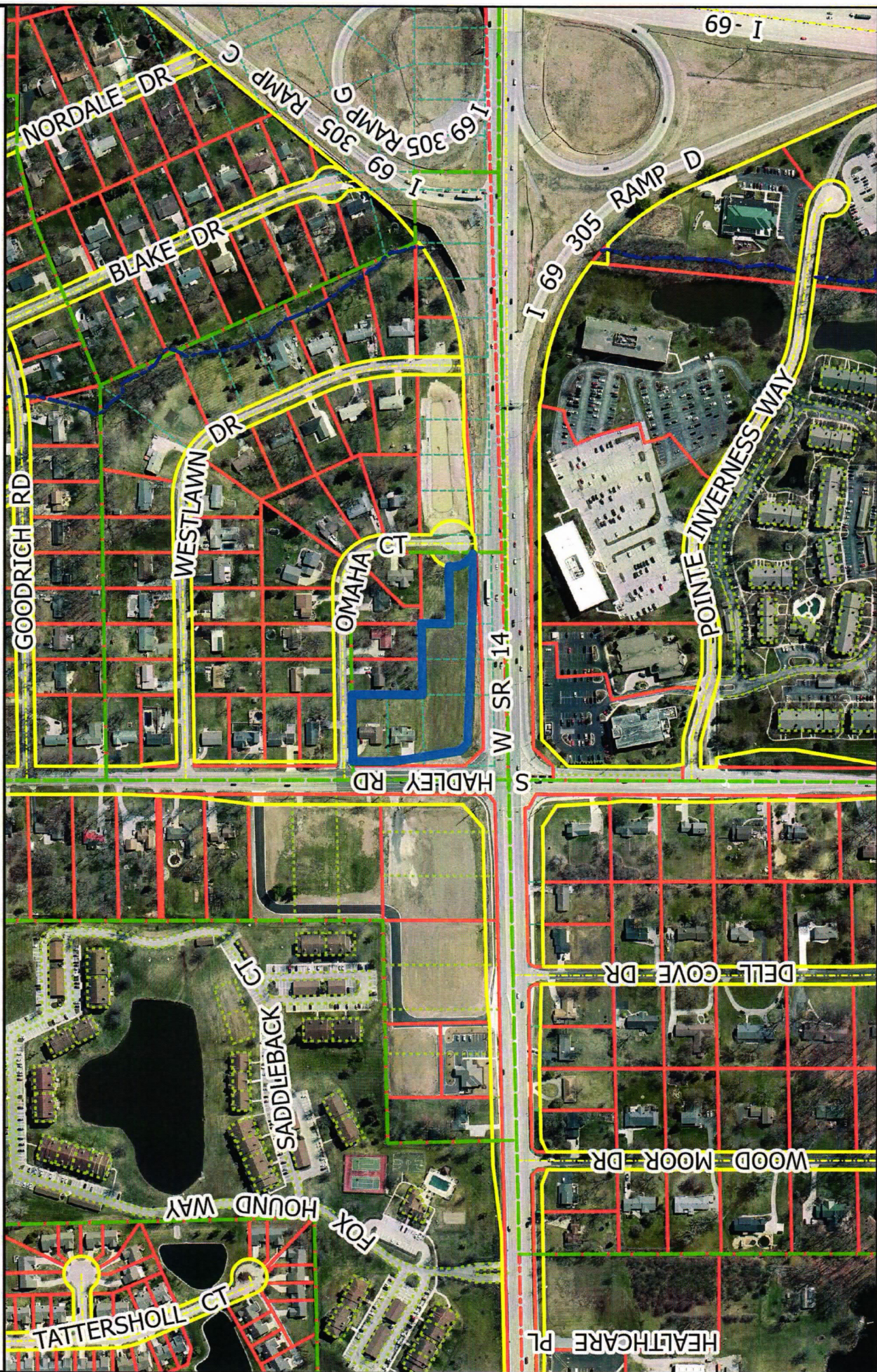
Related Petitions: Primary Development Plan – Westlawn Office Park

Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services district, which combined with the existing C1 zoned property will allow for office development along Hadley and State Road 14.

Effect of Non-Passage: A portion of the property will remain zoned R1/Single Family Residential, which permits housing, but does not allow commercial development.



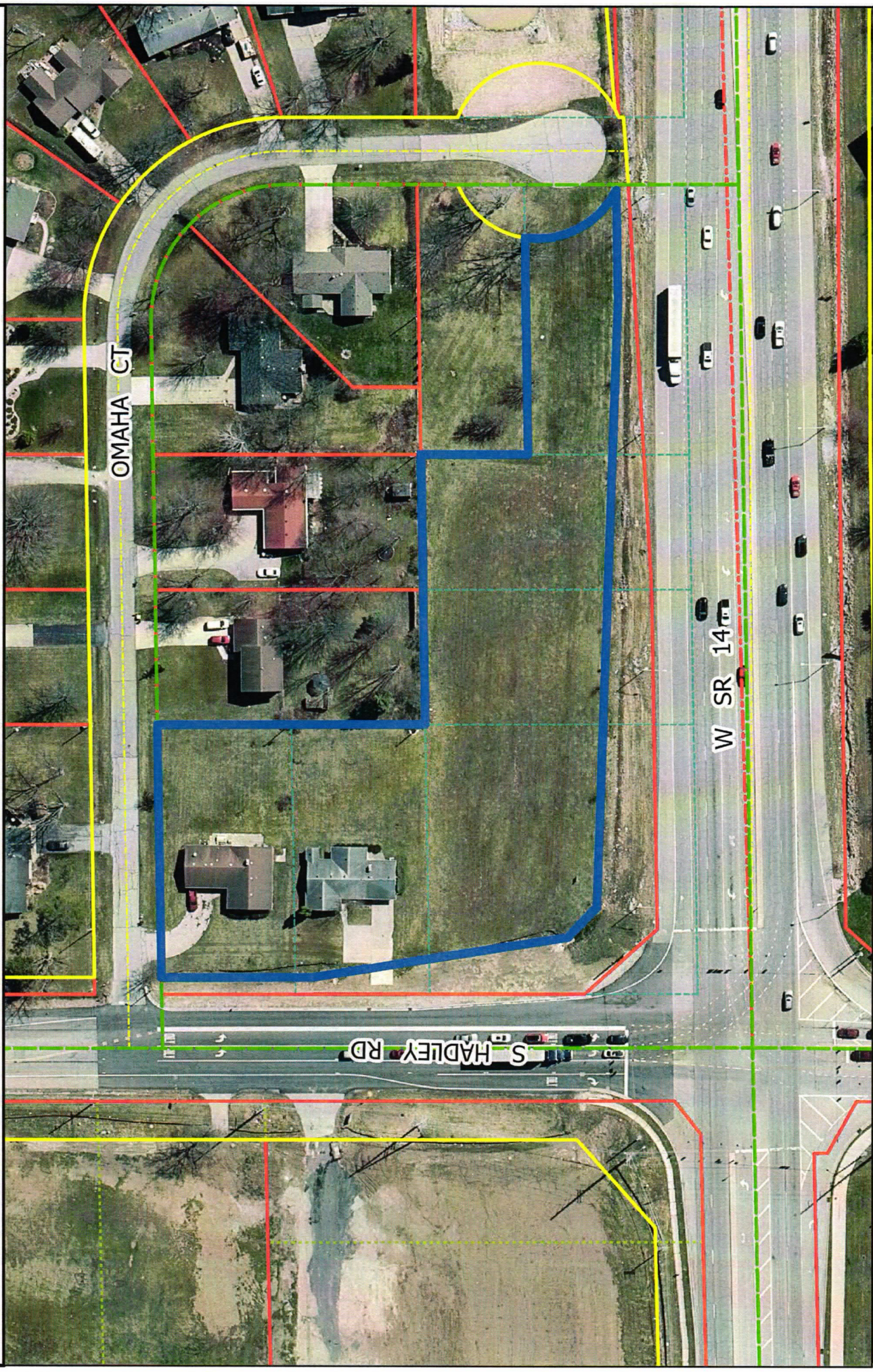
REZ-2025-0001, PDP-2025-0001, and VPLT-2025-0002 - Westlawn Office Park



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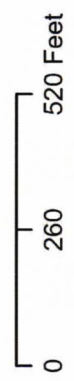
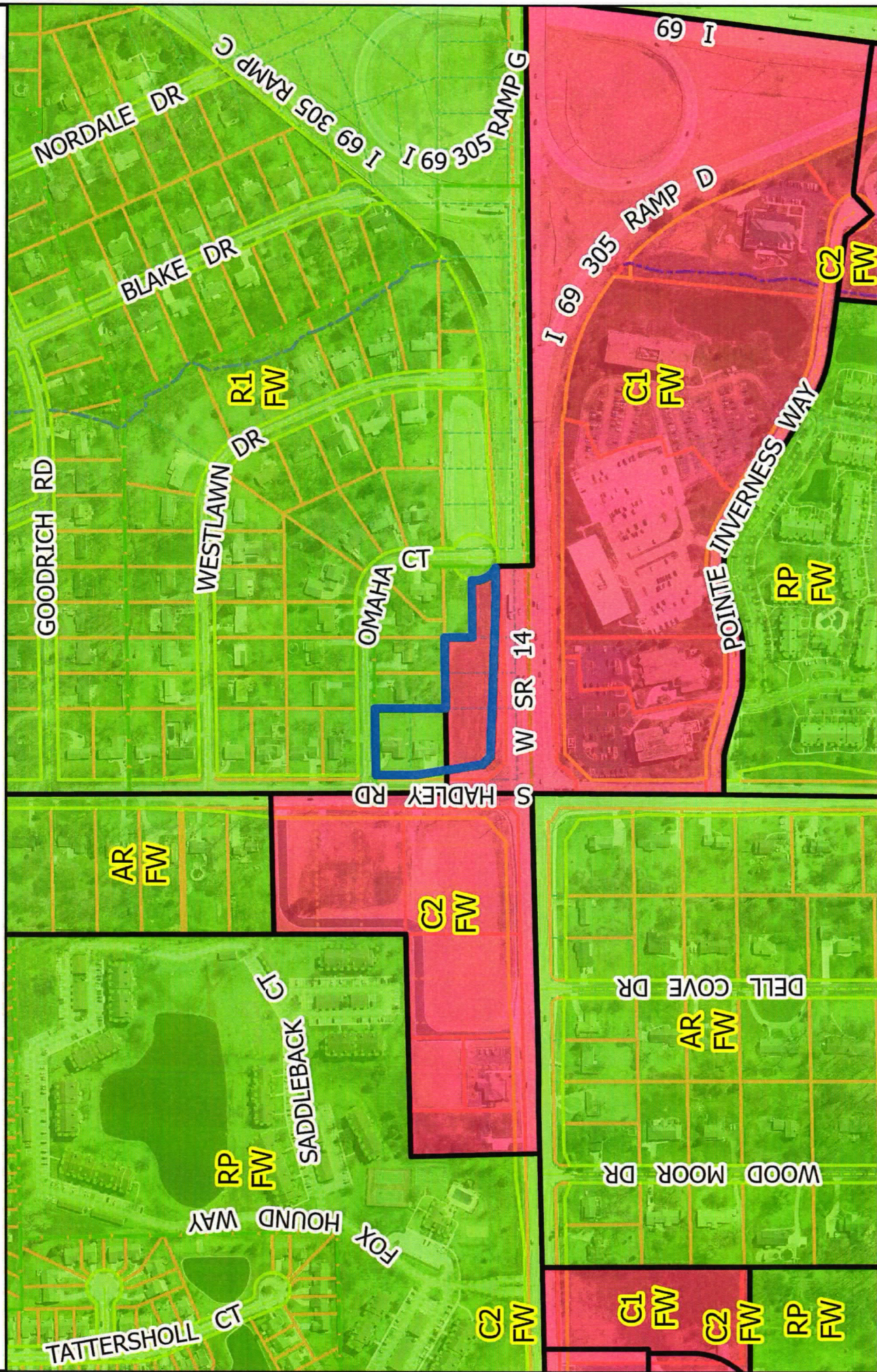
REZ-2025-0001, PDP-2025-0001, and VPLT-2025-0002 - Westlawn Office Park



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 Date: 11/23/24

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Scott & Robin Lougheed
 Address 914 Landyard Ct.
 City Cicero State IN Zip 46034
 Telephone 260.432.3665 E-mail lougheedeng@comcast.net

Property Ownership
 Property Owner Scott & Robin Lougheed/Lougheed & Associates, Inc.
 Address 914 Landyard Ct.
 City Cicero State IN Zip 46034
 Telephone 260.432.3665 E-mail lougheedeng@comcast.net

Contact Person
 Contact Person Susan Trent/Rothberg Law Firm
 Address 505 E. Washington Blvd.
 City Fort Wayne State IN Zip 46802
 Telephone 260.422.9454 E-mail strent@rothberg.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 1009 & 1017 Hadley Rd. Township and Section Aboite-30
 Present Zoning R1 Proposed Zoning C1 Acreage to be rezoned .847
 Purpose of rezoning (attach additional page if necessary) To utilize Lots 209 and 210 for commercial purposes at corner of Hadley/Illinois Road in conjunction with Lots 216 - 219 (already zoned C-1)
 Sewer provider Aqua Indiana Water provider City of Fort Wayne

Filing Checklist
Applications will not be accepted unless the following filing requirements are submitted with this application.
 Filing fee \$1000.00
 Surveys showing area to be rezoned
 Legal Description of parcel to be rezoned
 Rezoning Criteria (please complete attached document)

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 Fort Wayne and Allen County Plan Commissions 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

Scott Lougheed [Signature] [Signature]
 (printed name of applicant) (signature of applicant) (date)
Robin Lougheed [Signature] 1/7/25
 (printed name of property owner) (signature of property owner) (date)



Received <u>1/7/25</u>	Receipt No. <u>146403</u>	Hearing Date <u>2/10/25</u>	Petition No. <u>REZ-2025-0001</u>
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Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
 Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org



1. The Comprehensive Plan;

The proposed rezoning is consistent with the *All in Allen Plan* in that it clearly fits within Goal 1; namely, it encourages compatible infill development within areas that are primarily built out (pg. 60). The project promotes Goal 2 (pg. 61) in as much as it promotes development in areas that are contiguous with existing development and redevelopment in areas that are already served by adequate water, sanitary sewer and transportation structure.

2. Current conditions and the character of current structures and uses in the district;

This Project is located at the corner of Illinois Road/HWY 14 & Hadley Roads. Rezoning from R-1 to C-1 is requested by the Applicant for Lots 209 – 210. Lots 216 – 219 are already zoned C – 1. The Applicant is Scott and Robin Lougheed (“Applicant”) who presently own Lots 209 – 210 as well as Lots 216 - 219. The Project is directly adjacent to the Hunt Club Apartments, Farmer’s & Merchant’s Bank, Petroleum Tranders Pointe Development, and the Westlawn Addition. The Illinois Road corridor between Hadley and Scott Roads is replete with mixed commercial and residential uses with frontage on Illinois Road primarily commercial or trending commercial. There are also professional office spaces located nearby.

As described, Illinois Road is very decidedly commercial with consistent, heavy traffic and signalized intersections. There are seven (7) lanes for traffic along this portion of Illinois Road. The Applicant proposes a right in only off of Illinois Road due to the proximity of the intersection with Hadley Road. A combined, widened entrance and exit is contemplated at Omaha Court.

3. The most desirable use for which the land in the district is adapted;

The property’s most desirable use is commercial at this corner. The Applicant’s use is anticipated to be small office building sites. Restrictions will require residential styling as a transition from the corner commercial facility to the surrounding neighborhood to the north and east. The existing residences are modest and not desirable for residential use in light of development along the Illinois Road Corridor. Along with enhanced access to Omaha Court, the Applicant will construct a new facility with high quality landscaping, which in and of itself, will be an improvement for this area and provide appropriate buffer for Omaha Court residents. The current residential structure including one that has been recently demolished (located on Lots 209 and 210) have been used for business purposes (engineering business) pursuant to a BZA special use exception.

4. The conservation property values throughout the jurisdiction;

The conservation of property values throughout the jurisdiction is accomplished by granting this rezoning request in as much as this is an established commercial corridor along Illinois Road and the use proposed is consistent and complementary to existing uses. Both residential and heavy industrial uses are inappropriate for this property. Significant traffic volumes and a variety of commercial and retail offerings along Illinois Road make the existence of professional small office space desirable and convenient for the area.

5. Responsible development and growth.

The Applicant's proposed use does not impose a use that is immoral or otherwise offensive to the community as a whole, to customers of other local businesses along this corridor, or to the residential homes to the rear of the subject property. There already exists or will be ample parking, traffic signalization and curb cuts necessary for safe and appropriate access. In addition, the project will reutilize and reinvigorate residential real estate that is no longer appropriate in light of commercial development along this corridor/corner. The site has adequate stormwater collection, detention and quality as the Applicant proposes to connect to Rodgers Regulated Drain which was previously located along Illinois Road as an Urban Drain. This drain was designed to carry a 100-year rainfall from the surrounding area. Sanitary and Sewer Service is also adequate. Sidewalks are proposed. All lighting is to meet full cut-off requirements. The dumpster area will be screened in accordance with Ordinance requirements

Commercial uses for properties with frontage on Illinois Road are clearly established in the area. Commercial and retail uses are entrenched along this span of frontage on Illinois Road. Adequate utilities and infrastructure are already available on site.

FACT SHEET

Case # REZ-2025-0001

Bill # Z-25-01-18

Project Start: January 2025

APPLICANT:	Scott and Robin Lougheed
REQUEST:	To rezone from R1/Single Family Residential to C1/Professional Office and Personal Services and to allow for a 3-lot office park (2.2 acres overall)
LOCATION:	1009 and 1017 South Hadley Road (Section 1 of Aboite Township)
LAND AREA:	0.87 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	C1/Professional Office and Personal Services
COUNCIL DISTRICT:	4 – Scott Myers
SPONSOR:	Fort Wayne Plan Commission

February 10, 2025 Public Hearing

- The neighborhood association spoke in support, but with concerns.
- Seven people spoke in opposition.
- Amos Norman was absent.

February 17, 2025 Business Meeting

Plan Commission Recommendation: DO PASS, with a Written Commitment

A motion was made by Ryan Neumeister and seconded by Rick Briley to return the ordinance with a Do Pass recommendation, with a Written Commitment, to Common Council for their final decision.

8-0 MOTION PASSED

- Karen Richards was absent.

Fact Sheet Prepared by:
Karen Couture, Associate Land Use Planner
February 26, 2025

PROJECT SUMMARY

The petitioner is requesting to rezone 0.8 acres of property from R1/Single Family Residential to C1/Professional Office and Personal Services to develop 2.2 acres of property for a commercial development. The applicant is also requesting to vacate lots 209, 201, 216-219 of Westlawn Addition Section D. The site today consists of one structure currently used as an engineer's office that was originally constructed as a single-family home. Commercial office use of the R1 zoned property was established in 2001, and again in 2017, by the Board of Zoning Appeals. One home has been demolished and the second is also planned to be replaced with this proposal. The remaining 1.85 acres was rezoned to C1/Professional office and Personal Services in 2000, along with a development plan approval for an office park. The overall site is adjacent to commercial development to the south (C1) and west (C2/Limited Commercial). R1/Single Family Residential zoning is adjacent to the north and east, both part of the Westlawn Subdivision.

The submitted development plan shows a proposed a three-structure office park on three separate lots. Lots 1 and 2 show proposed small commercial office buildings and Lot 3 shows a building with a drive-through lane indicating a bank. The proposed zoning would not permit drive-through restaurants or coffee shops. Full access is shown on Omaha Court with a right-in only entrance along Illinois Road. No access is being proposed along Hadley Road. Improved access is shown at the intersection of Hadley Road and Omaha Court to allow right and left turn lanes. A detention pond is shown along the southeast portion of the site adjacent to Lot 215 and the Omaha Court cul-de-sac. The submitted landscape plan includes plantings that exceed zoning district requirements adjacent to the residential homes of Lots 211 through 215. The applicant is proposing evergreens every 20 feet and large shrubs on top of a three-foot mound along the east side adjacent to Lot 211.

Parking minimums will be finalized during the secondary process. The applicant has noted to staff that a cross-parking agreement will be used to allow ample parking for all three buildings. Sidewalks are currently not shown along any adjacent right-of-way. The zoning ordinance would require sidewalks along all rights-of-way unless engineering constraints are determined by Fort Wayne Transportation Engineering Department or INDOT.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
- The following Goal would be applicable and supportive of this request:
LUD1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

Overall Land Use Policies

- The following Land Use Policies would be applicable and supportive of this request:
LUD Policy 4 – Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.

Generalized Future Land Use Map

- The project site is located within the Suburban Neighborhood generalized land use category.
- Adjacent properties are categorized as Suburban Neighborhood to the north and east. The property to the west is Mixed Residential and the property to the south is Business and Office Park.

Overall Land Use Related Action Steps

- **LUD Goal 1** Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.

Compatibility Matrix

- **This proposed use is permitted in C1/Professional Office and Personal Services which is considered compatible with Suburban Neighborhood, Mixed Residential and Business and Office Park.**

Below are 5 items the Plan Commission shall pay reasonable regard to set forth by State Code. The applicant submitted answers to the questionnaire following this report.

1. The Comprehensive Plan:
2. Current conditions and the character of current structures and uses in the district:
3. The most desirable use for which the land in the district is adapted:
4. The conservation of property values throughout the jurisdiction:
5. Responsible development and growth.

PUBLIC HEARING SUMMARY:

Presenter: Tom Trent, representing the applicant, presented the request as outlined above.

Public Comments:

Robert Aplin (1018 E Washington Blvd - Representing Westlawn neighborhood): Supports, but concerns with uses; access on Omaha (consider traffic study); property values; future uses; want internal sidewalks.

Sankey Everson (6914 Regent Ct): Concerns with traffic.

Ericka Hartley (7032 Omaha Ct): Concerns with buffering; traffic (drive-through).

James Connelly (6611 Goodrich Rd): Concerns with median on Hadley Rd; access.

Teresa Haff (6902 Nordale Dr): Concerns with train and factory backups; commercial traffic; semis; safety for children.

Bradley Forman (705 S Hadley Rd): Concerns with traffic; semis.

Laura Knoke (715 Hadley Rd): Concerns with train; traffic with commercial uses.

Graham Hartley (7032 Omaha Ct): Concerns with speculative nature of rezone.

Closing: Tom Trent stated the traffic is generated by the existing development. Truck traffic is unlikely in the office park.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

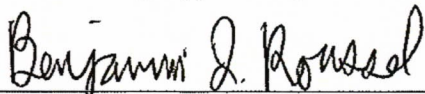
Rezoning Petition REZ-2025-0001 – Westlawn Office Park

APPLICANT: Scott and Robin Lougheed
REQUEST: To rezone property from R1/Single Family Residential to C1/Professional Office and Personal Services for a commercial development.
LOCATION: 1009 S Hadley Road, southeast corner of its intersection with Omaha Court (Section 1 of Aboite Township).
LAND AREA: 0.847 acre
PRESENT ZONING: R1/Single Family Residential
PROPOSED ZONING: C1/Professional Offices and Personal Services

The Plan Commission recommends that Rezoning Petition REZ-2025-0001 be returned to Council, with a Written Commitment, 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 C1/Professional Office and Personal Services zoning will provide the opportunity to redevelop the site while providing additional commercial options along Hadley Road. The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by 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. The property is adjacent to commercial zoning to the south and west. The rezoning is consistent with existing commercial development at the intersection.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the area and is adjacent to developed commercial property. The new zoning gives the property owner flexibility to invest in the property commercially. The site has access issues that limit viability of using it as a single family residential home. The site has been used as a professional office through Board of Zoning Appeals approval since 2017.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This portion of Hadley Road is adjacent to commercial development to the west and south. The C1/Professional Office and Personal Services zoning district could act as a buffer between residential districts to the east and a more intense commercial zoning district to the west. The Comprehensive Plan encourages adjacent development in areas already served by infrastructure.

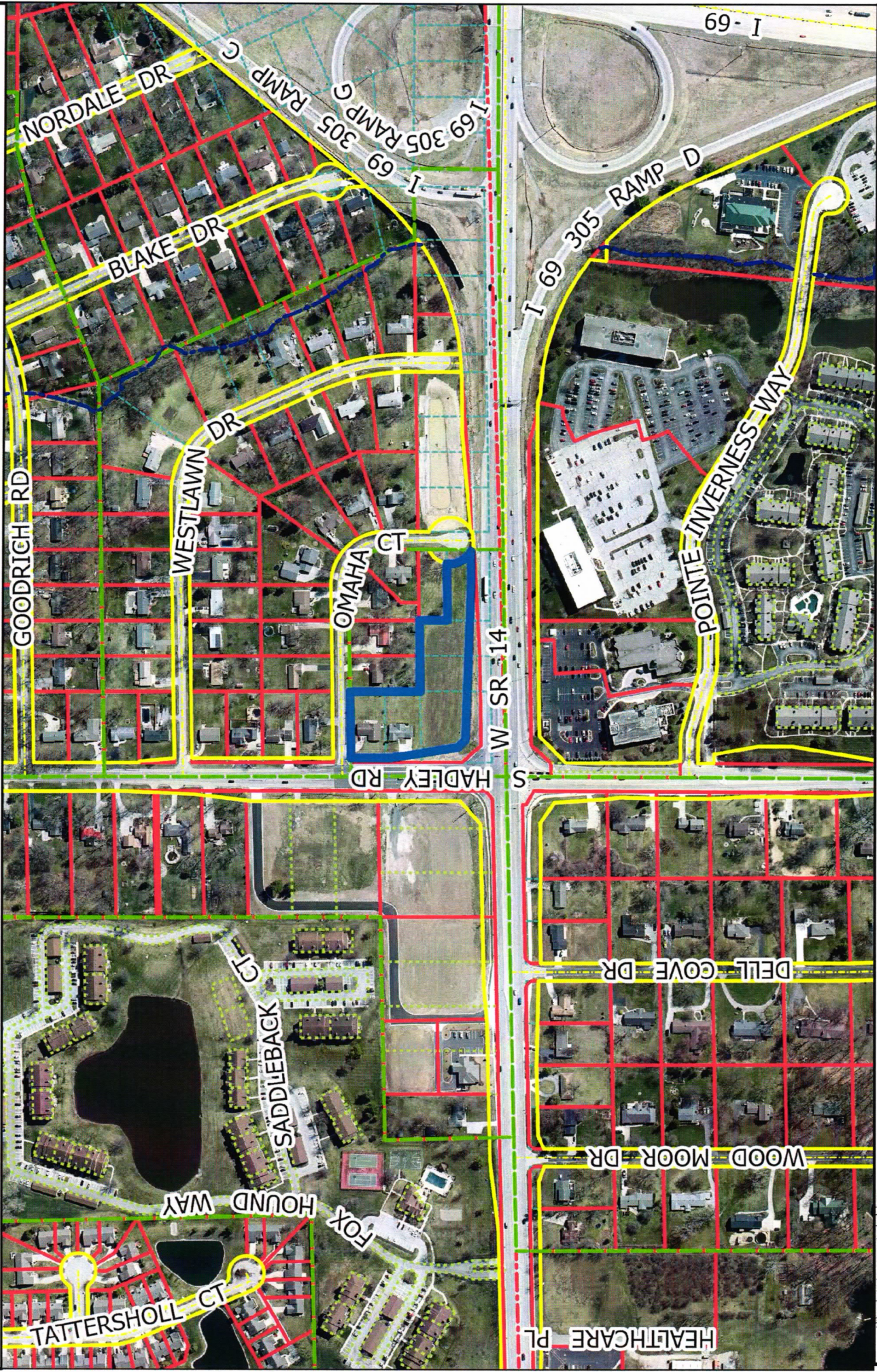
These findings approved by the Fort Wayne Plan Commission on February 17, 2025.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

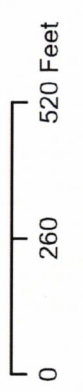


REZ-2025-0001, PDP-2025-0001, and VPLT-2025-0002 - Westlawn Office Park



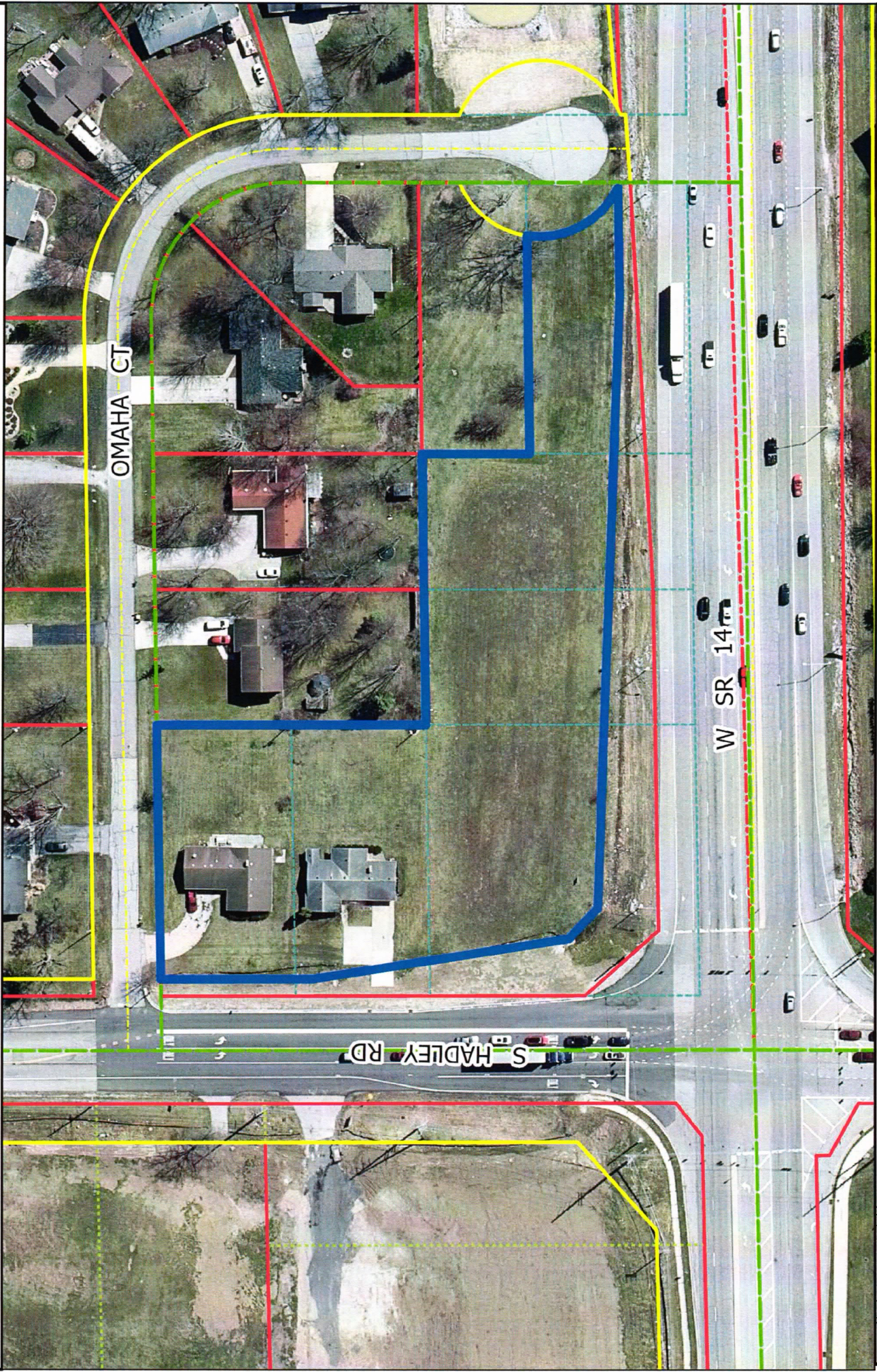
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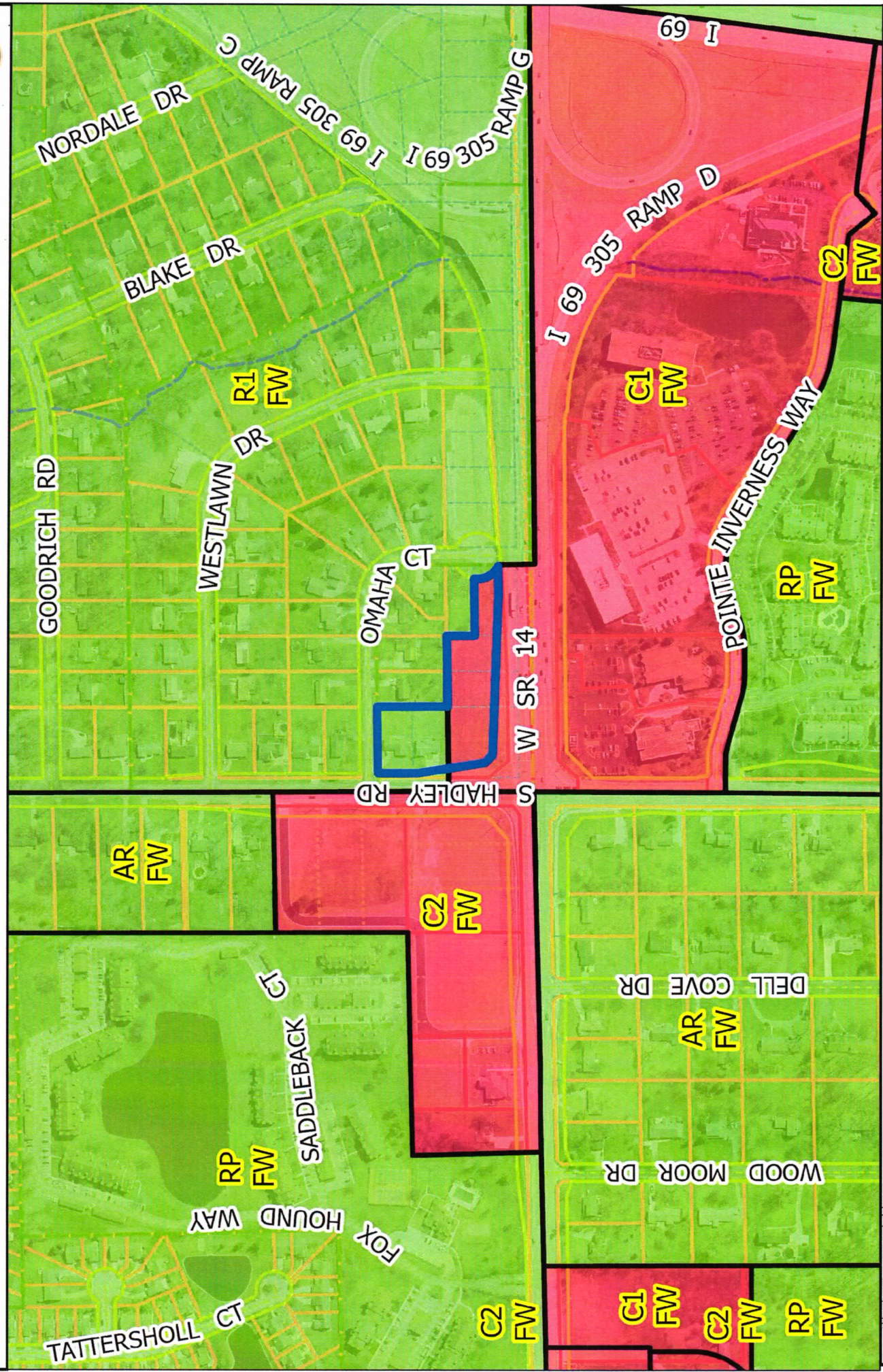


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Parcel Number:

02-11-01-454-001.000-075

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (this “Commitment”) is made effective as of the ____ day of March, 2025, by **Scott O. Lougheed and Robin R. Lougheed**, husband and wife (“Declarant”).

WITNESSETH:

WHEREAS, Declarant, by virtue of a deed recorded as Instrument No. 202073843 in the Office of the Recorder of Allen County, Indiana, is the owner of the real estate more particularly described in **Exhibit “A”**, attached hereto (the “Real Estate”); and

WHEREAS, Declarant submitted the following to the City of Fort Wayne Plan Commission (the “Plan Commission”): (i) Development Plan and Plat Application bearing number PDP-2025-0001 (the “PDP Application”); (ii) Rezoning Petition Application bearing number REZ-2025-0001(the “Rezoning Application”); and (iii) Vacation Petition bearing number VPLT-2025-0002 (the “Vacation Application”)(collectively, the “Applications”); and

WHEREAS, the PDP Application and Vacation Application were approved by the Plan Commission; and

WHEREAS, the Rezoning Application was approved by the Fort Wayne Common Council (“City Council”), whereby a portion of the Real Estate (Lots 209 and 210 in Westlawn Section D) was rezoned from “R1 Single Family Residential” to “C1 Professional Office and Personal Services”; and

WHEREAS, Declarants have submitted this Commitment, voluntarily, pursuant to the Fort Wayne Zoning Ordinance (the “Ordinance”) and I.C. 36-7-4-1015 for the purpose of limiting certain off-site impacts and uses arising from the development of the Real Estate; and

WHEREAS, in conjunction with the Applications, the Plan Commission has accepted this Commitment and its recordation with the Recorder of Allen County, Indiana.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant 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 all or any portion of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. **Use Restrictions.** Notwithstanding the provisions set forth in Section 157.212(B) of the Ordinance, which describes the specific permitted uses in a C1 Professional Offices and Services District (the “C1 District”), that portion of the Real Estate consisting of Lots 209 and 210 may not be used for the purposes and uses described in the attached **Exhibit “B”** hereto.

2. **Permits.** No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder and a recorded and executed copy of the Commitment is delivered to the Zoning Administrator.

3. **Westlawn Maintenance Assessments.** Notwithstanding the Plan Commission’s approval of the Vacation Petition, the Declarant, and all future owners of the Real Estate or any portion thereof, shall remain only responsible for the regular, reasonable, and ordinary residential assessments described in the Second Amended and Restated Protective Restrictions, Covenants, Limitations and Easements for Westlawn Civic Association Inc., Article III, Sections 1 - 10, Covenants for Maintenance Assessments, recorded on or about September 15, 2020 in the Office of the Recorder of Allen County, Indiana as Doc. No. 2020055804 (“Assessments”) charged to individual, residential lot owners. Any such Assessment against the Real Estate shall be determined as if Declarants’ lots had not been vacated from the plat of Westlawn Section D. Any such Assessments against Declarants’ lots shall be limited to those lots upon which a building exists. In no event, shall the individual Assessments to any of Declarants’ individual lots containing a building exceed the Assessments charged to any owner of any other individual, residential lot in Westlawn. In the event of multiple owners of the Real Estate, each owner shall have joint and several liability to Westlawn for payment of the total Assessment outstanding against the Real Estate; however, each may remit their portion of the Assessment to Westlawn as determined by their percentage ownership of the Real Estate or as the owners may otherwise determine from time to time in writing. In the event that one owner fails to pay their share of the Assessment, the other owner(s) may, at their discretion, cover the delinquent amount to Westlawn to avoid penalties or liens on the Real Estate. In such a case, the non-paying owner shall reimburse the paying party within ten (10) days, along with interest at eight (8) percent or any other rate as agreed to by the joint owners in writing.

4. **Maintenance.** The Real Estate, and any parking lot or landscaping located thereon shall be maintained in good order and repair, per City Code of Ordinances Chapter 150, as amended. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. Any owner, occupant or responsible person for any portion of Real Estate shall maintain their portion of the Real Estate, and any structures located thereon, in compliance with these requirements.

5. **Wayfinding.** Declarants shall support the efforts of the Westlawn Civic Association, Inc. to the extent it so elects to request the installation of reasonable way-finding signage at the intersection of Hadley Road and Omaha Court from the City of Fort Wayne that indicates to passing motorists “Do Not Block Intersection.”

6. **Successors and Assigns.** This Commitment and the restrictions and limitations set forth herein shall be binding upon Declarants, and their successors and assigns, and shall also

inure to the benefit of the Zoning Administrator of Fort Wayne (the “Zoning Administrator”) and the Plan Commission, together with any successor agency having zoning jurisdiction over the Real Estate. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarants and their successors and assigns as owners of the Real Estate, and shall have an initial term of twenty-five (25) years, with successive terms of ten (10) years each unless terminated pursuant to the provisions of Section 5 below.

7. **Enforcement.** Any violation of this Commitment shall be deemed a violation of the Ordinance. Pursuant to I.C. 36-7-4-1015, the Plan Commission, or any enforcement official designated by the Ordinance, shall be entitled to enforce this Commitment, at law or in equity, in the event of any breach of the obligations contained herein; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel the enforcement of this Commitment by the Plan Commission or any enforcement official designated by the Ordinance, or any successor agency having zoning jurisdiction over the Lots. The Plan Commission, or any enforcement official designated by the Ordinance, shall have the remedies provided for in the Ordinance, or the ordinance covering 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.

8. **Modification and Termination.** This Commitment may be amended or terminated upon application by any persons who own the Real Estate, or any portion thereof, and only with the prior written consent of the Plan Commission, following a public hearing to consider said amendment or termination. This Commitment shall not be amended or terminated unless, after the public hearing, the Plan Commission makes the following determinations as part of its consent: (i) implementation of the amendment or termination will not be injurious to the public health, safety and general welfare of the owners of real property in the Westlawn Addition Section D, and (ii) the use and value of the real property adjacent to the Real Estate will not be affected in a substantially adverse manner by implementation of the amendment or termination.

9. **Effective Date.** This Commitment shall be effective upon being duly recorded in the Office of the Recorder of Allen County, Indiana.

10. **Statutory Authority.** This Commitment is made by Declarants pursuant to I.C. §36-7-4-1015.

11. **Governing Law.** This Commitment, including the restrictions and covenants contained herein, shall be governed by the laws of the State of Indiana.

12. **Counterparts.** This Commitment may be executed in multiple counterparts, and transmitted via email or facsimile, each of which shall be deemed an original and all of which together shall constitute one instrument.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Declarant hereby agree to all of the restrictions and covenants of this Commitment as set forth above.

DECLARANT:

SCOTT O. LOUGHEED
ROBIN R. LOUGHEED

Date: _____

By: _____
Scott O. Lougheed

Date: _____

By: _____
Robin R. Lougheed

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____, 2025, personally appeared Scott O. Lougheed and Robin R. Lougheed, and acknowledged the execution of the foregoing Written Commitment.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

_____, Notary Public
A resident of _____ County

This instrument prepared by Susan E. Trent, Attorney at Law

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Susan E. Trent*

Return to:

RLW Box

EXHIBIT A

LEGAL DESCRIPTION OF REAL ESTATE

Parts of Lots 209, 210 and Lots 216 - 219 in Westlawn, Section D, an Addition to the City of Fort Wayne, Indiana, the plat of which is recorded in Plat Book 23, page 42 as found in the Office of the Recorder of Allen County Indiana, said parts being depicted on Wightman Surveying, Inc. survey #242623, dated January 3, 2025, and being more particularly described as follows:

Commencing at a 1" bar at the Southwest corner of the Southeast Quarter of Section 1, Township 30 North, Range 11 East in Allen County, Indiana; thence North 01 degree 07 minutes 14 seconds East, on the West line of said Southeast Quarter, as depicted on Indiana Department of Transportation R/W Plans for Project No. MG STP-4402 (013), a distance of 440.00 feet; thence South 89 degrees 45 minutes 15 seconds East, 40.00 feet to the Northwest corner of said Lot 209; thence continuing South 89 degrees 45 minutes 15 seconds East, on the North line of said Lot 209, a distance of 12.49 feet to the Point of Beginning at the Northeast corner of a 1,249-square foot right-of-way parcel described in Document #207032855; thence continuing South 89 degrees 45 minutes 15 seconds East, on said North line, 187.51 feet to the Northeast corner of said Lot 209; thence South 01 degree 07 minutes 14 seconds West, on the East line of said Lots 209, and 210, a distance of 200.00 feet to the Southeast corner of said Lot 210; thence South 89 degrees 45 minutes 15 seconds East, on the North line of said Lots 218 and 217, a distance of 200.00 feet to the Northeast corner of said Lot 217; thence South 01 degree 07 minutes 14 seconds West, on the East line of said Lot 217, a distance of 80.00 feet to the Northwest corner of said Lot 216; thence South 89 degrees 45 minutes 15 seconds East, on the North line of said Lot 216, a distance of 160.65 feet to the Easterly right-of-way line of Omaha Drive, being a non-tangent curve to the left having a radius of 65.00 feet and a chord of 76.48 feet bearing South 26 degrees 46 minutes 51 seconds East; thence Southeasterly, on said Westerly right-of-way line and curve, an arc distance of 81.76 feet to the Northeasterly corner of a 0.485-acre right-of-way parcel described in Document #2008002573; thence along the Northerly and Easterly lines of said right-of way parcel by the following 4 courses: North 89 degrees 45 minutes 15 seconds West, 82.25 feet; thence North 86 degrees 49 minutes 45 seconds West, 450.06 feet; thence North 45 degrees 09 minutes 38 seconds West, 30.91 feet; thence North 07 degrees 41 minutes 59 seconds West, 104.45 feet to a point on the South line of said Lot 210 , also being the Southeasterly corner of a 1,839-square foot right-of-way parcel described in Document #2007058232; thence continuing North 07 degrees 41 minutes 59 seconds West, on the Easterly line of said 1,839-square foot right-of-way parcel, 88.11 feet; thence continuing on said Easterly line, North 01 degree 07 minutes 14 second East 12.72 feet to a point on the South line of said Lot 209, also being the Southeasterly corner of the aforementioned 1,249 square foot right-of-way parcel; thence continuing North 01 degree 07 minutes 14 seconds East, on the Easterly line thereof, 100.00 feet to the Point of Beginning, containing 2.212 acres, more or less, and subject to easements and rights-of-way of record.

EXHIBIT B

PROHIBITED C-1 USES

Adult Care Center	Assisted living facility
Auction service	Bank
Barber shop	Barber/beauty school
Bed and breakfast	Blood bank
Blood or plasma donor facility	Boarding house
Business training	Campus housing (off-site)
Child care center	Child care home (class I or II)
Clinic	Community garden
Copy service	Correctional services facility
Credit union	Customer service facility
Day care	Day spa
Dentist	Diagnostic center
Doctor	Dormitory
Driving Instruction	Educational institution
Employment agency	Fitness center
Fraternity house	Funeral home
Group residential facility (large)	Group residential facility (small)
Health club	Homeless shelter
Hospice care center	Hospital
Laboratory	Live-work unit
Medical training	Model unit
Multiple family complex	Multiple family dwelling
Museum	Nail salon
Neighborhood facility	Nursing home
Ophthalmologist	Optician
Optometrist	Parking area (off-site)
Physical therapy facility	Podiatrist
Public transportation facility	Residential dwelling unit
Residential facility for homeless individuals (up to 8)	Savings and loan
Security service	Sleep disorder facility
Social service agency	Sorority house
Surgery center	Tanning salon
Television station	Townhouse complex
Treatment center	Universally permitted use
Wind Energy conversion system (micro)	Zoo

BILL NO. Z-25-01-18

REPORT OF COMMITTEE ON REGULATIONS

March 4, 2025

Michelle Chambers Chair
Thomas Freistroffer Co-Chair
All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. C-06 (Sec. 1 of Aboite Township)

To rezone 0.87 acres from R1/Single Family Residential to C1/Professional Office and Personal Services at 1009 and 1017 South Hadley Road, to allow for a 3-lot office park (2.2 acres overall)

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>
<u>BENDER</u>	<u> </u>	<u> </u> <i>Michelle Chambers</i>	<u> </u>
<u>BOOKER</u>	<u> </u> <i>Booker</i>	<u> </u>	<u> </u>
<u>CHAMBERS</u>	<u> </u> <i>[Signature]</i>	<u> </u>	<u> </u>
<u>ENSLEY</u>	<u> </u> <i>[Signature]</i>	<u> </u>	<u> </u>
<u>FREISTROFFER</u>	<u> </u> <i>Thomas Freistroffer</i>	<u> </u>	<u> </u>
<u>HARTMAN</u>	<u> </u> <i>[Signature]</i>	<u> </u> <i>[Signature]</i>	<u> </u>
<u>JEHL</u>	<u> </u> <i>[Signature]</i>	<u> </u>	<u> </u>
<u>MYERS</u>	<u> </u> <i>[Signature]</i>	<u> </u>	<u> </u>
<u>PADDOCK</u>	<u> </u> <i>[Signature]</i>	<u> </u>	<u> </u>

LANA R. KEESLING
CITY CLERK

Lana R. Keesling

Public Hearing Date: N/A

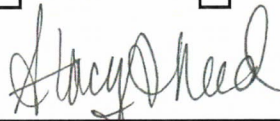
Read the first time in full and on motion by Councilperson Chambers.

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

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

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOOKER	<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"/>
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"/>
HARTMAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MYERS	<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"/>

DATED: March 11, 2025

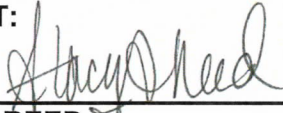


STACY REED, DEPUTY CITY CLERK

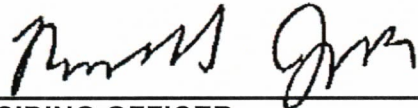
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Zoning Ordinance No. Z-25-01-18 on the 11th day of March, 2025

ATTEST:

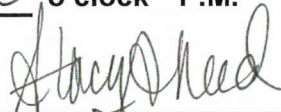


STACY REED
DEPUTY CITY CLERK



PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of March 2025, at the hour of 2:20 o'clock P.M. E.S.T.



STACY REED, DEPUTY CITY CLERK

Approved and signed by me this 13th day of March 2025, at the hour of 1:51 o'clock P.M. E.S.T.


SHARON TUCKER, MAYOR