

1 #REZ-2025-0004

2 BILL NO. Z-25-02-07

3 ZONING MAP ORDINANCE NO. Z- FAILED

4 AN ORDINANCE amending the City of Fort Wayne  
5 Zoning Map No. V30 (Sec. 22 of St. Joseph 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 **Legal Description (4800 Maplecrest Road Fort Wayne, IN)**

11 Parcel I: (Fee Simple)

12 A parcel of land located in the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East  
13 in Allen County, Indiana and more particularly described as follows: Commencing at the Southwest corner  
14 of the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East as now described; thence  
15 North 00 degrees 00 minutes East (bearing basis for description) along the West line of said Southwest  
16 One-Quarter, a distance of 1297.00 feet to the point of beginning. Beginning at the above described point;  
17 thence continue North 89 degrees 36 minutes 00 seconds East along the South line of Maplewood downs,  
18 Section II as recorded in Plat Book 29, page 121, in the office of the recorder of Allen County, Indiana, a  
19 distance of 505.0 feet; thence South, a distance of 110.00 feet; thence South 29 degrees 30 minutes 00  
20 seconds West, a distance of 122.67 feet to the North line of a parcel of land owned by SV Ventures in doc.  
21 #960025025; thence North 74 degrees 49 minutes 38 seconds West along said North line, a distance of  
22 21.76 feet to the Northwest corner of said parcel; thence South 15 degrees 10 minutes 22 seconds West  
along the West line of said parcel, a distance of 31.88 feet; thence North 74 degrees 47 minutes 42  
seconds West, a distance of 242.10 feet; thence on a curve to the left having a radius of 151.50 feet an arc  
length of 41.26 feet and being subtended by a chord of 41.13 feet, bearing North 82 degrees 35 minutes  
51 seconds West; thence South 89 degrees 36 minutes 00 seconds West, a distance of 100.72 feet to a  
point on the East right-of-way line of Maplecrest road as found in doc. #970017308 and doc. #970024200;  
thence North 00 degrees 14 minutes 58 seconds West along said right-of-way line, a distance of 23.22  
feet; thence South 90 degrees 00 minutes West along the North line of right-of-way in doc. #970017308, a  
distance of 40.0 feet to a point on the West line of said Southwest One-Quarter; thence North 00  
degrees 00 minutes East along said West line, a distance of 147.0 feet to the point of beginning, containing  
2.182 acres of land, more or less.

23 EXCEPT THAT PART CONVEYED TO Fort Wayne City Utilities, by Limited Partnership Warranty Deed  
24 recorded June 18, 2024, as Instrument No. 2024030988, in the Office of the Recorder of Allen County,  
25 Indiana, described as follows, to-wit: Part of the Southwest Quarter of Section 22, Township 31 North,  
26 Range 13 East, in Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana  
27 Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 149-114 "B", dated May  
28 14, 2024; and being more particularly described as follows, to-wit: Commencing at the Southwest corner  
29 of said Section. 22; thence North 00 degrees 07 minutes 04 seconds East (bearings in this description arc  
30 based on a deed bearing of North 00 degrees 04 minutes 32 seconds West for the East line of line West  
Half of said Southwest Quarter), on and along the West line of said Southwest Quarter and within the  
right-of-way of Maplecrest Road, a distance of 1297.09 feet; thence North 89 degrees 36 minutes 00  
seconds East, on and along the South line of Maplewood Downs, Section II, as recorded in Plat Record 29,  
pages 121-123, in the Office of said Recorder, a distance of 314.83 feet to a #5 rebar at the true point of  
beginning; thence North 89 degrees 36 minutes 00 seconds East, continuing on and along said North line,  
a distance of 609.09 feet to a #5 rebar at the Northeast corner of a 2.010 acre base tract of real estate

1 described in a deed to 219 Sackman, L.P., in Document Number 2023000593 in the Office of said  
2 Recorder; thence South 36 degrees 47 minutes 30 seconds West, on and along an East line of said 2.010  
3 acre base tract, a distance of 297.87 feet to a #5 rebar; thence South 83 degrees 31 minutes 02 seconds  
4 West, on and along a South Line of said 2.010 acre base tract, a distance of 23.50 feet to a #5 rebar;  
5 thence- South 01 degrees 06 minutes 25 seconds East on and along an last line of said 2.010 acre base  
6 tract, a distance of 53.93 feet to a #5 rebar at the most Southerly corner thereof) thence North 74  
7 degrees 49 minutes 38 seconds West, on and along a South line of said 2.010 acre base tract and the  
8 South line of a 2.182 acre base tract of real estate described in a deed to 219 Sackman, L.P., in Document  
9 Number 2023000593, in the Office of said Recorder; a distance of 310.00 feet to a #5 rebar at a South  
10 corner of said 2182 acre base tract; thence South 15 degrees 10 minutes 22 seconds West, on and along  
11 an East line of said 2.182 acre base tract a distance of 31.88 feet to a #5 rebar at the most Southerly  
12 corner thereof; thence North 74 degrees 47 minutes 42 seconds West, on and along the South line of said  
13 2.182 acre base tract, a distance of 242.10 feet to a #5 rebar at the point of curvature of a tangent  
14 circular curve to the left having a radius of 151.50 feet; thence Northwesterly, continuing on and along  
15 said South line, as defined by the arc of said curve, an arc distance of 41.26 feet, being subtended by a long  
16 chord having a length of 41.13 feet and a bearing of North 82 degrees 35 minutes 51 seconds West to a  
17 survey nail; thence North 89 degrees 07 minutes 38 seconds East, a distance of 126.52 feet to a #5 rebar;  
18 thence North 43 degrees 51 minutes 45 seconds East, a distance of 69.29 feet to a #5 rebar; thence  
19 North 00 degrees 24 minutes 00 seconds West, a distance of 119.83 feet to the true point of beginning,  
20 containing 3.011 acres of land.

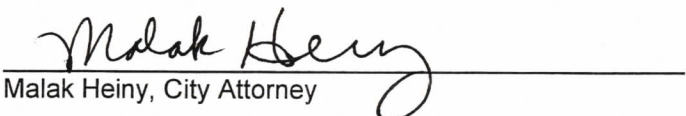
21 Parcel II: (Easement)  
22 A non-exclusive easement for pedestrian and vehicular ingress and egress as set forth in Reciprocal  
23 Access Easement Agreement dated January 3, 2023, and recorded January 6, 2023, in Instrument Number  
24 2023000597 in the Office of the Recorder of Allen County, Indiana.

25 and the symbols of the City of Fort Wayne Zoning Map No. V30 (Sec. 22 of St. Joseph  
26 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne,  
27 Indiana is hereby changed accordingly.

28 SECTION 2. If a written commitment is a condition of the Plan Commission's  
29 recommendation for the adoption of the rezoning, or if a written commitment is modified and  
30 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**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2025-0004  
Bill Number: Z-25-02-07  
Council District: 1 – Paul Ensley

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Introduction Date: February 25, 2025  
Plan Commission  
Public Hearing Date: March 10, 2025 (not heard by Council)  
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

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Synopsis of Ordinance: To rezone 1.18 acres from R1/Single Family Residential and C2/Limited Commercial to C3/General Commercial

Location: 4800 Maplecrest Road (Section 22 of St. Joseph Township)

Reason for Request: To permit a car wash.

Applicant: ERPO LLC (Jeff Justice)

Property Owner: 219 Sackman LP

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Related Petitions: Primary Development Plan – WhiteWater Car Wash

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Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which would permit a car wash.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential and C2/Limited Commercial, which does not permit a car wash. The site may continue with existing uses, and may be redeveloped with single family residential and limited commercial uses.

# Department of Planning Services Rezoning Petition Application

**Applicant**  
 Applicant EROP LLC (Jeff Justice)  
 Address 3130 N Kandy Lane Suite A  
 City Decatur State IL Zip 62526  
 Telephone 217-972-4296 E-mail JEFFJ@HYPERSHINECW.COM

**Property Ownership**  
 Property Owner 219 Sackman LP  
 Address c/o Sturges Property Group, 202 W Berry St Ste 500  
 City Fort Wayne State IN Zip 46802  
 Telephone 516-650-1759 E-mail chris@cwgdev.com

**Contact Person**  
 Contact Person Erin McMachen, Stonefield Engineering & Design  
 Address 555 S Old Woodward Ave Suite 12L  
 City Birmingham State MI Zip 48009  
 Telephone 248-247-1115 E-mail emcmachen@stonefieldeng.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 4800 Maplecrest Road Township and Section Sec. 22, T31N, R13E  
 Present Zoning C-2 & R-1 Proposed Zoning C-3 Acreage to be rezoned 1.18  
 Purpose of rezoning (attach additional page if necessary) Existing vacant land has been undeveloped due to the split zoning. Proposed C-3 Zone allows for an outlot development of the existing shopping center consistent with the Future Land Use Map. Proposed Car Wash is a Permitted Use within C-3.  
 Sewer provider City Water provider City

**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

Jeff Justice Jeff Justice 1/13/2025  
 (printed name of applicant) (signature of applicant) (date)  
 219 Sackman LP by chris gerhart 219 Sackman LP by Chris Gerhart 1/13/2025  
 (printed name of property owner) (signature of property owner) (date)



Received <u>1/27/25</u>	Receipt No. <u>146999</u>	Hearing Date <u>3-10-25</u>	Petition No. <u>REZ-2025-0004</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](http://www.allencounty.us) • [www.cityoffortwayne.org](http://www.cityoffortwayne.org)



## Department of Planning Services Rezoning Questionnaire

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

(1) The Comprehensive Plan;

Per the "All In Allen" Fort Wayne-Allen County Comprehensive Plan March 2023, Generalized Future Land Use Map, the site is designated as "Community Commercial". Primary Land Uses include High-Intensity Business, Service, Retail. A car wash development meets the intent of this Future Land Use Designation.

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

Existing site is vacant land, an out lot of an existing shopping center also designated as "Community Commercial" in the Future Land Use Map. The proposed rezone would allow for a cohesive commercial development.

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

Proposed Car Wash.

(4) The conservation of property values throughout the jurisdiction;

The proposed development is located on Maplecrest Road, a 4-lane divided highway servicing many commercial developments. There are two (2) single family homes bordering the development to the North. Currently there is some existing fencing on the residential properties. Under the proposed development, multiple methods of screening will be provided including a 6 FT vinyl fence, berm, greenbelt buffer and dense landscaping. The car wash will abide by all lighting and noise requirements to ensure no detriment to neighboring parcels.

(5) Responsible development and growth.

WhiteWater Car Wash utilizes eco-friendly detergents and cleaning products. The car wash is equipped with a 3-tank reclamation system, treating waste water per state standards prior to discharging to the public system. The development will provide local employment and tax revenue to the City.

### COMPLETE FILING TO INCLUDE:

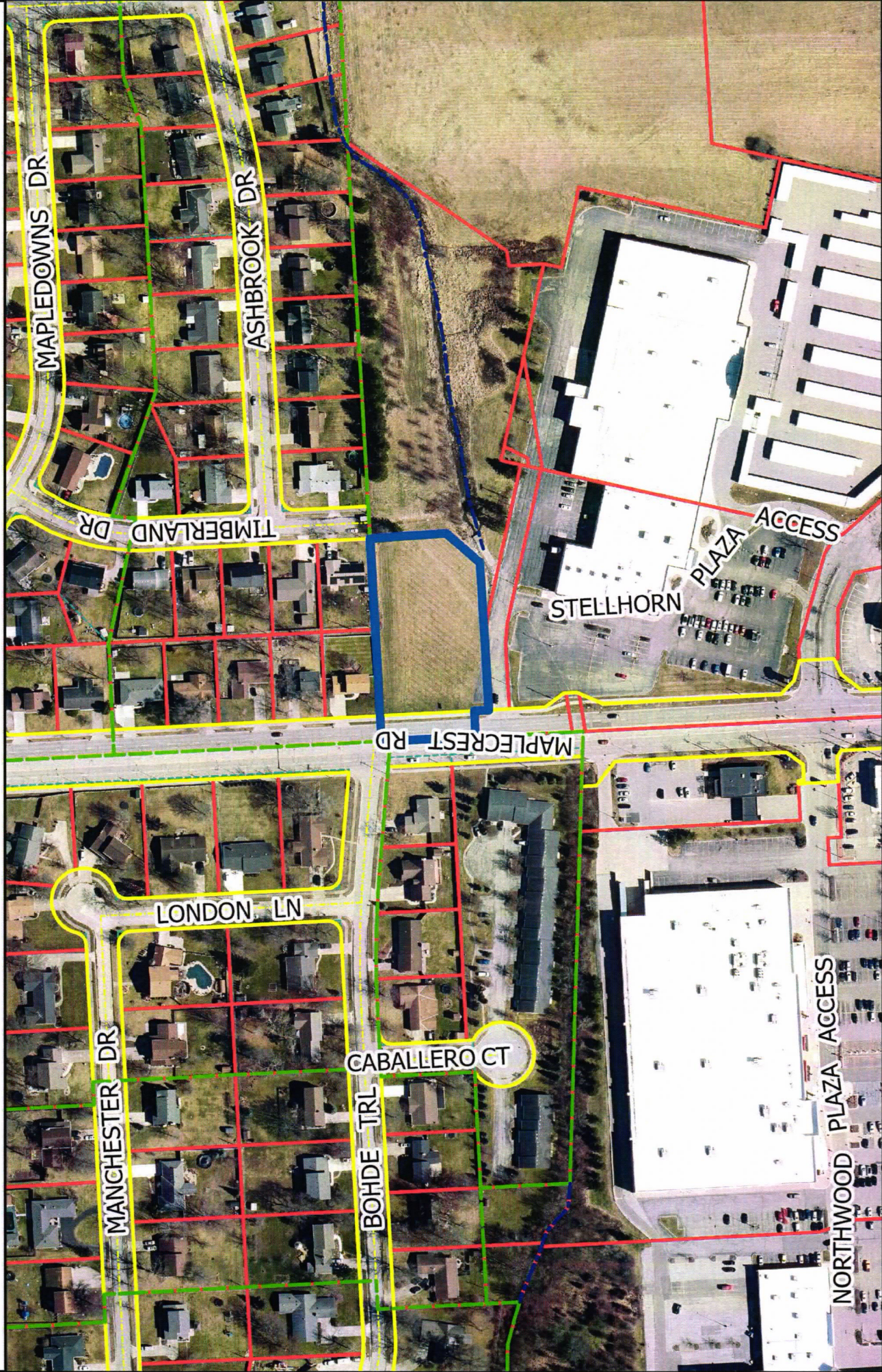
- Filing Fee
- Complete application signed by property owner\*
- Legal description (in Word document format)\*
- Boundary/Utility Survey\*
- Rezoning Criteria \*
- Written Commitment (if applicable)\*

*\*All documents may be digital*





Rezoning Petition REZ-2025-0004 and Primary Development Plan PDP-2025-0004 - Whitewater Car Wash



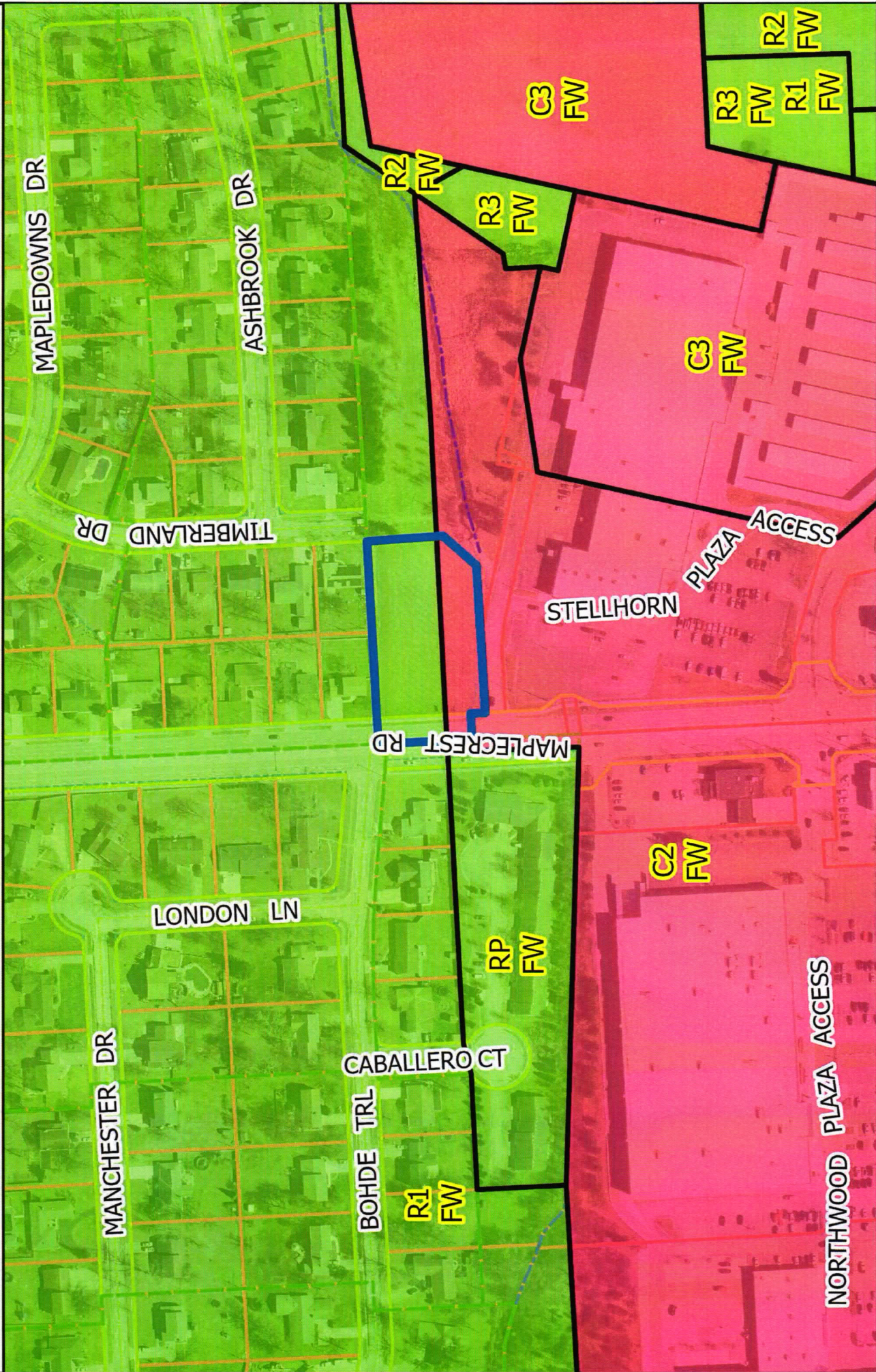
Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen  
 State Plane Coordinate System, Indiana East  
 Photos and Contours, Spring 2009  
 Date: 3-17-2024





Rezoning Petition REZ-2025-0004 and Primary Development Plan PDP-2025-0004 - Whitewater Car Wash



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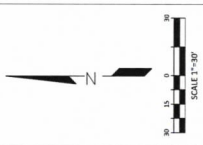
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 State Plane Coordinate System, Indiana East  
 Photos and Contours: Spring 2009  
 Date: 2/1/2025







DATE	
BY	



# 4800 MAPLECREST ROAD FOR STONEFIELD FORT WAYNE, INDIANA

SURVEYED BY: B.S.  
DATE: NOVEMBER 7, 2023  
CREATED BY: A.L.L.

**ALTA / NSPS  
SURVEY**

1 OF 1

SHEET  
PROJECT NO. 11775



**REPORT:**

This survey was performed in accordance with the Indiana Administrative Code, the International Surveying Board (ISB) Standards, and the International Professional Surveyors Association (IPSA) Standards. The survey was performed on the same date as the 95 percent completion of the project.

(1) Reference measurements of record  
(2) Inference of active lines of occupancy  
(3) Reference to previous surveys, "As"

The Indiana Professional Surveyors Association (IPSA) requires that a copy of this survey be filed with the Indiana State Board of Surveying. The survey was performed on the same date as the 95 percent completion of the project.

In regard to "ACTIVITIES OF OCCUPANCY" (point 1) above, ALL activities in this area have been observed and recorded. The surveyor has observed and recorded all activities in this area. The surveyor has observed and recorded all activities in this area. The surveyor has observed and recorded all activities in this area.

This survey is a final survey and shall be used for all purposes. The surveyor is not responsible for any errors or omissions in this survey. The surveyor is not responsible for any errors or omissions in this survey. The surveyor is not responsible for any errors or omissions in this survey.

This survey was performed in the month of November 2023. The survey was performed in the month of November 2023. The survey was performed in the month of November 2023.

**MAPLEWOOD DRIVE**

1. Maplewood Drive, Section 1, Part book 29, Page 221  
2. Maplewood Drive, Section 1, Part book 29, Page 221  
3. Subject and adjoining sections of record

**MARKERS & BOUNDS**

1. Monument located at the intersection of the subject property and the subject property.  
2. Monument located at the intersection of the subject property and the subject property.  
3. Monument located at the intersection of the subject property and the subject property.  
4. Monument located at the intersection of the subject property and the subject property.  
5. Monument located at the intersection of the subject property and the subject property.

**REMARKS:**

1. The survey was performed in the month of November 2023.  
2. The survey was performed in the month of November 2023.  
3. The survey was performed in the month of November 2023.  
4. The survey was performed in the month of November 2023.  
5. The survey was performed in the month of November 2023.

**STATEMENT OF ENCROACHMENTS:**

The surveyor has observed and recorded all encroachments in this area. The surveyor has observed and recorded all encroachments in this area. The surveyor has observed and recorded all encroachments in this area. The surveyor has observed and recorded all encroachments in this area. The surveyor has observed and recorded all encroachments in this area.

**EASEMENT NOTES:**

1. The surveyor has observed and recorded all easements in this area. The surveyor has observed and recorded all easements in this area. The surveyor has observed and recorded all easements in this area. The surveyor has observed and recorded all easements in this area. The surveyor has observed and recorded all easements in this area.

**EXEMPTION NOTES:**

1. The surveyor has observed and recorded all exemptions in this area. The surveyor has observed and recorded all exemptions in this area. The surveyor has observed and recorded all exemptions in this area. The surveyor has observed and recorded all exemptions in this area. The surveyor has observed and recorded all exemptions in this area.

**DESCRIPTION**

Parcel 19 is located in the Southwest Quarter of Section 22, Township 33 North, Range 13 East of the Indiana Meridian. The parcel is bounded by the following: to the north by the boundary of Parcel 18, to the east by the boundary of Parcel 20, to the south by the boundary of Parcel 17, and to the west by the boundary of Parcel 16. The parcel is bounded by the following: to the north by the boundary of Parcel 18, to the east by the boundary of Parcel 20, to the south by the boundary of Parcel 17, and to the west by the boundary of Parcel 16.

The parcel is bounded by the following: to the north by the boundary of Parcel 18, to the east by the boundary of Parcel 20, to the south by the boundary of Parcel 17, and to the west by the boundary of Parcel 16. The parcel is bounded by the following: to the north by the boundary of Parcel 18, to the east by the boundary of Parcel 20, to the south by the boundary of Parcel 17, and to the west by the boundary of Parcel 16.

The parcel is bounded by the following: to the north by the boundary of Parcel 18, to the east by the boundary of Parcel 20, to the south by the boundary of Parcel 17, and to the west by the boundary of Parcel 16. The parcel is bounded by the following: to the north by the boundary of Parcel 18, to the east by the boundary of Parcel 20, to the south by the boundary of Parcel 17, and to the west by the boundary of Parcel 16.

**EXEMPTION**

1. The surveyor has observed and recorded all exemptions in this area. The surveyor has observed and recorded all exemptions in this area. The surveyor has observed and recorded all exemptions in this area. The surveyor has observed and recorded all exemptions in this area. The surveyor has observed and recorded all exemptions in this area.

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**CERTIFICATION**

I, the undersigned, being a duly licensed and sworn-in Professional Land Surveyor for the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client. I have observed and recorded all encroachments and easements in this area. I have observed and recorded all encroachments and easements in this area. I have observed and recorded all encroachments and easements in this area.

I, the undersigned, being a duly licensed and sworn-in Professional Land Surveyor for the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client. I have observed and recorded all encroachments and easements in this area. I have observed and recorded all encroachments and easements in this area. I have observed and recorded all encroachments and easements in this area.

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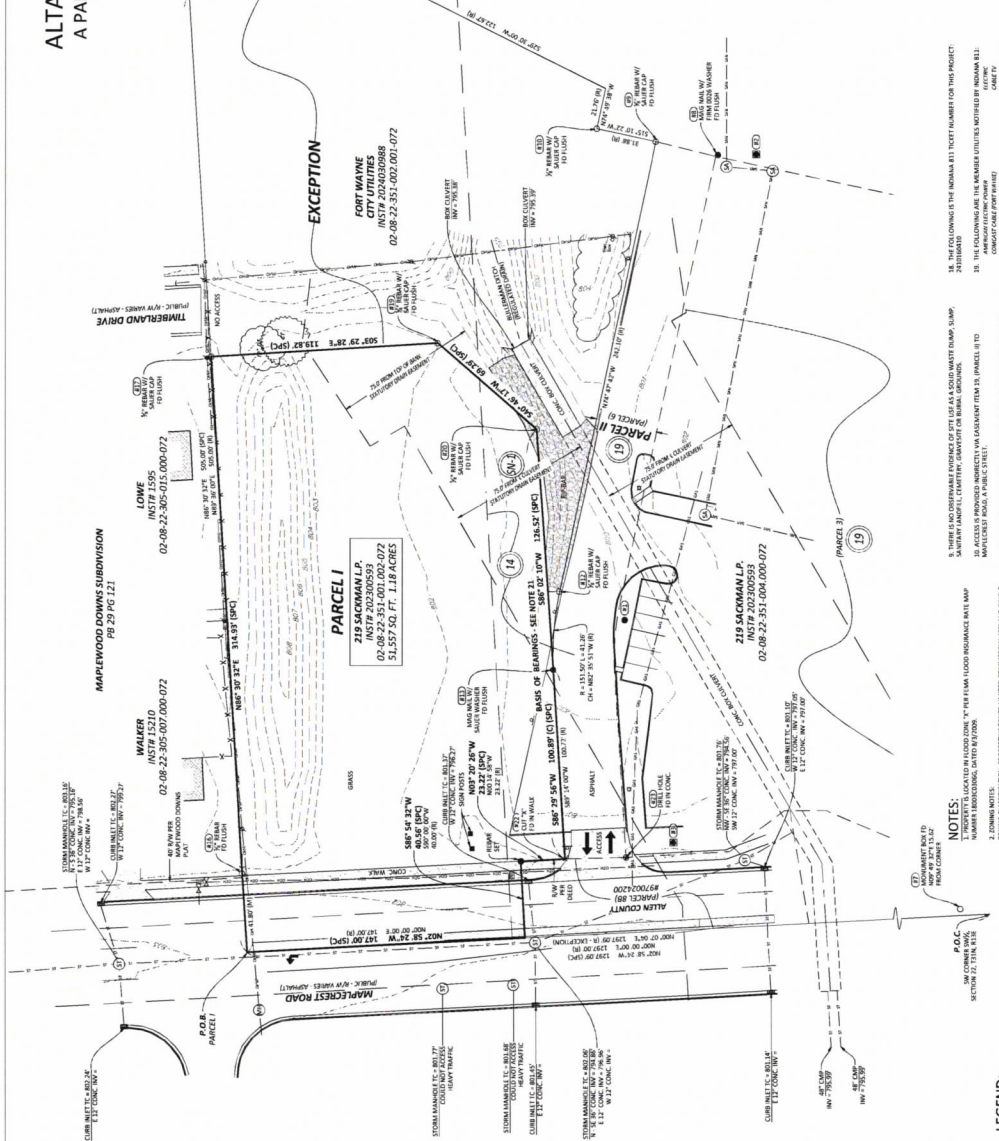
**CONTROL POINTS:**

POINT #	COORDINATES	ELEVATION	DESCRIPTION
1	214509.47	495.02	5/8" CAP ALUMINUM
2	214509.47	495.02	5/8" CAP ALUMINUM
3	214509.47	495.02	5/8" CAP ALUMINUM
4	214509.47	495.02	5/8" CAP ALUMINUM
5	214509.47	495.02	5/8" CAP ALUMINUM
6	214509.47	495.02	5/8" CAP ALUMINUM
7	214509.47	495.02	5/8" CAP ALUMINUM

DATE OF SURVEY: NOVEMBER 7, 2023

BY: [Signature]

PROFESSIONAL LAND SURVEYOR NO. 123456789



- NOTES:**
2. ZONING: THE PROPERTY IS ZONED COMMERCIAL (C-2) AND IS SUBJECT TO THE CITY OF FORT WAYNE ZONING ORDINANCES.
  3. EASEMENTS: THERE ARE NO EASEMENTS NOTED ON THIS SURVEY MAP.
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**PROPOSED**  
**WRITTEN COMMITMENT**

**THIS WRITTEN COMMITMENT** ("Commitment") is made this \_\_\_ day of January, 2025 by EROP LLC, an Illinois limited liability company (the "Declarant").

**WITNESSETH:**

**WHEREAS**, Declarant is the owner of approximately 1.22 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 submitted a rezoning petition with respect to the Real Estate to rezone the Real Estate from R1 and C2 to C3, bearing number REZ-2025-\_\_\_\_ (the "Petition"), which Petition has been approved by the City of Fort Wayne Plan Commission (the "Plan Commission (the "Plan Commission") and the Fort Wayne Common Council ("City Council"); and

**WHEREAS**, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

**WHEREAS**, in conjunction with the Petition, the Plan Commission has accepted Declarant's offer of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office upon approval of the Petition by the Plan Commission and City Council.

-

**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 the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Prohibited Uses. Subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:

- 1) Adult care center
- 2) Adult care home
- 3) Assisted living facility
- 4) Auction service
- 5) Boarding/lodging house
- 6) Campus housing
- 7) Catalog showroom
- 8) Child care home (class I or II)
- 9) Dating service
- 10) Day care
- 11) Educational institution
- 12) Fraternity house
- 13) Group residential facility (small)
- 14) Homeless/emergency shelter
- 15) Hospital
- 16) Multiple family complex
- 17) Multiple family dwelling
- 18) Nursing home
- 19) Radio station
- 20) Residential facility for homeless individuals
- 21) Retirement facility
- 22) School
- 23) Security service
- 24) Social service agency
- 25) Sorority house
- 26) Television station
- 27) Townhouse complex

- 28) Wind energy conversion system (micro) as a free standing entity without additional use of the land but permitted as incidental to another commercial use.
- 29) Flea Market
- 30) Gas Station
- 31) Go-Kart Facility
- 32) Golf course – miniature
- 33) Motor Vehicle auction
- 34) Pawn Shop
- 35) Residential dwelling unit
- 36) Riding Stable
- 37) Shooting range
- 38) Tobacco Store
- 39) Towing Service
- 40) Zipline
- 41) Zoo
- 42) Commercial Communication Tower but permitted as incidental to another permitted use
- 43) Home business
- 44) Manufactured home
- 45) Ground mounted solar panel arrays as a free standing entity without additional use of the land but permitted as incidental to another commercial use.
- 46) Tree Service
- 47) Wind towers as free standing sole use of the property but permitted if incidental to another commercial use
- 48) Manufactured homes
- 49) Utility facility – private – if this is sole use of the property but permitted if incidental to another commercial use

50) Wind Conversion system – if this is sole use of the property but permitted if incidental to another commercial use

2. Permitted Uses. Any use otherwise permitted in a C-3 zoning district pursuant to the Ordinance which is not expressly prohibited pursuant to Section 1 above shall be a permitted use upon the Real Estate.
3. Other Commitments: Declarant agrees that the landscaping, earthen berm, and fence on the earthen berm that is along the northern border of the premises shall remain, be maintained, and replaced if plants die in perpetuity.
4. Permits. No permits shall be issued under the zoning ordinance by the Zoning Administrator, or any successor agency having zoning jurisdiction over the Real Estate, 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.
5. Binding Effect, Modification, and Termination. This Commitment shall run with the Real Estate, and shall be binding upon the Declarant and each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated only by a decision of the Plan Commission, following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment. This Commitment may be modified or terminated by the Plan Commission making findings of fact that the proposed modification or termination is required because: (a) there is a substantial change in circumstances from the time of the original Commitment; (b) the proposed modification or termination is in substantial compliance with the Comprehensive Plan; (c) the proposed modification or termination is consistent with the Plan Commission's prior approval; and (d) the application of the terms of the original Commitment would cause an unnecessary hardship absent the modification or termination. Further, pursuant to I.C. 36-7-4-1015(b)(4), this Commitment shall automatically terminate if: (i) the zoning district

or classification applicable to the Real Estate is changed; or (ii) if the land use to which this Commitment relates is changed.

6. Recording. Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.
7. Enforcement. Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect 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 Plan Commission or any enforcement official designated in the zoning ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive. This Commitment may be enforced by any successor commission or enforcement official having zoning jurisdiction over the Real Estate.
8. 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.
9. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
10. Effective Date. The effective date ("Effective Date") of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

"DECLARANT"

EROP LLC

\_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Jeff Justice

Title: Assistant Manager

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 \_\_\_\_\_ and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_

THIS INSTRUMENT prepared by: Name and address\_\_\_\_\_.

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. Jeff Justice

**When Recorded, mail to: EROP LLC, 3130 N Kandy Lane, Ste A, Decatur, IL 62526**

## EXHIBIT "A"

### LEGAL DESCRIPTION OF REAL ESTATE

Parcel I: (Fee Simple)

A parcel of land located in the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East in Allen County, Indiana and more particularly described as follows: Commencing at the Southwest corner of the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East as now described; thence North 00 degrees 00 minutes East (bearing basis for description) along the West line of said Southwest One-Quarter, a distance of 1297.00 feet to the point of beginning. beginning at the above described point; thence continue North 89 degrees 36 minutes 00 seconds East along the South line of Maplewood downs, Section II as recorded in Plat Book 29, page 121, in the office of the recorder of Allen County, Indiana, a distance of 505.0 feet; thence South, a distance of 110.00 feet; thence South 29 degrees 30 minutes 00 seconds West, a distance of 122.67 feet to the North line of a parcel of land owned by SV Ventures in doc. #960025025; thence North 74 degrees 49 minutes 38 seconds West along said North line, a distance of 21.76 feet to the Northwest corner of said parcel; thence South 15 degrees 10 minutes 22 seconds West along the West line of said parcel, a distance of 31.88 feet; thence North 74 degrees 47 minutes 42 seconds West, a distance of 242.10 feet; thence on a curve to the left having a radius of 151.50 feet an arc length of 41.26 feet and being subtended by a chord of 41.13 feet, bearing North 82 degrees 35 minutes 51 seconds West; thence South 89 degrees 36 minutes 00 seconds West, a distance of 100.72 feet to a point on the East right-of-way line of Maplecrest road as found in doc. #970017308 and doc. #970024200; thence North 00 degrees 14 minutes 58 seconds West along said right-of-way line, a distance of 23.22 feet; thence South 90 degrees 00 minutes West along the North line of right-of-way in doc. #970017308, a distance of 40.0 feet to a point on the West line of said Southwest One-Quarter; thence North 00 degrees 00 minutes East along said West line, a distance of 147.0 feet to the point of beginning, containing 2.182 acres of land, more or less.

EXCEPT THAT PART CONVEYED TO Fort Wayne City Utilities, by Limited Partnership Warranty Deed recorded June 18, 2024, as Instrument No. 2024030988, in the Office of the Recorder of Allen County, Indiana, described as follows, to-wit: Part of the Southwest Quarter of Section 22, Township 31 North, Range 13 East, in Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 149-114 "B", dated May 14, 2024; and being more particularly described as follows, to-wit: Commencing at the Southwest corner of said Section. 22; thence North 00 degrees 07 minutes 04 seconds East (bearings in this description arc based on a deed bearing of North 00 degrees 04

minutes 32 seconds West for the East line of line West Half of said Southwest Quarter), on and along the West line of said Southwest Quarter and within the right-of-way of Maplecrest Road, a distance of 1297.09 feet; thence North 89 degrees 36 minutes 00 seconds East, on and along the South line of Maplewood Downs, Section II, as recorded in Plat Record 29, pages 121-123, in the Office of said Recorder, a distance of 314.83 feet to a #5 rebar at the true point of beginning; thence North 89 degrees 36 minutes 00 seconds East, continuing on and along said North line, a distance of 609.09 feet to a #5 rebar at the Northeast corner of a 2.010 acre base tract of real estate described in a deed to 219 Sackman, L.P., in Document Number 2023000593 in the Office of said Recorder; thence South 36 degrees 47 minutes 30 seconds West, on and along an East line of said 2.010 acre base tract, a distance of 297.87 feet to a #5 rebar; thence South 83 degrees 31 minutes 02 seconds West, on and along a South Line of said 2.010 acre base tract, a distance of 23.50 feet to a #5 rebar; thence- South 01 degrees 06 minutes 25 seconds East on and along an last line of said 2.010 acre base tract, a distance of 53.93 feet to a #5 rebar at the most Southerly corner thereof) thence North 74 degrees 49 minutes 38 seconds West, on and along a South line of said 2.010 acre base tract and the South line of a 2.182 acre base tract of real estate described in a deed to 219 Sackman, L.P., in Document Number 2023000593, in the Office of said Recorder, a distance of 310.00 feet to a #5 rebar at a South corner of said 2182 acre base tract; thence South 15 degrees 10 minutes 22 seconds West, on and along an East line of said 2.182 acre base tract a distance of 31.88 feet to a #5 rebar at the most Southerly corner thereof; thence North 74 degrees 47 minutes 42 seconds West, on and along the South line of said 2.182 acre base tract, a distance of 242.10 feet to a #5 rebar at the point of curvature of a tangent circular curve to the left having a radius of 151.50 feet; thence Northwesterly, continuing on and along said South line, as defined by the arc of said curve, an arc distance of 41.26 feet, being subtended by a long chord having a length of 41.13 feet and a bearing of North 82 degrees 35 minutes 51 seconds West to a survey nail; thence North 89 degrees 07 minutes 38 seconds East, a distance of 126.52 feet to a #5 rebar; thence North 43 degrees 51 minutes 45 seconds East, a distance of 69.29 feet to a #5 rebar, thence North 00 degrees 24 minutes 00 seconds West, a distance of 119.83 feet to the true point of beginning, containing 3.011 acres of land.

Parcel II: (Easement)

A non-exclusive easement for pedestrian and vehicular ingress and egress as set forth in Reciprocal Access Easement Agreement dated January 3, 2023, and recorded January 6, 2023, in Instrument Number 2023000597 in the Office of the Recorder of Allen County, Indiana.

# FACT SHEET

Case #REZ-2025-0004 Bill # Z-25-02-07 Project Start: February 2025

PROPOSAL:	Rezoning Petition REZ-2025-0004 – WhiteWater Car Wash
APPLICANT:	ERPO LLC (Jeff Justice)
REQUEST:	To rezone 1.18 acres from R1/Single Family Residential and C2/Limited Commercial to C3/General Commercial to permit a car wash.
LOCATION:	4800 Maplecrest Road (Section 22 of St. Joseph Township)
LAND AREA:	1.18 acres
PRESENT ZONING:	R1/Single Family Residential and C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	1 – Paul Ensley
SPONSOR:	Fort Wayne Plan Commission

### **March 10, 2025 Public Hearing**

- No one spoke in support.
- Four people spoke with concerns.
- One petition was received
- Karen Richards and Paul Sauerteig were absent.

### **March 17, 2025 Business Meeting**

#### **Plan Commission Recommendation: DO PASS, with a Written Commitment**

A motion was made by Patrick Zaharako and seconded by Rachel Tobin-Smith to return the ordinance with a Do Pass recommendation, with a written commitment, to Common Council for their final decision.

#### **7-0 MOTION PASSED**

- Karen Richards and Paul Sauerteig were absent.

Fact Sheet Prepared by:  
Karen Couture, Associate Land Use Planner  
April 7, 2025

## PROJECT SUMMARY

The applicant is requesting to rezone the parcel from R1/Single Family Residential and C2/Limited Commercial to approve a primary development plan for a car wash. The site is located on the northeast corner of Maplecrest Road and Stellhorn Plaza Access intersection. The site is adjacent to residential zoning to the north, east, and west. They consist of single-family residential subdivisions and a multiple family development (southwest). The properties to the south are zoned commercial and consist of multitenant commercial as well as a self-storage business (Stellhorn Plaza). Immediately east of the site is open land used as regional detention along the Bullerman Drain.

The submitted development plan consists of a 4,334 square foot carwash. Access is shown at two points, one directly onto Maplecrest and the other through the existing Stellhorn Plaza Access Road. Fort Wayne Traffic Engineering noted that access onto Maplecrest will be limited to right in right out only and a center median will be required to be installed. The car wash structure is located on the south side of the site with parking near the center. The drive to enter the car wash is located on the north side of the site adjacent to the residential subdivision. The applicant is proposing a landscape plan that includes trees and shrubs adjacent to the residential zoning districts. The applicant is also proposing a privacy fence along the north side of the property adjacent to the residential subdivision. The applicant submitted a draft written commitment that limits some of the more intense uses that would be permitted in the C3/General Commercial zoning district.

### 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

- None apply.

#### Generalized Future Land Use Map

- The project site is located within the Community Commercial generalized land use category.
- Adjacent properties are categorized as Suburban Neighborhood to the north and west. Community Commercial is adjacent to the east and south.

#### 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 C3/General Commercial which is considered compatible with Community Commercial and potentially compatible with Suburban Neighborhood. The applicant has included additional landscaping as well as a written commitment to limit some of the more intense uses on a site so close to residential homes.

**Other Applicable Plans:** None

**PUBLIC HEARING SUMMARY:**

Presenter: Brad Osborne (VP of Operations) presented the request as outlined above. Erin McMacken (Engineer for project) offered Written Commitment and continued landscaping along north property line.

Public Comments:

Ken Gumbert (6210 Bohde Trl): Concerns with traffic (people turn around in driveway); property values; safety.

Mike Crawshaw (4912 Forest Grove Dr): Concerns with traffic; safety; accessibility.

Kip Sipe (4619 Maple Terrace Pkwy): Concerns with losing existing buffer (vacant land); lights.

Randy Renken (6335 Mapledowns Dr): Concerns with increased traffic; wastewater drainage.

Rebuttal: Brad Osborne stated the company would like to have a community meeting and appreciate the public comments; the shopping center gave cross access; the open space does have an open drain and will go before the Allen County Drainage Board as required; the lighting will be turned off one-half hour before closing; water will be treated and released to the city stormwater drains.

To the Fort Wayne Department of Planning Services, this petition is a list of Bohde Grove Association property owners who oppose the idea of rezoning 4800 Maplecrest Road to C3/General Commercial for use as a carwash. The reason for opposition is as follows:

- Decreased property values
- Increased traffic on Maplecrest Road
- Increased noise in our neighborhood
- Increased hazards of entering and exiting our neighborhood
- We already have traffic in our neighborhood from non-residents who are using our streets as a turn-around due to a lack of a left turn possibility from the parking lot on the East side of Maplecrest Road. A car wash operating at this location would only make this turn-around traffic worse.

Property Owner's name:

Address:

Mark & Esther Filpus	6028 Manchester
Janet Willig	4911 Forest Grove
Emelinda Acosta	6125 Midwood Drive
Michael Acosta	6125 Midwood Dr.
Barb Blossom	4808 London Lane
Richard J. Blossom	4808 London Ln.
Latoria Jones	4918 London Lane
KAREN TAYLOR	5021 MAPLECREST
STEVE TAYLOR	5021 MAPLECREST
CHRIS MAST	MIDWOOD
Geraed & Irene Andem	6201 Manchester Dr.,
Daniel & Diana Peters	6123 Bohde Trail
Roselyn A. Anderson	6106 Bohde Trail
Emma Robinson	6103 Bohde Tr.
Adam Bohde	6010 Midwood Dr.
Katricia K. Robbins	6010 Midwood Dr.

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- Decreased property values
- Increased traffic on Maplecrest Road
- Increased noise in our neighborhood
- Increased hazards of entering and exiting our neighborhood
- We already have traffic in our neighborhood from non-residents who are using our streets as a turn-around due to a lack of a left turn possibility from the parking lot on the East side of Maplecrest Road. A car wash operating at this location would only make this turn-around traffic worse.

Property Owner's name:

Address:

<u>Gary Willig (Gary Willig)</u>	<u>4911 Forest Grove Drive</u>
<u>Jane Willig</u>	<u>6211 Manchester Dr.</u>
<u>Mike &amp; Cheryl Cranston (MIKE &amp; CHERI CRANSTON)</u>	<u>4912 FOREST GROVE DR</u>
<u>(Htet Oo) Htet Oo</u>	<u>4905 Timberland Dr.</u>
<u>Tameka Johnson</u>	<u>4831 Timberland Dr.</u>
<u>Mark [unclear]</u>	<u>6502 ASHBROOK DR</u>
<u>[unclear]</u>	<u>4915 TIMBERLAND DR</u>
<u>Mary Lou [unclear]</u>	<u>6408 Mapledowns Dr.</u>
<u>[unclear]</u>	<u>6407 Mapledowns Dr</u>
<u>[unclear]</u>	<u>6328 Mapledowns Dr</u>
<u>[unclear]</u>	<u>6318 mapledowns Dr.</u>
<u>[unclear]</u>	<u>6206 Midwood Drive</u>
<u>[unclear]</u>	<u>6206 midwood Drive</u>
<u>Ken Mast</u>	<u>6216 Midwood Drive</u>
<u>GARY [unclear]</u>	<u>6220 Bohde Trf</u>
<u>Robert [unclear]</u>	<u>6122 Bohde Trl</u>
<u>[unclear]</u>	<u>6038 BOHDE TRAIL</u>



City of Fort Wayne Common Council  
**DIGEST SHEET**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2025-0004  
Bill Number: Z-25-02-07  
Council District: 1 – Paul Ensley

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Introduction Date: February 25, 2025  
Plan Commission  
Public Hearing Date: March 10, 2025 (not heard by Council)  
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

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Synopsis of Ordinance: To rezone 1.18 acres from R1/Single Family Residential and C2/Limited Commercial to C3/General Commercial

Location: 4800 Maplecrest Road (Section 22 of St. Joseph Township)

Reason for Request: To permit a car wash.

Applicant: ERPO LLC (Jeff Justice)

Property Owner: 219 Sackman LP

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Related Petitions: Primary Development Plan – WhiteWater Car Wash

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Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which would permit a car wash.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential and C2/Limited Commercial, which does not permit a car wash. The site may continue with existing uses, and may be redeveloped with single family residential and limited commercial uses.

## FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

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### Rezoning Petition REZ-2025-0004 – Whitewater Car Wash

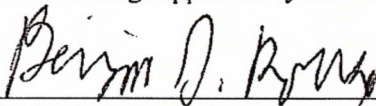
APPLICANT: EROP, LLC  
REQUEST: To rezone property from R1/Single Family Residential and C2/Limited Commercial to C3/General Commercial for a car wash.  
LOCATION: 4800 Maplecrest Road east of its intersection with Bohde Trail (Section 22 of St. Joseph Township)  
LAND AREA: 1.18 acres  
PRESENT ZONING: R1/Single Family Residential and C2/Limited Commercial  
PROPOSED ZONING: C3/General Commercial

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**The Plan Commission recommends that Rezoning Petition REZ-2025-0004 be returned to Council, with a Written Commitment, with a “Do Pass” recommendation after considering the following:**

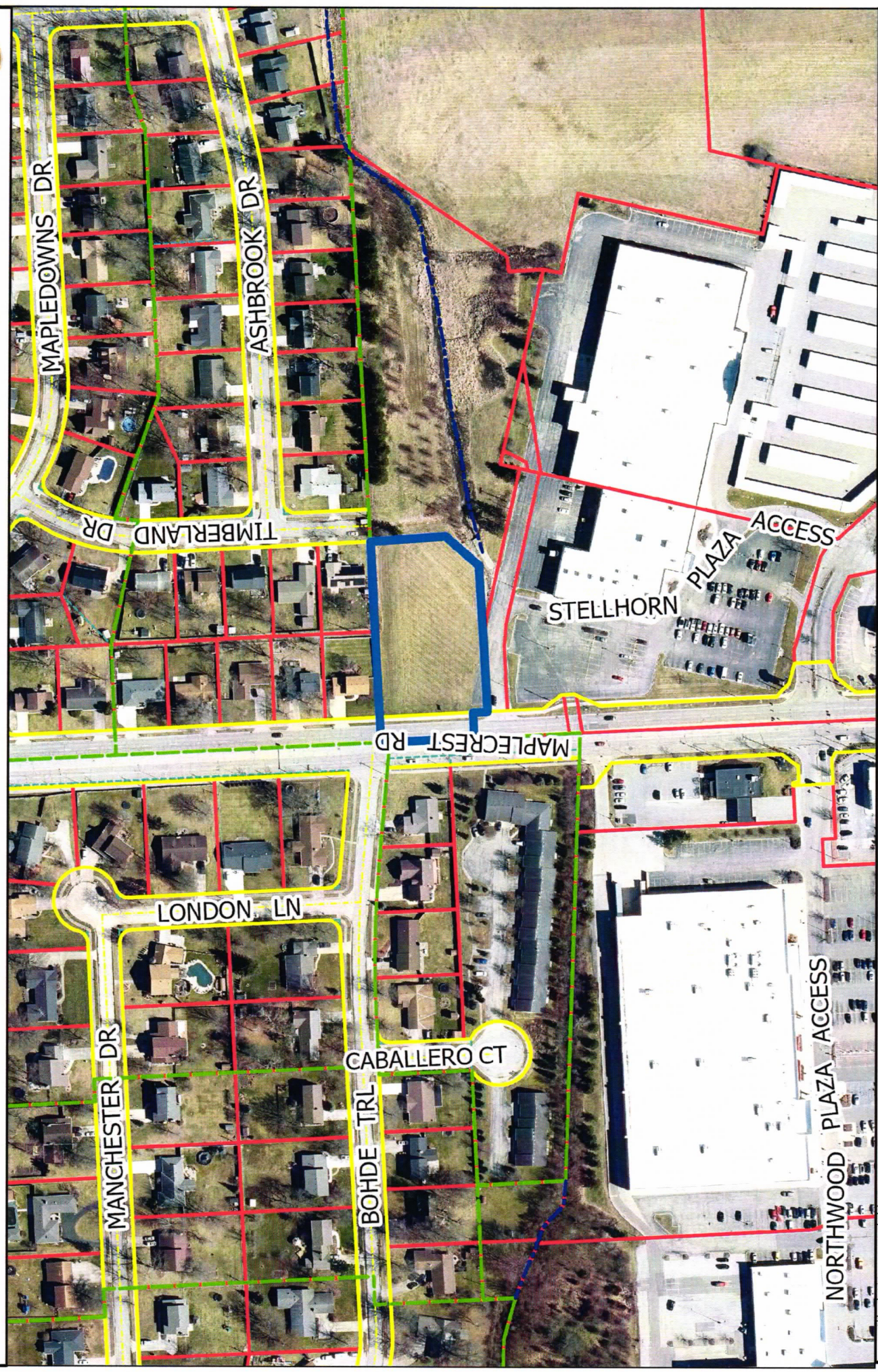
1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The petition includes a written commitment to limit incompatible intense retail uses that are otherwise permitted in the C3/General Commercial district. The rezoning petition will provide an amenity that is close in proximity to residential areas, which is a land use goal in the All in Allen Comprehensive Plan.
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 applicant is proposing a robust landscape plan including a privacy fence along the north property line which is adjacent to a single-family subdivision.
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 to the south and southeast. The new zoning gives the property owner flexibility to invest in the property commercially.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The site is served by adequate infrastructure and is a part of a developed shopping center. The site has never been developed. The development will be thoroughly reviewed by the appropriate agencies to ensure the development meets all applicable standards.

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

  
\_\_\_\_\_  
Benjamin J. Roussel  
Executive Director  
Secretary to the Commission

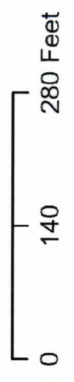


Rezoning Petition REZ-2025-0004 and Primary Development Plan PDP-2025-0004 - Whitewater Car Wash



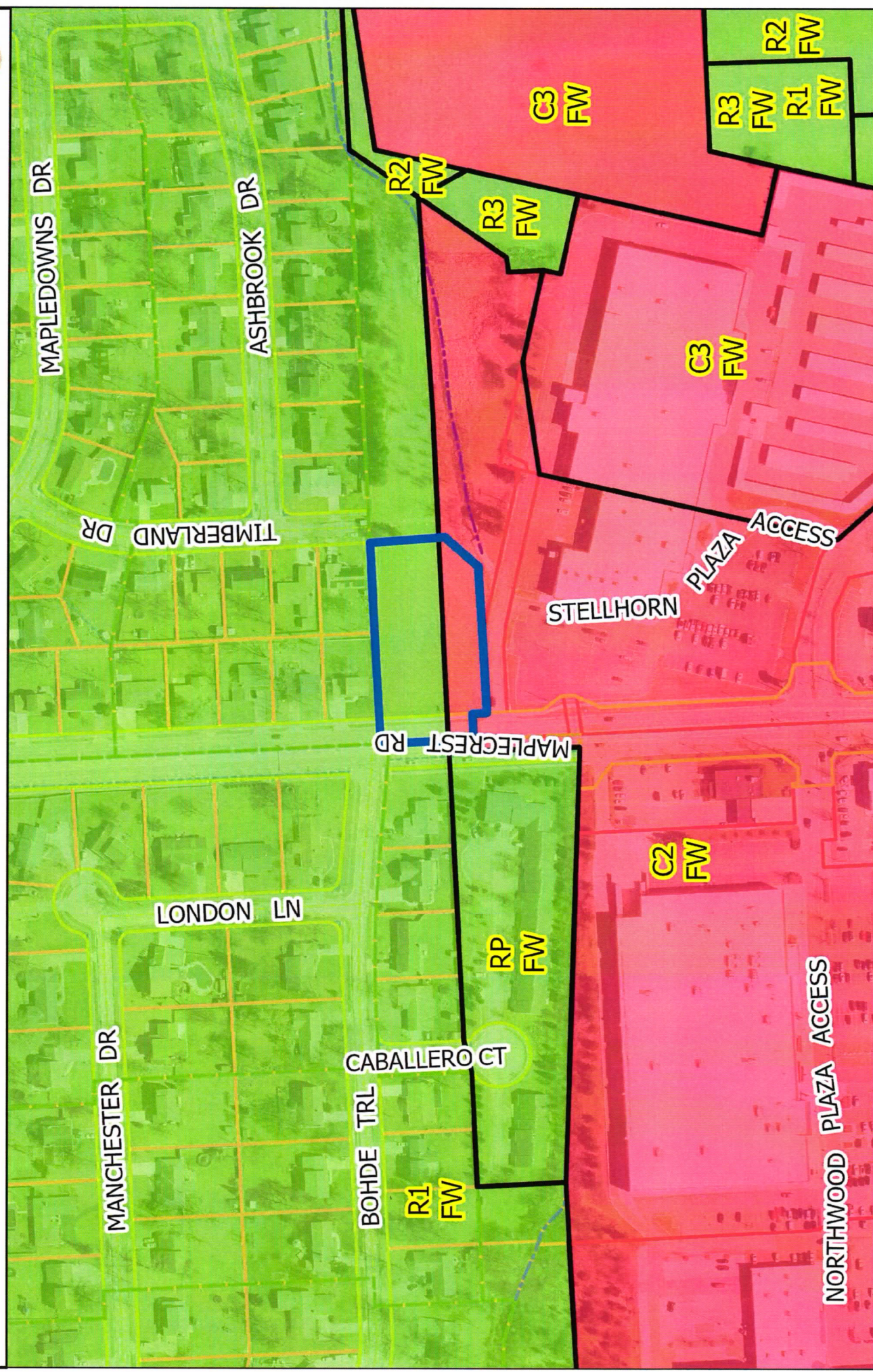
Although every accuracy standard has been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen  
 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Photos and Contours: Spring 2009  
 Date: 3/17/2025





Rezoning Petition REZ-2025-0004 and Primary Development Plan PDP-2025-0004 - Whitewater Car Wash



Although street accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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 North American Datum 1983  
 State Plane Coordinate System, Indiana East  
 Photos and Contours: Spring 2009



**PROPOSED**  
**WRITTEN COMMITMENT**

**THIS WRITTEN COMMITMENT** ("Commitment") is made this \_\_\_ day of March 2025 by EROP LLC, an Illinois limited liability company (the "Declarant").

**WITNESSETH:**

**WHEREAS**, Declarant is the owner of approximately 1.22 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 submitted a rezoning petition with respect to the Real Estate to rezone the Real Estate from R1 and C2 to C3, bearing number REZ-2025-\_\_\_\_ (the "Petition"), which Petition has been approved by the City of Fort Wayne Plan Commission (the "Plan Commission (the "Plan Commission") and the Fort Wayne Common Council ("City Council"); and

**WHEREAS**, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

**WHEREAS**, in conjunction with the Petition, the Plan Commission has accepted Declarant's offer of this Commitment and its recordation with the Allen County, Indiana, Recorder's Office upon approval of the Petition by the Plan Commission and City Council.

**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 the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Prohibited Uses. Subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:

- 1) Adult care center
- 2) Adult care home
- 3) Assisted living facility
- 4) Auction service
- 5) Auto Repair Service
- 6) Automobile Sales
- 7) Boarding/lodging house
- 8) Campus housing
- 9) Catalog showroom
- 10) Child care home (class I or II)
- 11) Commercial Communication Tower but permitted as incidental to another permitted use
- 12) Dating service
- 13) Day care
- 14) Educational institution
- 15) Flea Market
- 16) Fraternity house
- 17) Gas Station
- 18) Go-Kart Facility
- 19) Golf course – miniature
- 20) Ground mounted solar panel arrays as a free standing entity without additional use of the land but permitted as incidental to another commercial use.
- 21) Group residential facility (small)
- 22) Home business
- 23) Homeless/emergency shelter
- 24) Hospital
- 25) Manufactured home
- 26) Manufactured homes

- 27) Motor Vehicle auction
- 28) Multiple family complex
- 29) Multiple family dwelling
- 30) Nursing home
- 31) Pawn Shop
- 32) Radio station
- 33) Residential dwelling unit
- 34) Residential facility for homeless individuals
- 35) Retirement facility
- 36) Riding Stable
- 37) School
- 38) Security service
- 39) Shooting range
- 40) Social service agency
- 41) Sorority house
- 42) Tobacco Store
- 43) Television station
- 44) Towing Service
- 45) Townhouse complex
- 46) Tree Service
- 47) Utility facility – private – if this is sole use of the property but permitted if incidental to another commercial use
- 48) Wind Conversion system – if this is sole use of the property but permitted if incidental to another commercial use
- 49) Wind energy conversion system (micro) as a free standing entity without additional use of the land but permitted as incidental to another commercial use.
- 50) Wind towers as free standing sole use of the property but permitted if incidental to another commercial use
- 51) Zipline

52) Zoo

2. Permitted Uses. Any use otherwise permitted in a C-3 zoning district pursuant to the Ordinance which is not expressly prohibited pursuant to Section 1 above shall be a permitted use upon the Real Estate.
3. Other Commitments: Declarant agrees that the landscaping, earthen berm, and fence on the earthen berm that is along the northern border of the premises shall remain, be maintained, and replaced if plants die in perpetuity in accordance with the approved Site Development Plans prepared by Stonefield Engineering & Design as project # DET-240355.
4. Permits. No permits shall be issued under the zoning ordinance by the Zoning Administrator, or any successor agency having zoning jurisdiction over the Real Estate, 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.
5. Binding Effect, Modification, and Termination. This Commitment shall run with the Real Estate, and shall be binding upon the Declarant and each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or terminated only by a decision of the Plan Commission, following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment. This Commitment may be modified or terminated by the Plan Commission making findings of fact that the proposed modification or termination is required because: (a) there is a substantial change in circumstances from the time of the original Commitment; (b) the proposed modification or termination is in substantial compliance with the Comprehensive Plan; (c) the proposed modification or termination is consistent with the Plan Commission's prior approval; and (d) the application of the terms of the original Commitment would cause an unnecessary hardship absent the modification or termination. Further, pursuant to I.C. 36-7-4-1015(b)(4), this Commitment shall automatically terminate if: (i) the zoning district

or classification applicable to the Real Estate is changed; or (ii) if the land use to which this Commitment relates is changed.

6. Recording. Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.
7. Enforcement. Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect 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 Plan Commission or any enforcement official designated in the zoning ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive. This Commitment may be enforced by any successor commission or enforcement official having zoning jurisdiction over the Real Estate.
8. 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.
9. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
10. Effective Date. The effective date ("Effective Date") of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

"DECLARANT"

EROP LLC

\_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Jeff Justice

Title: Assistant Manager

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 \_\_\_\_\_ and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_

THIS INSTRUMENT prepared by: Name and address \_\_\_\_\_.

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. Jeff Justice

**When Recorded, mail to: EROP LLC, 3130 N Kandy Lane, Ste A, Decatur, IL 62526**

## EXHIBIT "A"

### LEGAL DESCRIPTION OF REAL ESTATE

Parcel I: (Fee Simple)

A parcel of land located in the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East in Allen County, Indiana and more particularly described as follows: Commencing at the Southwest corner of the Southwest One-Quarter of Section 22, Township 31 North, Range 13 East as now described; thence North 00 degrees 00 minutes East (bearing basis for description) along the West line of said Southwest One-Quarter, a distance of 1297.00 feet to the point of beginning. beginning at the above described point; thence continue North 89 degrees 36 minutes 00 seconds East along the South line of Maplewood downs, Section II as recorded in Plat Book 29, page 121, in the office of the recorder of Allen County, Indiana, a distance of 505.0 feet; thence South, a distance of 110.00 feet; thence South 29 degrees 30 minutes 00 seconds West, a distance of 122.67 feet to the North line of a parcel of land owned by SV Ventures in doc. #960025025; thence North 74 degrees 49 minutes 38 seconds West along said North line, a distance of 21.76 feet to the Northwest corner of said parcel; thence South 15 degrees 10 minutes 22 seconds West along the West line of said parcel, a distance of 31.88 feet; thence North 74 degrees 47 minutes 42 seconds West, a distance of 242.10 feet; thence on a curve to the left having a radius of 151.50 feet an arc length of 41.26 feet and being subtended by a chord of 41.13 feet, bearing North 82 degrees 35 minutes 51 seconds West; thence South 89 degrees 36 minutes 00 seconds West, a distance of 100.72 feet to a point on the East right-of-way line of Maplecrest road as found in doc. #970017308 and doc. #970024200; thence North 00 degrees 14 minutes 58 seconds West along said right-of-way line, a distance of 23.22 feet; thence South 90 degrees 00 minutes West along the North line of right-of-way in doc. #970017308, a distance of 40.0 feet to a point on the West line of said Southwest One-Quarter; thence North 00 degrees 00 minutes East along said West line, a distance of 147.0 feet to the point of beginning, containing 2.182 acres of land, more or less.

EXCEPT THAT PART CONVEYED TO Fort Wayne City Utilities, by Limited Partnership Warranty Deed recorded June 18, 2024, as Instrument No. 2024030988, in the Office of the Recorder of Allen County, Indiana, described as follows, to-wit: Part of the Southwest Quarter of Section 22, Township 31 North, Range 13 East, in Allen County, Indiana, based on an original survey by Joseph R. Herendeen, Indiana Professional Surveyor Number 20900190 of Sauer Land Surveying, Inc., Survey No. 149-114 "B", dated May 14, 2024; and being more particularly described as follows, to-wit: Commencing at the Southwest corner of said Section. 22; thence North 00 degrees 07 minutes 04 seconds East (bearings in this description arc based on a deed bearing of North 00 degrees 04

minutes 32 seconds West for the East line of line West Half of said Southwest Quarter), on and along the West line of said Southwest Quarter and within the right-of-way of Maplecrest Road, a distance of 1297.09 feet; thence North 89 degrees 36 minutes 00 seconds East, on and along the South line of Maplewood Downs, Section II, as recorded in Plat Record 29, pages 121-123, in the Office of said Recorder, a distance of 314.83 feet to a #5 rebar at the true point of beginning; thence North 89 degrees 36 minutes 00 seconds East, continuing on and along said North line, a distance of 609.09 feet to a #5 rebar at the Northeast corner of a 2.010 acre base tract of real estate described in a deed to 219 Sackman, L.P., in Document Number 2023000593 in the Office of said Recorder; thence South 36 degrees 47 minutes 30 seconds West, on and along an East line of said 2.010 acre base tract, a distance of 297.87 feet to a #5 rebar; thence South 83 degrees 31 minutes 02 seconds West, on and along a South Line of said 2.010 acre base tract, a distance of 23.50 feet to a #5 rebar; thence- South 01 degrees 06 minutes 25 seconds East on and along an last line of said 2.010 acre base tract, a distance of 53.93 feet to a #5 rebar at the most Southerly corner thereof) thence North 74 degrees 49 minutes 38 seconds West, on and along a South line of said 2.010 acre base tract and the South line of a 2.182 acre base tract of real estate described in a deed to 219 Sackman, L.P., in Document Number 2023000593, in the Office of said Recorder, a distance of 310.00 feet to a #5 rebar at a South corner of said 2182 acre base tract; thence South 15 degrees 10 minutes 22 seconds West, on and along an East line of said 2.182 acre base tract a distance of 31.88 feet to a #5 rebar at the most Southerly corner thereof; thence North 74 degrees 47 minutes 42 seconds West, on and along the South line of said 2.182 acre base tract, a distance of 242.10 feet to a #5 rebar at the point of curvature of a tangent circular curve to the left having a radius of 151.50 feet; thence Northwesterly, continuing on and along said South line, as defined by the arc of said curve, an arc distance of 41.26 feet, being subtended by a long chord having a length of 41.13 feet and a bearing of North 82 degrees 35 minutes 51 seconds West to a survey nail; thence North 89 degrees 07 minutes 38 seconds East, a distance of 126.52 feet to a #5 rebar; thence North 43 degrees 51 minutes 45 seconds East, a distance of 69.29 feet to a #5 rebar, thence North 00 degrees 24 minutes 00 seconds West, a distance of 119.83 feet to the true point of beginning, containing 3.011 acres of land.

Parcel II: (Easement)

A non-exclusive easement for pedestrian and vehicular ingress and egress as set forth in Reciprocal Access Easement Agreement dated January 3, 2023, and recorded January 6, 2023, in Instrument Number 2023000597 in the Office of the Recorder of Allen County, Indiana.

**BILL NO. Z-25-02-07**






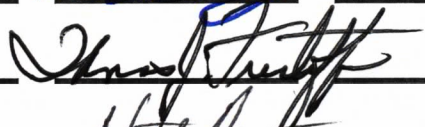
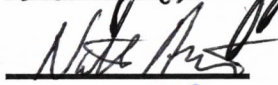

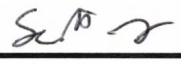

**REPORT OF COMMITTEE ON REGULATIONS  
March 25, 2025**

**Michelle Chambers Chair**  
**Thomas Freistroffer Co-Chair**  
**All Council Members**

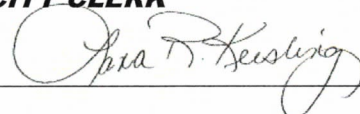
An Ordinance amending the City of Fort Wayne Zoning Map No. V30 (Sec. 22 of St. Joseph Township)

*To rezone 1.18 acres from R1/Single Family Residential and C2/Limited Commercial to C3/General Commercial at 4800 Maplecrest 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>
<u>BENDER</u>	<u>                    </u>	<u></u>	<u>                    </u>
<u>BOOKER</u>	<u>                    </u>	<u></u>	<u>                    </u>
<u>CHAMBERS</u>	<u></u>	<u></u>	<u>                    </u>
<u>ENSLEY</u>	<u>                    </u>	<u></u>	<u>                    </u>
<u>FREISTROFFER</u>	<u>                    </u>	<u></u>	<u>                    </u>
<u>HARTMAN</u>	<u>                    </u>	<u></u>	<u>                    </u>
<u>JEHL</u>	<u>                    </u>	<u></u>	<u>                    </u>
<u>MYERS</u>	<u></u>	<u>                    </u>	<u>                    </u>
<u>PADDOCK</u>	<u>                    </u>	<u></u>	<u>                    </u>

**LANA R. KEESLING  
CITY CLERK**



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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARTMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MYERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: April 8, 2025

  
\_\_\_\_\_  
LANA R. KEESLING, CITY CLERK

Not passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
Zoning Ordinance No. Z-25-02-07 on the 8th day of April, 2025

ATTEST:

  
\_\_\_\_\_  
LANA R. KEESLING  
CITY CLERK

  
\_\_\_\_\_  
PRESIDING OFFICER