

#REZ-2025-0042

BILL NO. Z-25-08-29

ZONING MAP ORDINANCE NO. Z-30-25

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O23 (Sec 25 of Wayne Township)**

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

SECTION 1. That the area described as follows is hereby designated a C3/General Commercial zoning district under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

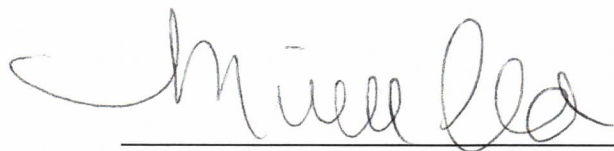
LEGAL DESCRIPTION

Lot Number 43, Lot Number 44, Lot Number 45, Lot Number 46, and Lot Number 47 in Sylvan Park, Section B, according to the plat thereof, recorded in Plat Book 17, page 100, in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. O23 (Sec. 25 of Wayne 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-2025-0042
Bill Number: Z-25-08-29
Council District: 6 – Rohli Booker

Introduction Date: August 26, 2025

Plan Commission
Public Hearing Date: September 8, 2025 (not heard by Council)

Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone 2.56 acres from RP/Planned Residential to C3/General Commercial

Location: 6116 S Anthony Blvd (Section 25 of Wayne Township)

Reason for Request: To permit a warehouse/storage facility

Applicant: Soe Aung

Property Owner: Soe Aung and Yu Sut

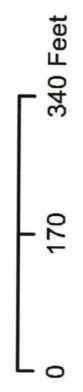
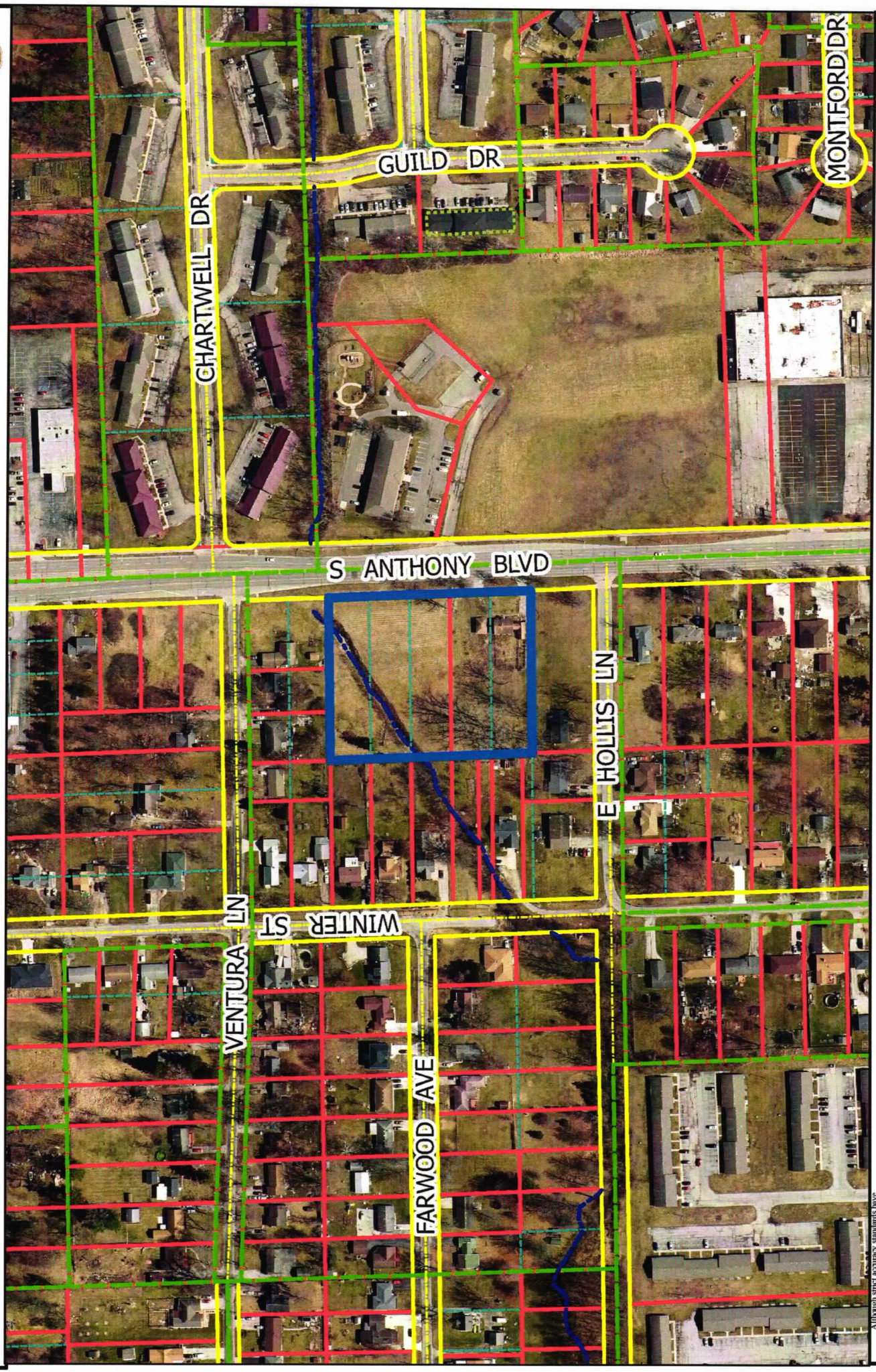
Related Petitions: Primary Development Plan – South Anthony Storage Site

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

Effect of Non-Passage: Property will remain zoned RP/Multiple Family Residential, which does not permit a warehouse/storage facility. The site may continue with existing or non-conforming uses, and may be redeveloped with similar mixed residential compatible non-residential uses.



REZ-2025-0042 and PDP-2025-0029 - South Anthony Storage Site

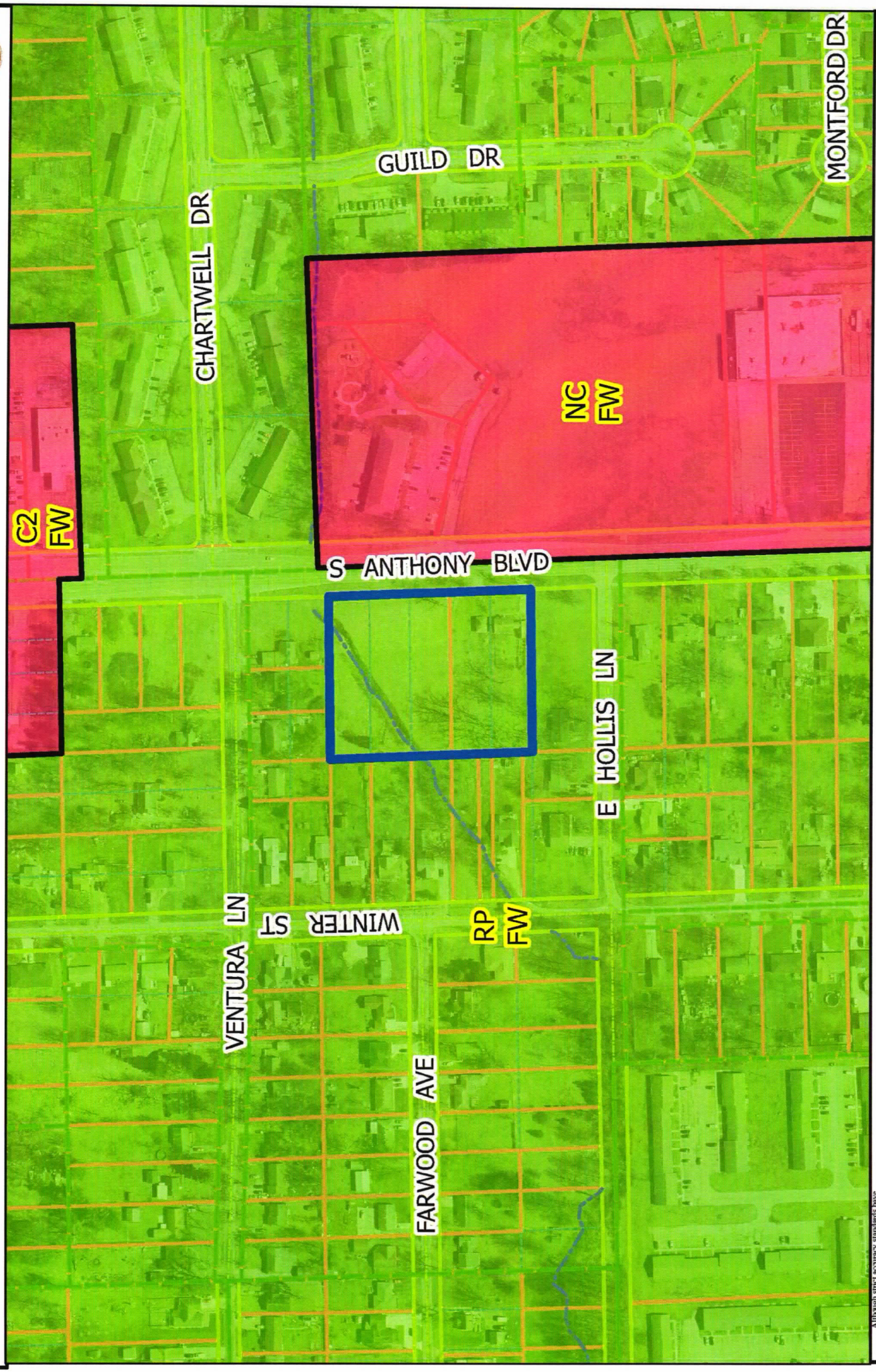


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 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 8/13/2025



REZ-2025-0042 and PDP-2025-0029 - South Anthony Storage Site



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**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Soe Aung
 Address 5520 Decatur Road,
 City Fort Wayne State IN. Zip 46806
 Telephone 260-479-8827 E-mail soeaung46816@gmail.com

Property Ownership
 Property Owner Soe Aung
 Address 6116 South Anthony Blvd.,
 City Fort Wayne State IN. Zip 46806
 Telephone 260-479-8827 E-mail soeaung46816@gmail.com

Contact Person
 Contact Person William Etzler, PE
 Address 229 W. Berry Street, Suite 100
 City Fort Wayne State IN. Zip 46802
 Telephone 260-557-1113/ 260-740-6490 E-mail betzler@abonmarche.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 6116 South Anthony Blvd., Township and Section Wayne- 25
 Present Zoning RP Proposed Zoning C3 Acreage to be rezoned _____
 Purpose of rezoning (attach additional page if necessary) The request is to rezone lots 43, 44, 45, 46 and 47 in Sylvan's Addition Section B for the purpose of constructing a storage facility for new grocery store at Paulding Road and S. Anthony.
 Sewer provider City of Fort Wayne 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

Soe Aung [Signature] 8-8-25
 (printed name of applicant) (signature of applicant) (date)
Soe Aung [Signature] 8-8-25
 (printed name of property owner) (signature of property owner) (date)



Received <u>8/8/25</u>	Receipt No. <u>148046</u>	Hearing Date <u>9/8/25</u>	Petition No. <u>PEZ-2025-0042</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



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;

The rezoning is requested to construct a storage facility to support a new grocery store being established in a former Walgreen's at Paulding Rd. and Anthony Blvd. This area of Fort Wayne according to the comprehensive Plan is in an area of food insecurity. The owner has another grocery store in the area and plans to open additional facilities. There is C2 zoning 400 feet to the north of this site and NC zoning across Anthony Blvd. that is a Montessori school and commercial development.

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

The property is zoned RP. The north property line is ND #4. The east line is S. Anthony Blvd. The west line is residential property separated from the site by ND #4 and the south is residential property owned by the applicant. The northern part of the property has never been developed and the southern part has had one home. The current home is in disrepair and unoccupied. The property has never had more than one home on the site looking at historical aerial photos. Trees along ND #4 block the view of the site from homes to the north and west.

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

The most desirable use is commercial to support the existing and new grocery operations. The comprehensive plan, especially for SE Fort Wayne, supports the need for walkable, neighborhood focused commercial development to expand employment opportunity and access to food.

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

The rezoning will enhance the value of the land in the area. The exterior of the proposed building will be a compatible design for the neighborhood. The Comprehensive Plan identifies this area as a priority investment and the applicant intends to continue to look for opportunities in SE Fort Wayne to expand his business.

(5) Responsible development and growth.

There have been no past attempts to develop this parcel. The applicant needs storage for his goods to serve both grocery stores and this location presents the best available location. The land is within a targeted growth area and represents an opportunity to provide employment and a much needed food supply to this under served area of 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*



FACT SHEET

Case #REZ-2025-0042 Bill # Z-25-08-29 Project Start: August 2025

APPLICANT: Soe Aung
REQUEST: To rezone from RP/Multiple Family Residential to C3/General Commercial to permit a warehouse/storage facility
LOCATION: 6116 S Anthony Blvd (Section 25 of Wayne Township)
LAND AREA: 2.56 acres
PRESENT ZONING: RP/Multiple Family Residential
PROPOSED ZONING: C3/General Commercial
COUNCIL DISTRICT: 6 – Rohli Booker
SPONSOR: Fort Wayne Plan Commission

September 8, 2025 Public Hearing

- No one spoke in support.
- Three people spoke in opposition or with concerns.
- All members were present.

September 15, 2025 Business Meeting

Plan Commission Recommendation: DO PASS, with a written commitment

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

8-0 MOTION PASSED

- Amos Norman was absent.

Fact Sheet Prepared by:
Karen Couture, Principal Land Use Planner
September 26, 2025

PROJECT SUMMARY

The petitioner is requesting to rezone the parcel from RP/Planned Residential to C3/General Commercial and to approve a primary development plan for a storage facility for a new grocery store. The site is located on the west side of South Anthony Boulevard just south of East Paulding Road. It is located in Sylvan Park Addition which was platted in 1947. The site currently contains a single-family home, detached garage, and three undeveloped lots. The zoning and uses surrounding the property on the north, south, and west are zoned RP/Planned Residential, and are also part of the neighborhood. To the east, across South Anthony Boulevard, is a NC/Neighborhood Center zoning district and has been home to a preschool for the last fifteen years.

The submitted development plan shows a proposed 7,200 square foot building to be used as a storage facility for a new grocery store. The plan shows a circle drive, allowing two separate connections to South Anthony Boulevard. The parking lot and proposed building appear to meet current zoning ordinance requirements. The plan shows the required landscaping to the south and east and is proposing to use the existing trees on the north and west in lieu of new plantings. The applicant will be required to improve the sidewalks along the right-of-way, per Traffic Engineering comments and a dry detention basin is proposed to the north of the site proposed structure, and just south of the natural drain. There is an executed Written Commitment to limit the permitted uses in the C3/General Commercial zoning district that are too intense for the surrounding area.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Priority Investment 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 Traditional Neighborhood generalized land use category.
- Adjacent properties are also categorized as Traditional Neighborhood to the north, south, and west. The property to the east is categorized as a Neighborhood Commercial.

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 potentially compatible with Traditional Neighborhood.

Other Applicable Plans: none

PUBLIC HEARING SUMMARY:

Presenter: Bill Etzler, representing the applicant, presented the request as outlined above.

Public Comments:

Ida Gerig (4519 Smith St): Concerns with crime; safety; do not want gas stations.

Samuel Woodfin (5932 Winter St): Concerns that too close to other similar stores; too much commercial in area; need more affordable housing.

Ammar Saeh (305 W Essex Ln): Concerned with not enough affordable housing; wants less commercial.

Rebuttal: Bill Etzler stated that a Written Commitment that would include not allowing gas stations. Bill also noted that much of the adjacent property is also owned by the petitioner.

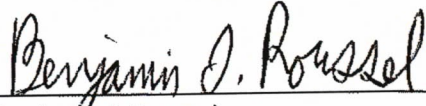
FORT WAYNE PLAN COMMISSION Findings of Fact • September 2025

PROPOSAL:	Rezoning Petition REZ-2025-0042 – South Anthony Storage Site
APPLICANT:	Soe Aung
REQUEST:	To rezone property from RP/Planned Residential to C3/General Commercial
LOCATION:	6116 S Anthony Blvd (Section 25 of Wayne Township)
LAND AREA:	2.56 acres
PRESENT ZONING:	RP/Planned Residential
PROPOSED ZONING:	C3/General Commercial

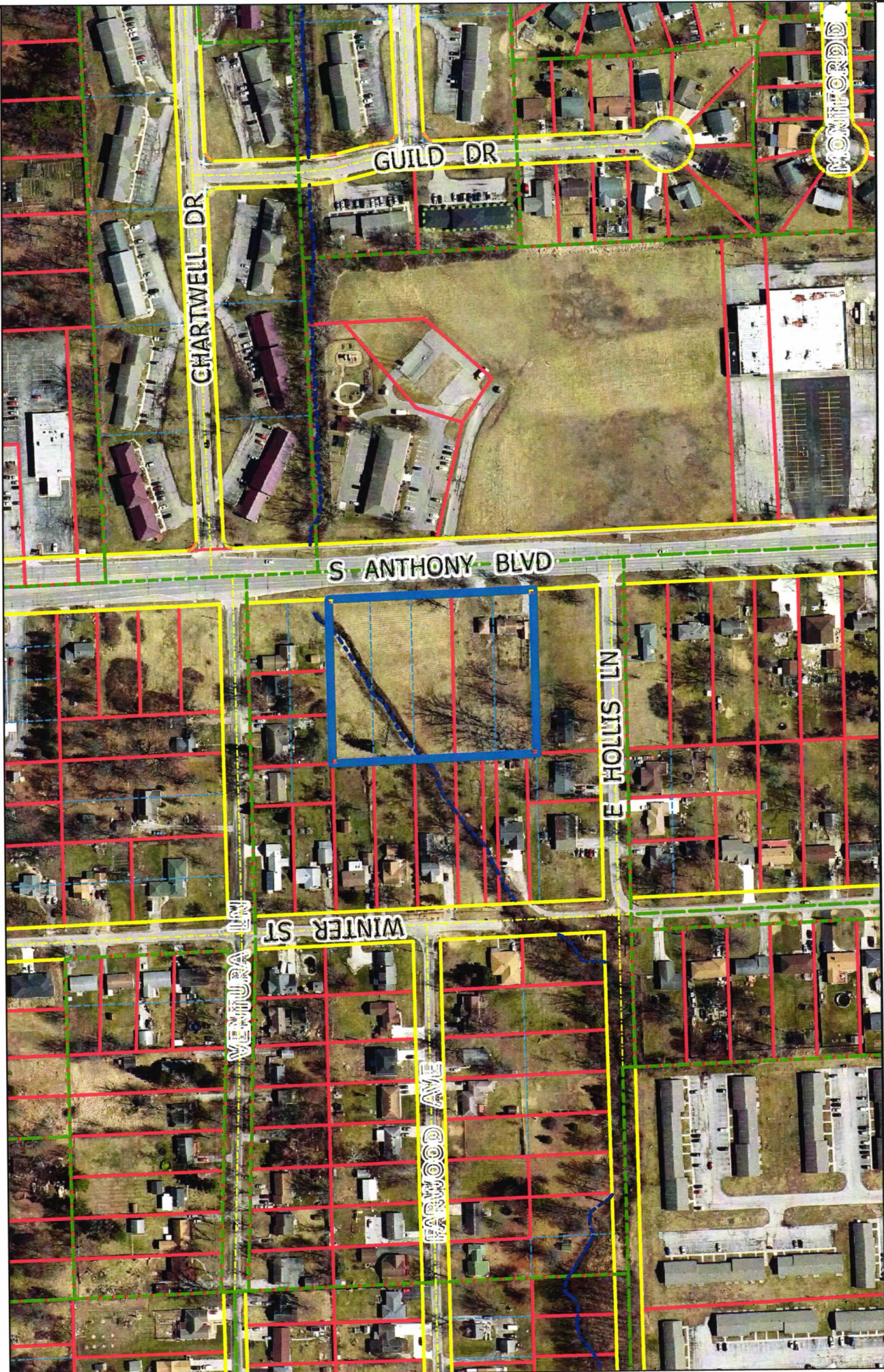
The Plan Commission recommends that Rezoning Petition REZ-2025-0042 be returned to Council, with a “Do Pass”, with a Written Commitment, recommendation after considering the following:

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 C3/General Commercial zoning will provide the opportunity to redevelop the site and will enhance the value of the land in the area. The Comprehensive Plan identifies this area as a priority investment area.
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 intends to include mounding and enhanced landscaping to buffer the adjacent neighborhood. The exterior of the proposed building will be a compatible design for the neighborhood.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment into the area and there have been no past attempts to develop this parcel. The rezoning will enhance the value of the land in the area allowing for a new grocery store storage facility, replacing a home in disrepair and unoccupied.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The applicant needs storage for goods to serve grocery stores and this location presents the best available option. The new zoning gives the property owner flexibility to invest in the property commercially.

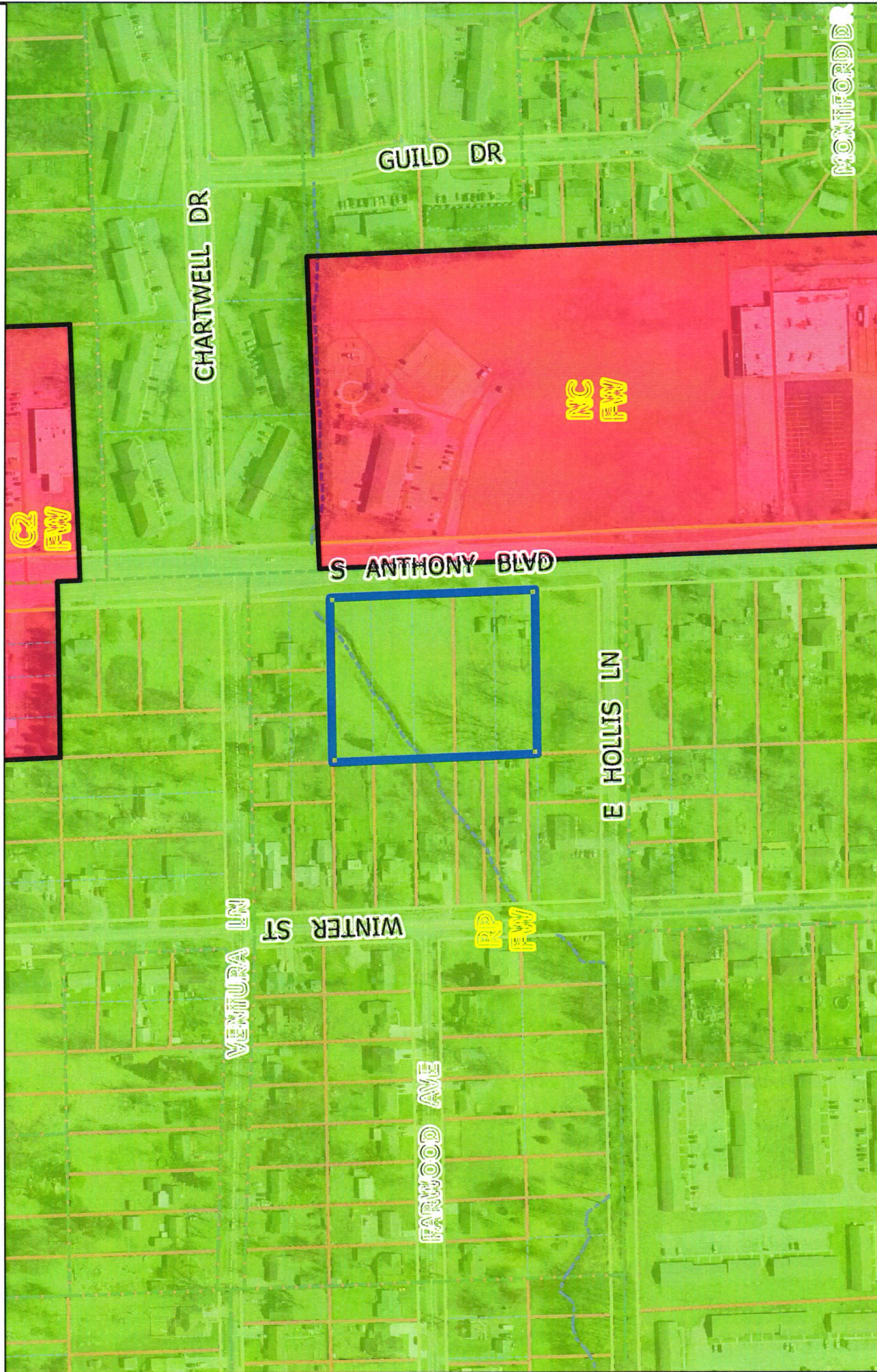
These findings approved by the Fort Wayne Plan Commission on September 15, 2025.



Benjamin J. Roussel
Executive Director
Secretary to the Commission

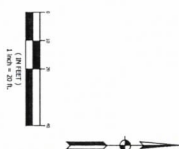
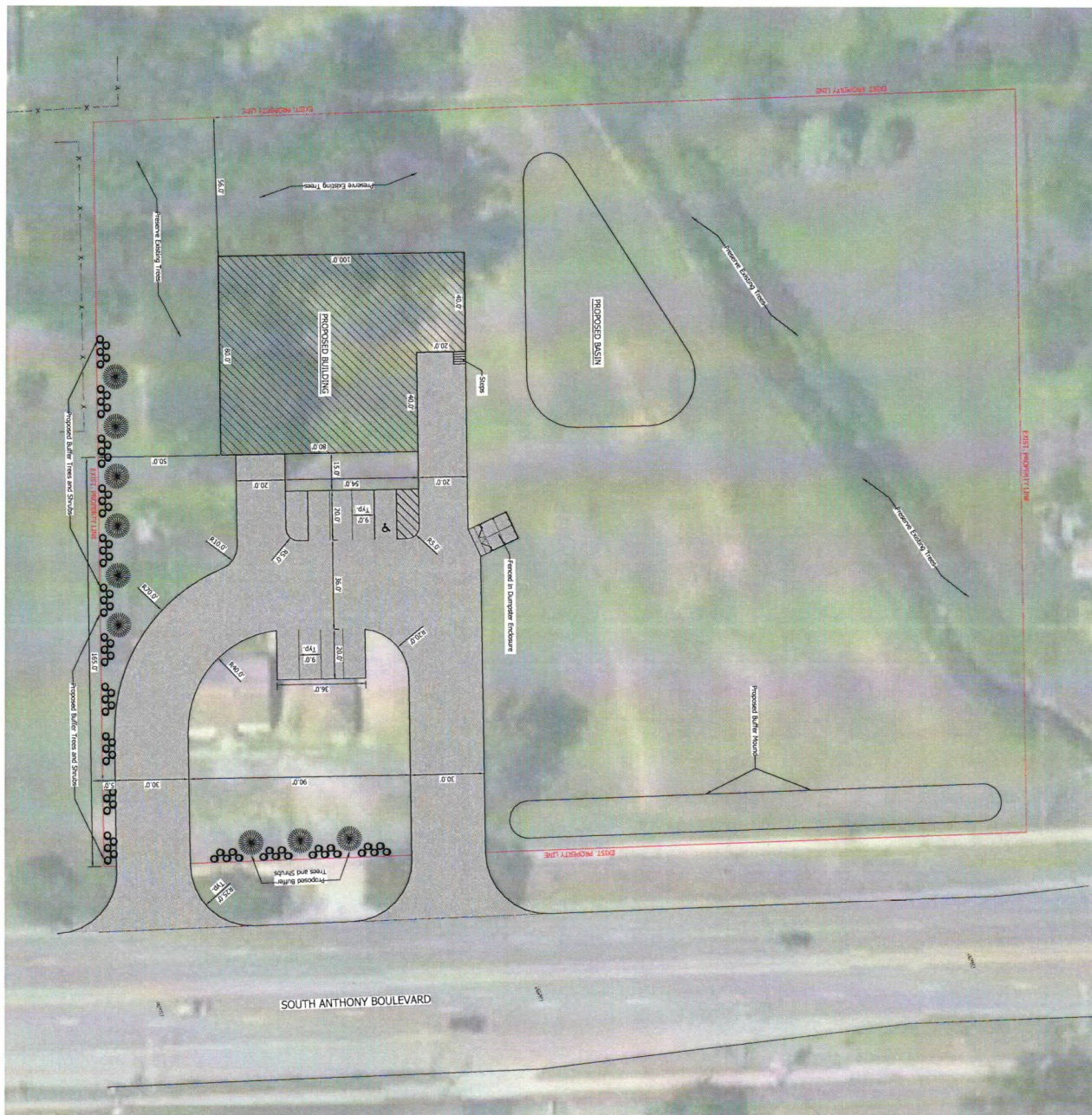


as contained in the compilation of data in
 A User's manual was prepared on the
 accuracy of the information contained here
 and the user must use all data carefully from
 all of the information of the City
 North American Datum 1983
 from Geographic Systems Inc.
 Dallas and Fort Worth, Texas 75209
 Date: 01/20/2000



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* ISSUANCE / REVISION DATE
 ORIGINAL: 8/7/2025
 REVISION: 8/7/2025
 PROJECT NO.: 25-126

SHEET DATE: 8/7/2025
 PLOT NO.: 04/100 WILE

PRELIMINARY
NOT FOR CONSTRUCTION

SOE AUNG
**SOUTH ANTHONY BOULEVARD
 SITE DEVELOPMENT**
 6206 S. ANTHONY BLVD., FORT WAYNE, IN 46816


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 Surveying
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WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this 30th day of September 2025 by Soe Aung and Yu Sut, ~~as~~ owners (the "Declarant").
as

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 2.56 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 RP/ Planned Residential zoning districts to a C3/General Commercial, bearing number REZ-2025-0042 (the "Petition") and PDP-2025-0029, 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) Accessory building/structure/use
 - 2) Accountant
 - 3) Adoption service
 - 4) Adult care center
 - 5) Advertising
 - 6) Agricultural equipment sales

- 7) Agricultural equipment service
- 8) Agricultural supply sales
- 9) Air conditioning sales
- 10) Air conditioning service
- 11) Alteration service
- 12) Amusement park (1)
- 13) Animal grooming
- 14) Animal hospital
- 15) Animal kennel
- 16) Animal obedience school
- 17) Answering service
- 18) Antique shop
- 19) Apparel and accessory store
- 20) Appliance store
- 21) Appraiser
- 22) Arcade
- 23) Architect
- 24) Arena
- 25) Art gallery
- 26) Art instruction
- 27) Art studio
- 28) Art supply store
- 29) Assisted living facility
- 30) Athletic field
- 31) Attorney
- 32) Auction hall
- 33) Auction service
- 34) Audiologist
- 35) Audio-visual studio
- 36) Automatic teller machine
- 37) Automobile accessory store
- 38) Automobile auction
- 39) Automobile body shop

- 40) Automobile detailing or trim shop
- 41) Automobile maintenance (quick service)
- 42) Automobile rental
- 43) Automobile repair
- 44) Automobile restoration
- 45) Automobile rustproofing
- 46) Automobile sales
- 47) Automobile washing facility
- 48) Bait sales
- 49) Bank
- 50) Bankruptcy service
- 51) Banquet hall
- 52) Bar
- 53) Barber shop
- 54) Barber/beauty school
- 55) Batting cages
- 56) Beauty shop
- 57) Bed and breakfast
- 58) Betting or other gambling facility
- 59) Bicycle sales and repair shop
- 60) Billiard or pool hall
- 61) Bingo establishment
- 62) Blood bank
- 63) Blood or plasma donor facility
- 64) Boarding house
- 65) Boat sales
- 66) Book store
- 67) Bookkeeping service
- 68) Bowling alley
- 69) Brewery (micro)
- 70) Broadcast studio
- 71) Broker
- 72) Business training

- 73) Campus housing (off-site)
- 74) Candy store
- 75) Catalog showroom
- 76) Caterer
- 77) Check cashing
- 78) Childcare center
- 79) Childcare home (class I or II)
- 80) Chiropractor
- 81) Clinic
- 82) Clock sales
- 83) Clothing alterations
- 84) Clothing rental
- 85) Clothing store
- 86) Club, private
- 87) Coffee shop
- 88) Coin shop
- 89) Collection agency
- 90) Computer sales and service
- 91) Computer software store
- 92) Computer training
- 93) Consignment shop
- 94) Consulting service
- 95) Consumer electronics sales
- 96) Consumer electronics service
- 97) Convenience store
- 98) Copy service
- 99) Correctional services facility
- 100) Cosmetic store
- 101) Costume rental
- 102) Counseling service
- 103) Country club
- 104) Craft instruction
- 105) Craft studio

- 106) Craft supply store
- 107) Credit service
- 108) Credit union
- 109) Customer service facility
- 110) Dance instruction
- 111) Data processing facility
- 112) Data storage facility
- 113) Day care
- 114) Day spa
- 115) Dealer
- 116) Delicatessen
- 117) Dentist
- 118) Department store
- 119) Diagnostic center
- 120) Dialysis center
- 121) Diaper service facility
- 122) Dinner theater
- 123) Distillery (micro)
- 124) Doctor
- 125) Dormitory
- 126) Driving instruction
- 127) Drug store
- 128) Dry cleaning store
- 129) Educational institution
- 130) Embroidery
- 131) Employment agency
- 132) Engine repair
- 133) Engineer
- 134) Entertainment facility
- 135) Equipment rental (limited)
- 136) Equipment service
- 137) Exhibit hall
- 138) Exterminator

- 139) Fabric shop
- 140) Farmers market
- 141) Feed store
- 142) Finance agency
- 143) Financial planning service
- 144) Fireworks sales
- 145) Fitness center
- 146) Flea market
- 147) Floor covering store
- 148) Florist
- 149) Foundation office
- 150) Fraternity house
- 151) Funeral home
- 152) Furniture refinishing/repair
- 153) Furniture store
- 154) Furrier
- 155) Game rental
- 156) Game sales
- 157) Garden equipment supply
- 158) Gas station (2)
- 159) Gift shop
- 160) Glass cutting/glazing shop
- 161) Go-kart facility (1)
- 162) Golf course, miniature
- 163) Golf driving range
- 164) Graphic design service
- 165) Greenhouse (retail)
- 166) Group residential facility (large) (1)
- 167) Group residential facility (small)
- 168) Gun sales
- 169) Gymnastics instruction
- 170) Hardware store
- 171) Haunted house

- 172) Health club
- 173) Heating sales
- 174) Heating service
- 175) Hobby shop
- 176) Home improvement business
- 177) Home improvement store
- 178) Home repair
- 179) Homeless shelter (1)
- 180) Hospice care center
- 181) Hospital
- 182) Hot tub sales
- 183) Hotel
- 184) Household appliance store
- 185) Ice cream store
- 186) Insurance agency
- 187) Interior decorating store
- 188) Interior design service
- 189) Internet service
- 190) Investment service
- 191) Jewelry sales
- 192) Laboratory
- 193) Land surveyor
- 194) Landscape contracting service
- 195) Laundromat
- 196) Leather goods store
- 197) Legal service
- 198) Live-work unit
- 199) Loan office
- 200) Luggage store
- 201) Manufactured home sales
- 202) Marketing agency
- 203) Martial arts training
- 204) Massage therapy

- 205) Medical supply sales
- 206) Medical training
- 207) Model unit
- 208) Mortgage service
- 209) Motel
- 210) Motor vehicle auction
- 211) Motor vehicle rental
- 212) Motor vehicle repair
- 213) Motor vehicle sales
- 214) Movie rental
- 215) Movie sales
- 216) Multiple family complex (3)
- 217) Multiple family dwelling (3)
- 218) Museum
- 219) Music instruction
- 220) Music store
- 221) Music studio
- 222) Musical instrument store
- 223) Nail salon
- 224) Neighborhood facility
- 225) Nursing home
- 226) Nutrition service
- 227) Office, professional
- 228) Ophthalmologist
- 229) Optician
- 230) Optometrist
- 231) Package liquor store
- 232) Paint store
- 233) Painting studio
- 234) Parking area (1)
- 235) Parking area (off-site) (4)
- 236) Parking structure
- 237) Pawn shop

- 238) Pest control
- 239) Pet store
- 240) Pharmacy
- 241) Photography studio
- 242) Photography supply store
- 243) Photography training
- 244) Physical therapy facility
- 245) Picture framing facility
- 246) Pilates instruction
- 247) Planetarium
- 248) Planner
- 249) Plant nursery
- 250) Plumbing sales
- 251) Plumbing service
- 252) Podiatrist
- 253) Pottery sales
- 254) Propane sales
- 255) Public transportation facility
- 256) Radio station
- 257) Real estate
- 258) Reception hall
- 259) Recording studio
- 260) Recreation area (1)
- 261) Recreation facility
- 262) Recreation uses
- 263) Rental store
- 264) Residential dwelling unit (5)
- 265) Residential facility for homeless individuals (up to 8) (1)
- 266) Restaurant, including drive-through
- 267) Retirement facility
- 268) Riding stable
- 269) Savings and loan
- 270) Sculpture studio

- 271) Seasonal sales
- 272) Security service
- 273) Shoe repair shop
- 274) Shoe store
- 275) Shooting range (indoor)
- 276) Sign sales store
- 277) Skating rink
- 278) Sleep disorder facility
- 279) Social service agency
- 280) Sorority house
- 281) Sporting goods sales
- 282) Stadium/racetrack (1)
- 283) Stained glass studio
- 284) Stationery store
- 285) Stock and bond broker
- 286) Storage shed sales
- 287) Surgery center
- 288) Swim club
- 289) Swimming pool sales
- 290) Tailor
- 291) Tanning salon
- 292) Tattoo establishment
- 293) Tavern
- 294) Tax consulting
- 295) Taxi service
- 296) Taxidermist
- 297) Tea room
- 298) Telephone sales
- 299) Telephone service
- 300) Television station
- 301) Tennis club
- 302) Theater
- 303) Tire sales

- 304) Title company
- 305) Tobacco store
- 306) Towing service (with no storage yard)
- 307) Townhouse complex (3)
- 308) Toy store
- 309) Trade show facility
- 310) Travel agency
- 311) Treatment center
- 312) Truck fueling station
- 313) Truck stop
- 314) Tutoring service
- 315) Universally permitted use (4)
- 316) Variety store
- 317) Veterinary clinic
- 318) Watch sales
- 319) Water park (1)
- 320) Watercraft sales
- 321) Website service
- 322) Wedding consultant
- 323) Weight loss service
- 324) Wind energy conversion system (micro) (1)
- 325) Window repair
- 326) Window sales
- 327) Yoga instruction
- 328) Zipline
- 329) Zoo

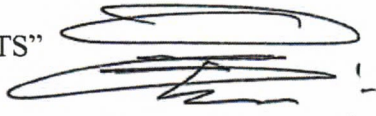
2. Permitted Uses. Any use otherwise permitted in a C3 zoning district pursuant to the Ordinance which is not expressly prohibited pursuant to Section 1 above shall be a permitted use upon the Real Estate.

3. Other Commitments: N/A

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. Last Deeds of Record. The most recent deed of record for the Real Estate was recorded in the Office of the Recorder of Allen County, Indiana as Document Number(s) Plat of Survey 6116 S Anthony Blvd. Fort Wayne, IN 46816.
9. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.
10. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
11. Effective Date. 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.

"DECLARANTS"



By: _____
Printed Name: Soe Aung
Title: Owner



By: _____
Printed Name: Yu Sut
Title: Owner

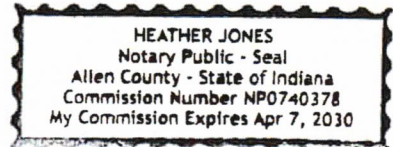
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this 30th day of September 2025, personally appeared **Soe Aung and Yu Sut** and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Heather Jones
Notary Public

My Commission Expires: Apr 7, 2030

My County of Residence: Allen



THIS INSTRUMENT prepared by: William L. Etzler 229 W. Berry Street Fort Wayne, Indiana 46802.

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.

When Recorded, mail to: William L. Etzler 229 W. Berry Street Fort Wayne, Indiana 46802.

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

BILL NO. Z-25-08-29

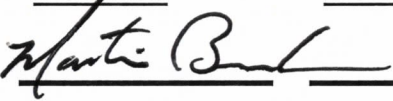
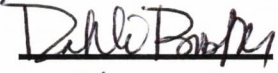
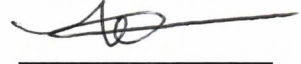



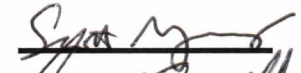
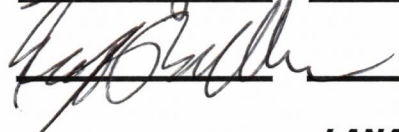
**REPORT OF COMMITTEE ON REGULATIONS
October 14, 2025**

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

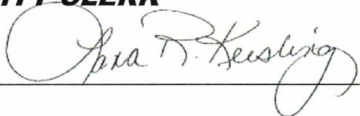
An Ordinance amending the City of Fort Wayne Zoning Map No. O23 (Sec 25 of Wayne Township)

To rezone 2.56 acres from RP/Planned Residential to C3/General Commercial at 6116 S Anthony Blvd to permit a warehouse/storage facility

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>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HARTMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: October 14, 2025




 LANA R. KEESLING, CITY CLERK

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

Zoning Ordinance No. Z-25-08-29 on the 14th day of October, 2025

ATTEST:



 LANA R. KEESLING
 CITY CLERK



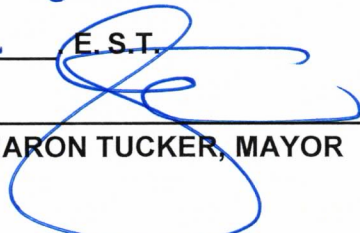
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of October 2025, at the hour of 9:05 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 16th day of October 2025, at the hour of 8:55 o'clock A.M. E.S.T.



 SHARON TUCKER, MAYOR

