

#REZ-2026-0020

BILL NO. Z-26-04-13

ZONING MAP ORDINANCE NO. Z- 10-20

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O34 (Sec. 24 of Washington 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 as 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

LAND DESCRIPTION PER INSTRUMENT NUMBER 2019067532

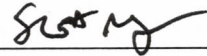
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, ALSO BEING A PART OF A 1.86 ACRE PARCEL AS RECORDED IN DOCUMENT NO. 83-29214, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 953.46 FEET; THENCE SOUTH A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ST. JOE CENTER ROAD; THENCE CONTINUING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 77.95 FEET; THENCE SOUTH 48 DEGREES 11 MINUTES 35 SECONDS WEST, A DISTANCE OF 16.20 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 223.36 FEET TO A POINT ON THE SOUTH LINE OF SAID 1.86 ACRE PARCEL; THENCE NORTH 80 DEGREES 40 MINUTES 00 SECONDS WEST, A DISTANCE OF 305.14 FEET, ALONG SAID SOUTH LINE, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH CLINTON STREET; THENCE 48.00 FEET ALONG A 4849.65 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INCLUDED ANGLE OF 0 DEGREES 34 MINUTES 02 SECONDS, AND THE LONG CHORD OF WHICH MEASURES NORTH 26 DEGREES 26 MINUTES 30 SECONDS EAST, 48.00 FEET, ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 25 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 75.00 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 25 DEGREES 09 MINUTES 00 SECONDS EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 56 DEGREES 18 MINUTES 00 SECONDS EAST, A DISTANCE OF 110.47 FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF ST. JOE CENTER ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 125.41 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, CONTAINING 1.59 ACRES, MORE OR LESS.

1 and the symbols of the City of Fort Wayne Zoning Map No. 034 (Sec. 24 of Washington
2 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne,
3 Indiana is hereby changed accordingly.

4 SECTION 2. If a written commitment is a condition of the Plan Commission's
5 recommendation for the adoption of the rezoning, or if a written commitment is modified and
6 approved by the Common Council as part of the zone map amendment, that written
7 commitment is hereby approved and is hereby incorporated by reference.
8

9 SECTION 3. That this Ordinance shall be in full force and effect from and after its
10 passage and approval by the Mayor.
11

12 

13 Council Member

14
15 APPROVED AS TO FORM AND LEGALITY:

16 
17
18 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-2026-0020
Bill Number:	Z-26-04-13
Council District:	3 – Nathan Hartman

Introduction Date:	April 28, 2026
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Plan Commission Public Hearing Date:	May 11, 2026 (not heard by Council)
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Next Council Action:	Ordinance will return to Council after recommendation by the Plan Commission
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Synopsis of Ordinance:	To rezone 1.59 acres from C2/Limited Commercial to C3/General Commercial
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Location:	5830 N Clinton Street (Section 24 of Washington Township)
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Reason for Request:	To permit a gas station and C-Store
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Applicant:	Eric Carter
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Property Owner:	MCM - WAGS IN I LLC
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Related Petitions:	Primary Development Plan – Speedway N Clinton – 7-11
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Effect of Passage:	Property will be rezoned to the C3/General Commercial to permit a gas station and C-Store.
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Effect of Non-Passage:	Property will remain zoned C2/Limited Commercial, which does not permit a gas station and C-Store. It may be redeveloped with moderate intensity business, community, office, personal service, and limited retail uses, as well as and some residential uses.
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0 80 160 Feet

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Photos and Contours: Spring 2009
Date: 4/14/2024

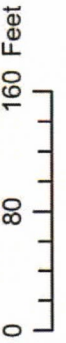


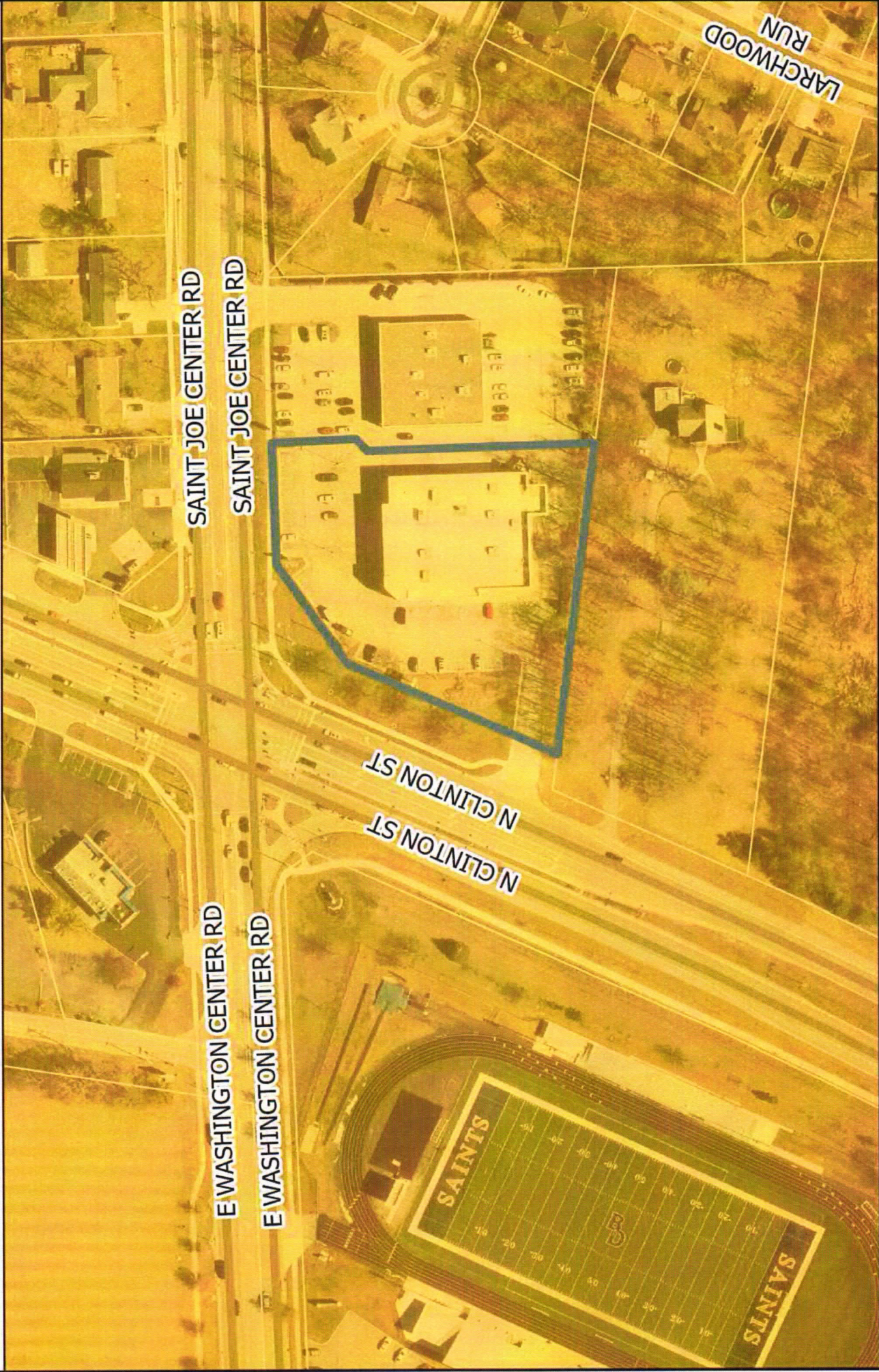
Rezoning Petition REZ-2026-0020 and Primary Development Plan PDP-2026-0009 - N. Clinton Speedway/7-Eleven



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Urban Infill Area

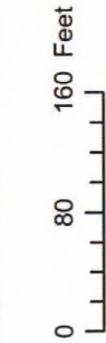
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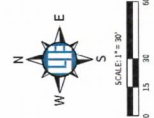
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- Institutional
- Neighborhood Commercial
- Suburban Neighborhood
- Traditional Neighborhood





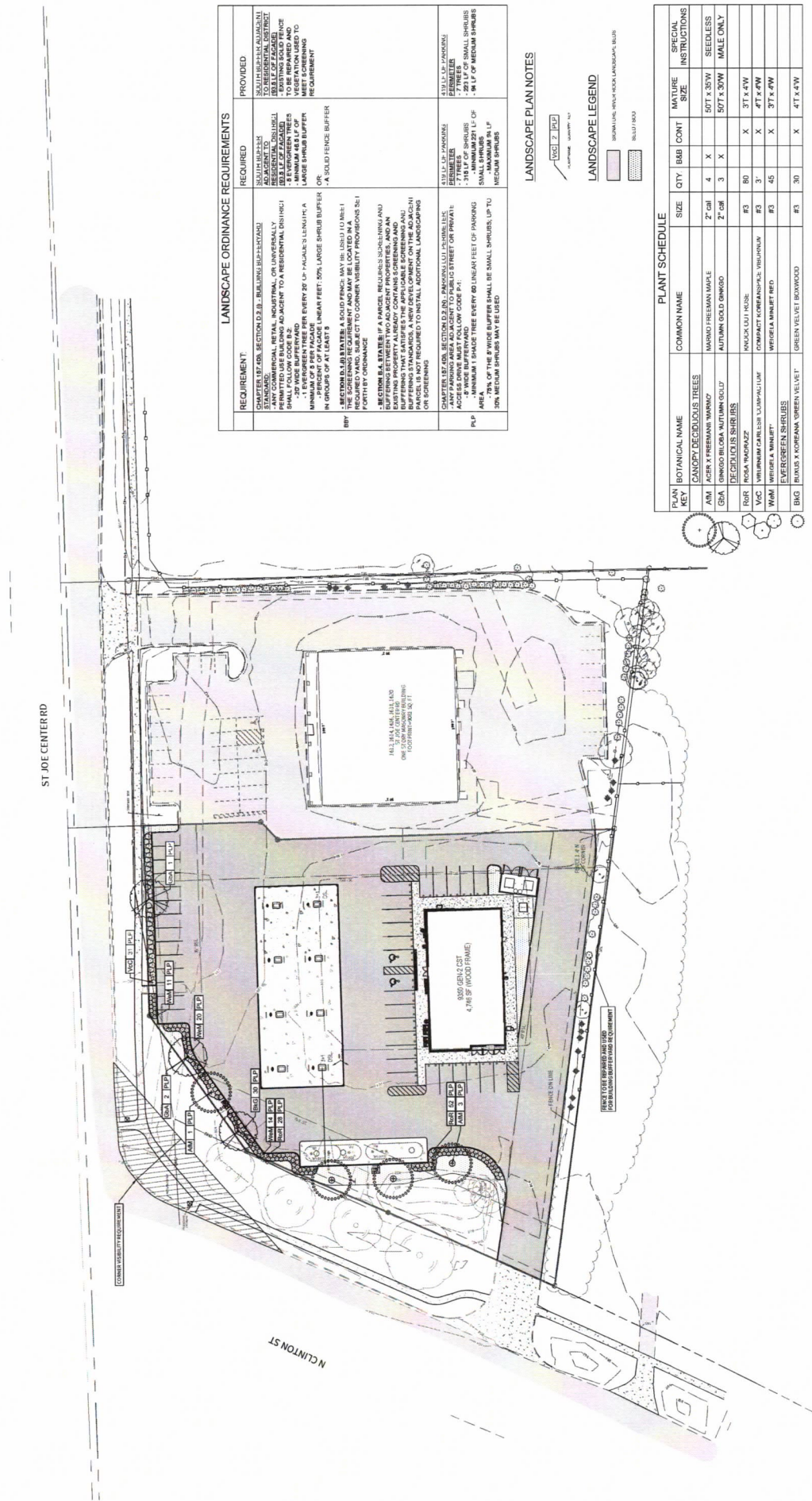
ST JOE CENTER RD AND N. CLINTON STREET - FORT WAYNE, IN 46825

DATE: March 18, 2026



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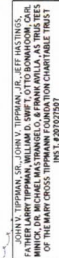


7-Eleven - ST JOE CENTER RD & N. CLINTON ST

FORT WAYNE, IN

DATE: March 18, 2026

5630 NORTH CLINTON STREET, FORT WAYNE, IN 46825



SCALE: 1" = 30'

FORT WAYNE PLAN COMMISSION

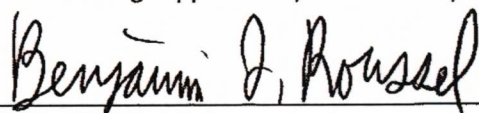
Findings of Fact • May 2026

PROPOSAL:	Rezoning Petition REZ-2026-0020 – North Clinton Speedway / 7-Eleven
APPLICANT:	Eric Carter
REQUEST:	Rezone from C2/Limited Commercial to C3/General Commercial for a gas station and convenience store
LOCATION:	5830 N Clinton (Section 24 of Washington Township)
LAND AREA:	1.59 acres
PRESENT ZONING:	C2/Limited Commercial
PROPOSED ZONING:	C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2026-0020 be returned to Council, with a “Do Pass” recommendation and a Written Commitment, 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 project site is located with the Urban Infill 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 site is currently occupied by a commercial retail business, and the applicant has agreed to enhance the existing fence along the south property line.
3. Approval is consistent with the preservation of property values in the area. The general area is developed with a mix of residential, institutional and commercial uses.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The site has already been occupied by commercial development for over twenty-five years.

These findings approved by the Fort Wayne Plan Commission on May 18, 2026.



Benjamin J. Roussel
Executive Director
Secretary to the Commission



**DPS Plan Commission
Rezoning Petition Application**

Page 1 of 1

Applicant

Applicant Name: Eric Carter
Address: 10505 N. College Avenue City: Indianapolis State: IN Zip: 46280
Email (type or print): cartere@weihe.net Phone: 317-646-6611

Property Ownership ☐ Same as applicant

Owner Name: MCM-WAGS IN 1, LLC
Address: 4521 Sharon Road, Suite 275 City: Charlotte State: NC Zip: 28211
Email (type or print): lmorgan@themorgancos.com Phone: _____

Primary Contact Person ☒ Same as applicant

All staff correspondence will be sent only to the designated primary contact person

Primary Contact: _____
Address: _____ City: _____ State: _____ Zip: _____
Email (type or print): _____ Phone: _____

Planning Jurisdiction

☐ Unincorporated Allen County ☐ Town of Grabill ☐ Town of Monroeville
☒ City of Fort Wayne ☐ Town of Huntertown ☐ City of Woodburn

Property Information

Development Address or PIN #: 5830 N Clinton St, Fort Wayne, IN 46825
Present Zoning : C2 Proposed Zoning : C3 Acreage to be rezoned : 1.59
Purpose of rezoning (attach additional page if necessary): To allow a convenience store with auto fueling next to residential
Township Name: St. Joseph Township Section Number: 24
Sewer Provider: City of Ft. Wayne Water Provider: City of Ft. Wayne

Filing Requirements

- ☒ Filing fee \$1250.00 or \$350.00 for downzoning an existing SFR use to R1 Zoning
- ☒ Application signed by property owner(s)
- ☒ Boundary/ Utility Survey showing area to be rezoned
- ☒ Legal Description of parcel to be rezoned (**Please provide in separate word document**)
- ☒ Rezoning Criteria (please complete attached document)

Acknowledgements and Signatures

- 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 applicable Zoning 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.
- In addition, I/We hereby authorize and consent to the on-site inspection and sign posting on the property subject to this zoning application by the Department of Planning Services for the purposes of verifying the information in this application and for purposes of determining compliance with the applicable zoning ordinance.

Eric Carter	<u>Eric A Carter</u>	03/17/2026
printed name of applicant	signature of applicant	date
<u>MCM-WAGS I, LLC</u>	<u>[Signature]</u>	<u>2-12-26</u>
printed name of property owner	signature of property owner	date

STAFF USE ONLY

Received 3/27/26	Receipt Number 148987	Hearing Date	Petition Number REZ-2026-0020
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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 generalized future land use in the Comprehensive Plan identifies this as Neighborhood Commercial. The site is zoned C2 currently which allows gas stations, but not adjacent to residential. Convenience stores with fueling are a low to moderate intensity service/retail that provides goods and services to nearby residents which fits well in this corridor.

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

Currently a Walgreens pharmacy is onsite. The lease is to be terminated by the end of the year and they will close. There is a gas station across the street with a school to the West and retail to the East.

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

A convenience store with fueling is considered a use that provides goods and services and fits well with future land use for this site.

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

With a gas station to the north and retail to the East, property values will not be affected. The residential to the south has been contacted and has provided positive recommendation for the rebuild to a convenience store with fueling.

- (5) Responsible development and growth.

Existing access will be maintained. The site plan has been adjusted to meet code (no fueling canopy to the South or West). All utilities are at that site.

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-2026-0020 Bill # Z-26-04-13 Project Start: April 2026

PROPOSAL: Rezoning Petition REZ-2026-0020 – Speedway N Clinton – 7-Eleven
APPLICANT: Eric Carter
REQUEST: To rezone 1.59 acres from C2/Limited Commercial to C3/General Commercial to permit a gas station and C-Store
LOCATION: 5830 N Clinton Street (Section 24 of Washington Township)
LAND AREA: 1.59 acres
PRESENT ZONING: C2/Limited Commercial
PROPOSED ZONING: C3/General Commercial
COUNCIL DISTRICT: 3 – Nathan Hartman

May 11, 2026 Public Hearing

- No one spoke in support.
- One letter was submitted in opposition.
- One person spoke in opposition.
- Amos Norman was absent.

May 18, 2026 Business Meeting

Plan Commission Recommendation: DO PASS, with a Written Commitment

A motion was made by Paul Sauerteig 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.

9-0 MOTION PASSED

- All members were absent.

Fact Sheet Prepared by:
Karen Couture, Principal Land Use Planner
May 21, 2026

PROJECT SUMMARY

The site is located on the southeast corner of North Clinton Street and Saint Joe Center Road, and was previously a Walgreens for approximately twenty-five years. The applicant is requesting to rezone to C3/General Commercial to allow for a gas station and convenience store. There is C2/Limited Commercial zoning to the north and east, with a gas station/convenience store, and shopping center respectively. The zoning to the south and west is RP/Planned Residential, with a single-family residential dwelling on an unplatted metes and bounds parcel immediately to the south, and a school to the west across North Clinton Street.

The proposed Speedway consists of a 4,746 square foot convenience store, a gas canopy and eight (8) dispensers. There is existing access on the west directly off North Clinton Street, and a second off Saint Joe Center Road, by-way-of a shared access easement with Washington Square shopping center. Parking is located on the east, west and north sides of the convenience store, as well as one bay of parking on the north side of the parking lot. Dumpsters are proposed in the southeastern corner of the site, behind the building. The plan appears to meet all zoning ordinance required setbacks and parking requirements. The landscape plan appears to meet ordinance standards, with detailed information on the Landscape Plan Notes. The applicant submitted an application for a waiver of the buffer yard standards on the south property line, to utilize the existing paving and fencing. This waiver, if approved, will be added to the conditions of approval. The site is not located in any floodplain. The property is, however, located within the Airport Overlay district SMD Area 3, but will not require any extra approvals.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area.
- The following Goal would be applicable and supportive of this request:
LUD Goal 1 – Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas

Generalized Future Land Use Map

- The project site is located within the Neighborhood Commercial generalized land use category.
- Adjacent properties are categorized as Neighborhood Commercial to the north and east, Institutional to the west (existing school), and Suburban Neighborhood to the south.
- Primary Uses in the Neighborhood Commercial category include Low- to Moderate-Intensity Business, Service, and Retail, and Professional Office and Personal Services.

Compatibility Matrix

- The matrix lists C3/General Commercial as potentially compatible with the Neighborhood Commercial category. Compatibility can be increased with written commitments, enhanced landscaping, enhanced connectivity, etc.

Overall Land Use Policies

- The following Overall Land Use Policy would be applicable and supportive of this request:
LUD Policy 7 - Encourage compatible adaptive reuse of vacant, obsolete, or underutilized nonresidential buildings.

Other Applicable Plans: None

PUBLIC HEARING SUMMARY:

Presenter: Eric Carter, applicant, presented the request as outlined above.

Public Comments:

Naresh Khatana - (5910 N Clinton St. – Marathon Owner): Concerns with too many gas stations close together, market saturation, other businesses would be better.

Rebuttal: Thank You!

#REZ-2026-0020

BILL NO. Z-26-04-13

ZONING MAP ORDINANCE NO. Z-_____

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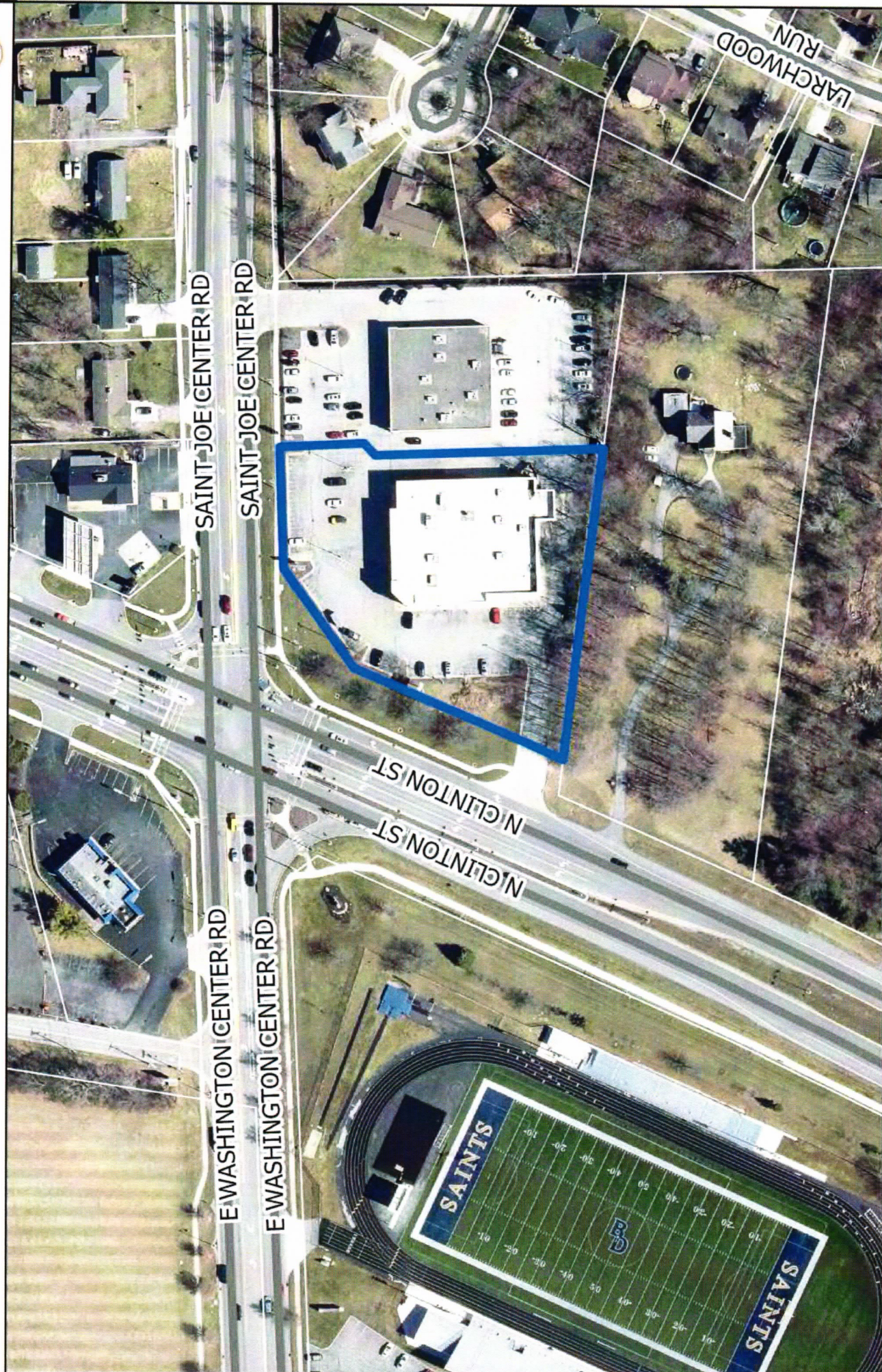
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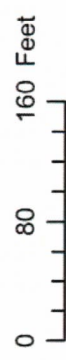
APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney



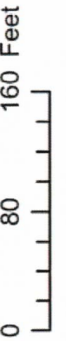
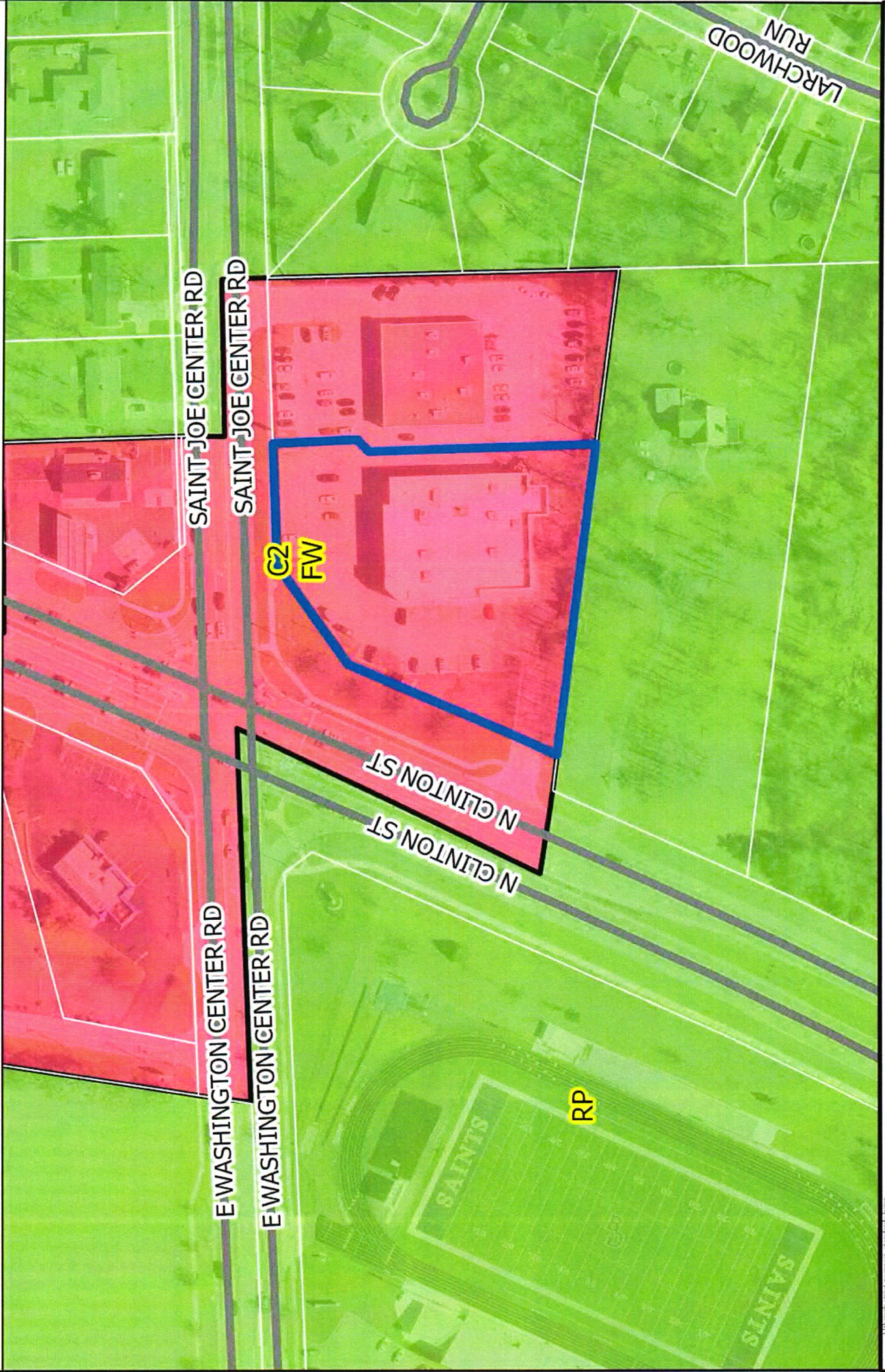
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Rezoning Petition REZ-2026-0020 and Primary Development Plan PDP-2026-0009 - N.C'Clinton Speedway/7-Eleven



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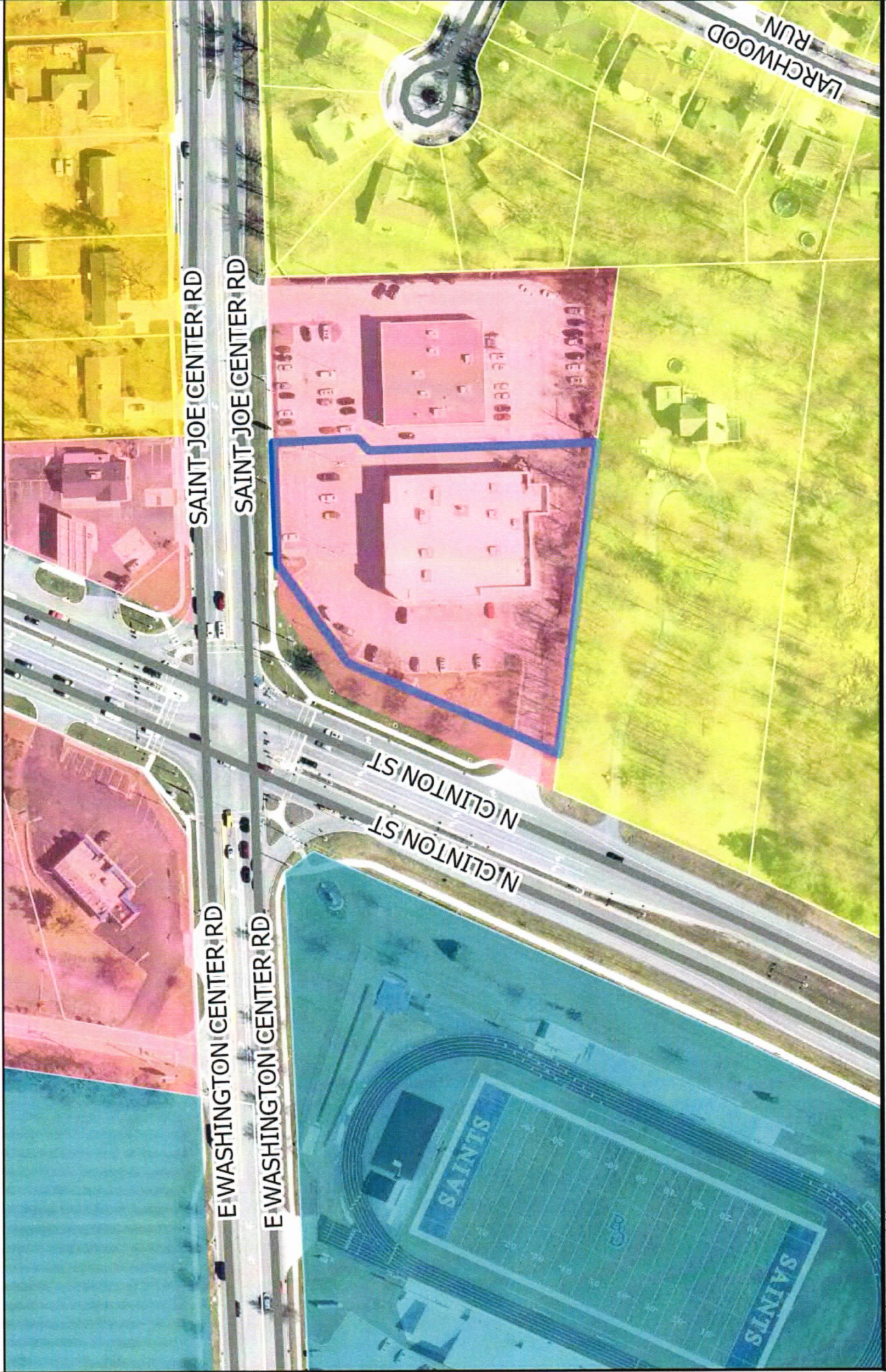
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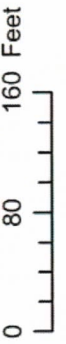
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Urban Infill Area





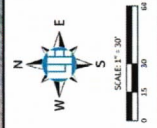
- Institutional Neighborhood
- Commercial
- Suburban Neighborhood
- Traditional Neighborhood



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 State Plane Coordinate System, Indiana East
 Pairs: 14, 20, 26, 32, 38, 44, 50, 56, 62, 68, 74, 80, 86, 92, 98, 104, 110, 116, 122, 128, 134, 140, 146, 152, 158, 164, 170, 176, 182, 188, 194, 200, 206, 212, 218, 224, 230, 236, 242, 248, 254, 260, 266, 272, 278, 284, 290, 296, 302, 308, 314, 320, 326, 332, 338, 344, 350, 356, 362, 368, 374, 380, 386, 392, 398, 404, 410, 416, 422, 428, 434, 440, 446, 452, 458, 464, 470, 476, 482, 488, 494, 500, 506, 512, 518, 524, 530, 536, 542, 548, 554, 560, 566, 572, 578, 584, 590, 596, 602, 608, 614, 620, 626, 632, 638, 644, 650, 656, 662, 668, 674, 680, 686, 692, 698, 704, 710, 716, 722, 728, 734, 740, 746, 752, 758, 764, 770, 776, 782, 788, 794, 800, 806, 812, 818, 824, 830, 836, 842, 848, 854, 860, 866, 872, 878, 884, 890, 896, 902, 908, 914, 920, 926, 932, 938, 944, 950, 956, 962, 968, 974, 980, 986, 992, 998, 1004, 1010, 1016, 1022, 1028, 1034, 1040, 1046, 1052, 1058, 1064, 1070, 1076, 1082, 1088, 1094, 1100, 1106, 1112, 1118, 1124, 1130, 1136, 1142, 1148, 1154, 1160, 1166, 1172, 1178, 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LAND SURVEYING - CIVIL ENGINEERING - SUSTAINABLE DESIGN - LANDSCAPE ARCHITECTURE



7-Eleven - ST JOE CENTER RD & N. CLINTON ST

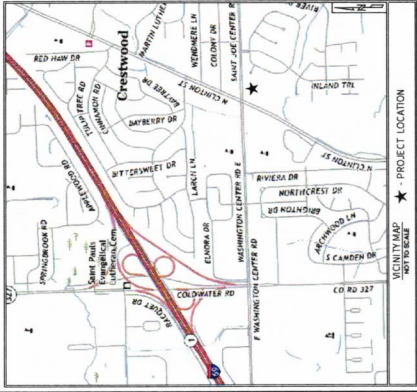
FORT WAYNE, IN

DATE: March 18, 2026



3000 N. College Ave.
Indianapolis, IN 46219
317.446.6411 WEIHE.NET

LAND SURVEYING - CIVIL ENGINEERING - SUSTAINABLE DESIGN - LANDSCAPE ARCHITECTURE



GENERAL NOTES

UNLESS NOTED OTHERWISE, ALL BEARINGS, DISTANCES, AREAS, AND COORDINATES SHOWN HEREON ARE BASED UPON THE NAD 83 GEODETIC DATUM. COORDINATE SYSTEMS SHOWN HEREON ARE BASED UPON THE NAD 83 GEODETIC DATUM. COORDINATE SYSTEMS SHOWN HEREON ARE BASED UPON THE NAD 83 GEODETIC DATUM. COORDINATE SYSTEMS SHOWN HEREON ARE BASED UPON THE NAD 83 GEODETIC DATUM.

PROJECT LOCATION

THE PROJECT IS LOCATED AT THE INTERSECTION OF ST. JOE CENTER RD AND CLINTON ST. THE PROJECT AREA IS APPROXIMATELY 1.5 ACRES. THE PROJECT AREA IS APPROXIMATELY 1.5 ACRES. THE PROJECT AREA IS APPROXIMATELY 1.5 ACRES.

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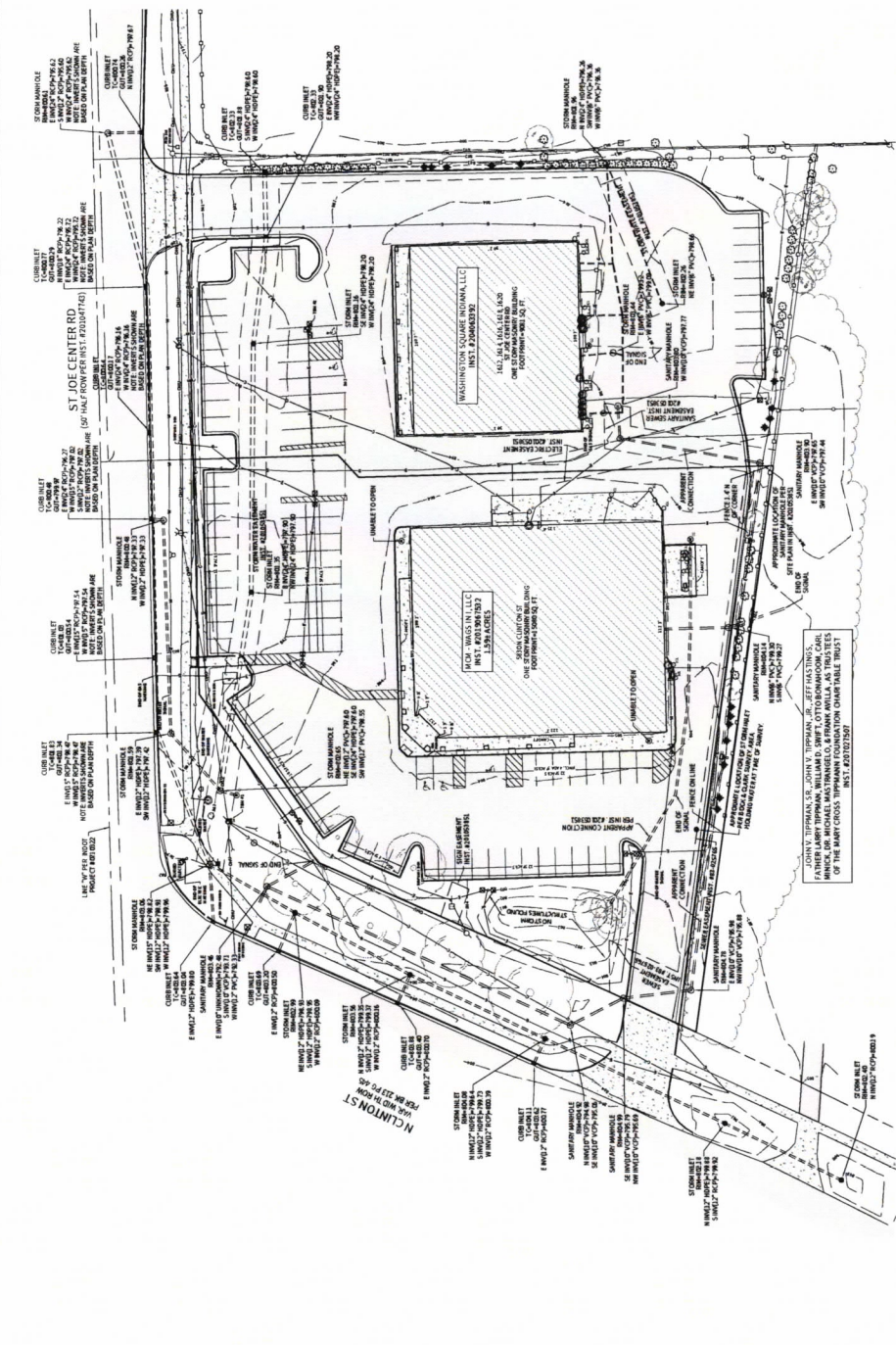
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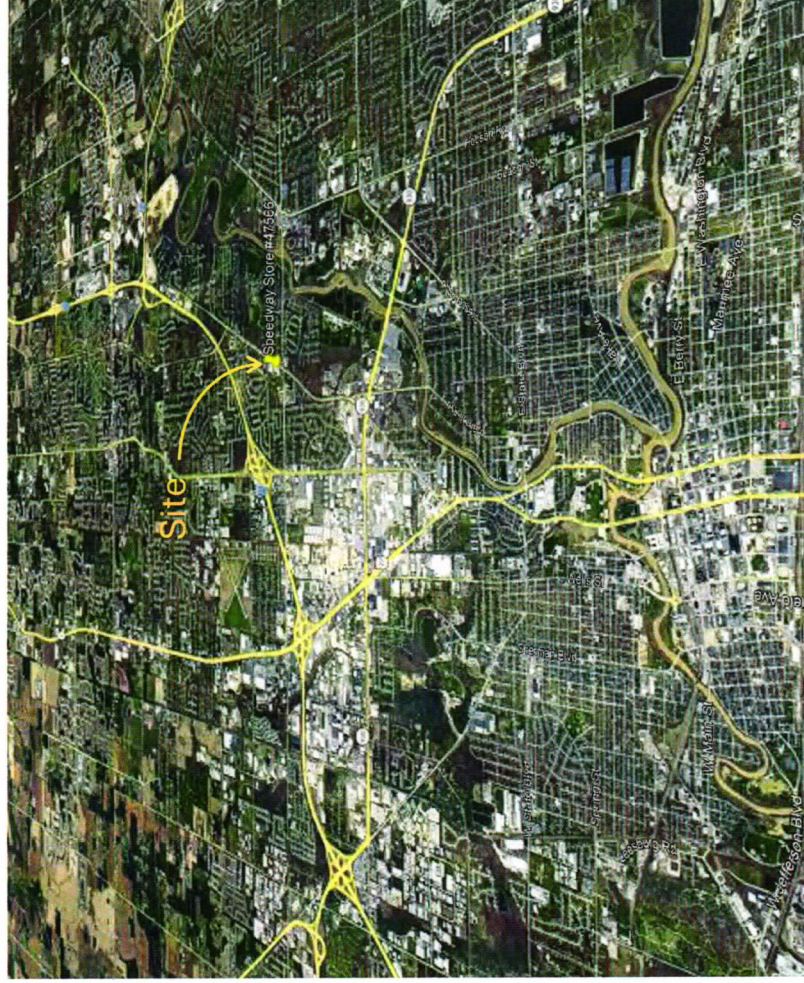
LEGEND

LEGEND

DATE	BY	REVISION
11/14/14	SM	1.0
11/14/14	SM	1.1
11/14/14	SM	1.2
11/14/14	SM	1.3
11/14/14	SM	1.4
11/14/14	SM	1.5
11/14/14	SM	1.6
11/14/14	SM	1.7
11/14/14	SM	1.8
11/14/14	SM	1.9
11/14/14	SM	2.0



7-Eleven (Speedway) Store #47566 Primary Development Plan and Rezone



Plan Commission May 11, 2026

Site Location & Existing Conditions

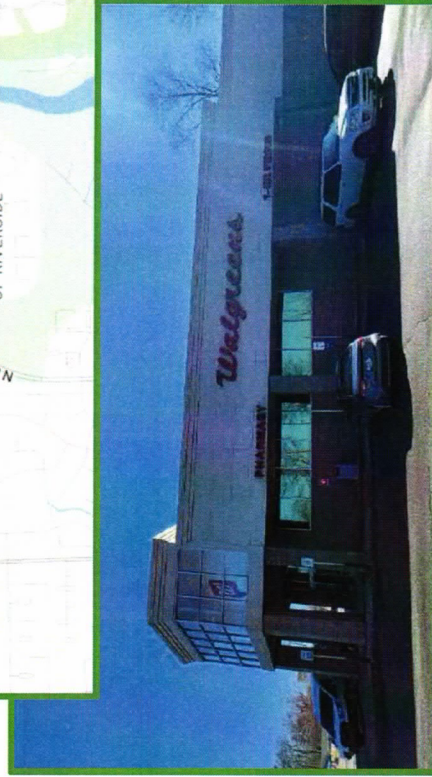
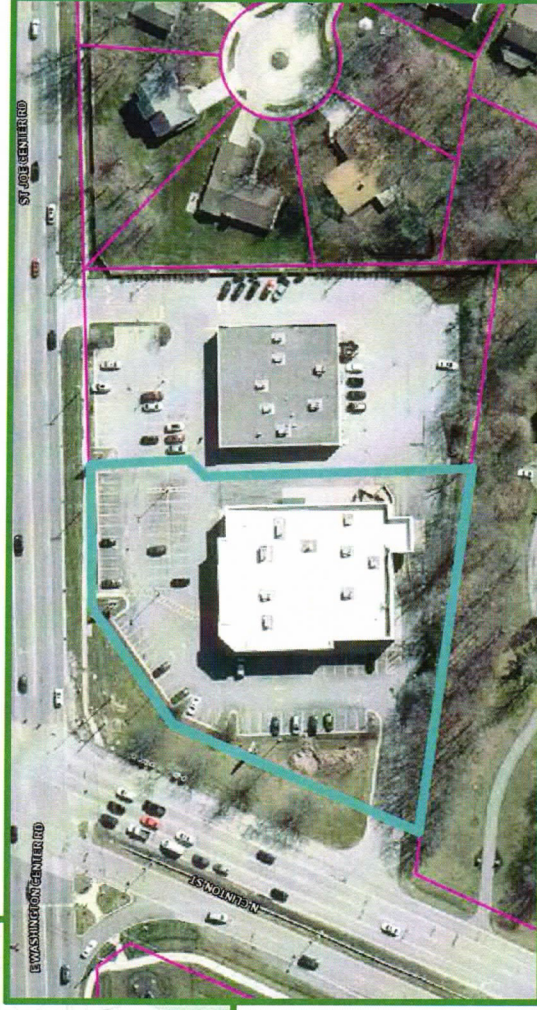


Existing Zoning:

- C2, Limited Commercial District

Proposed Zoning:

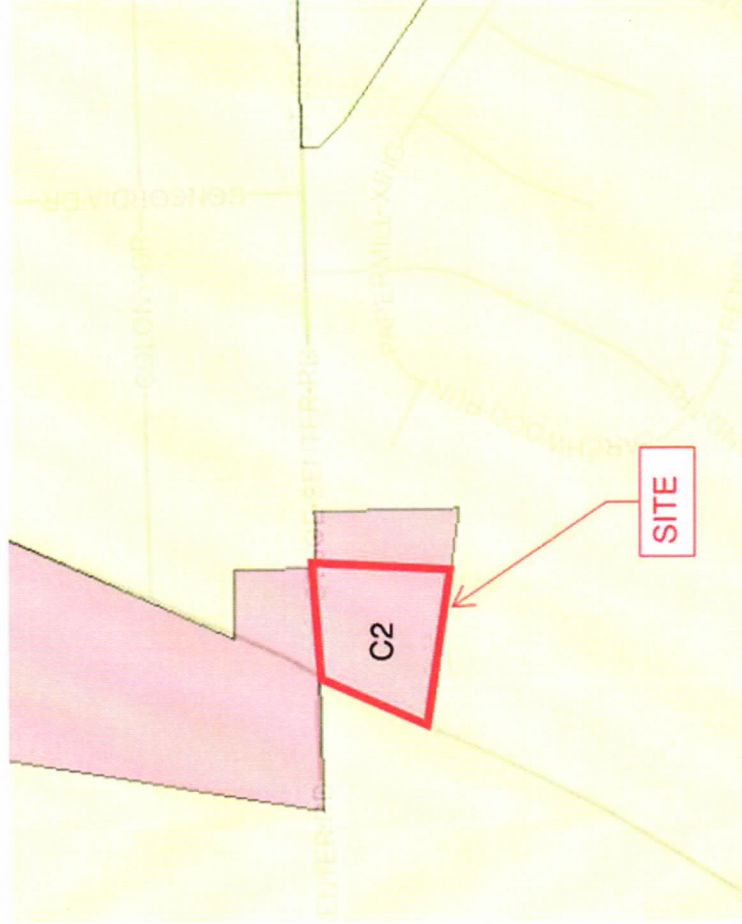
- C3, General Commercial



Surrounding site



Site Location & Existing Conditions



Existing Zoning:

- C2, Limited Commercial District (no gas stations next to residential)

Proposed Zoning:

- C3, General Commercial (gas stations allowed but canopy is not located between the primary building and residential)
- Located in the Neighborhood Commercial land use category

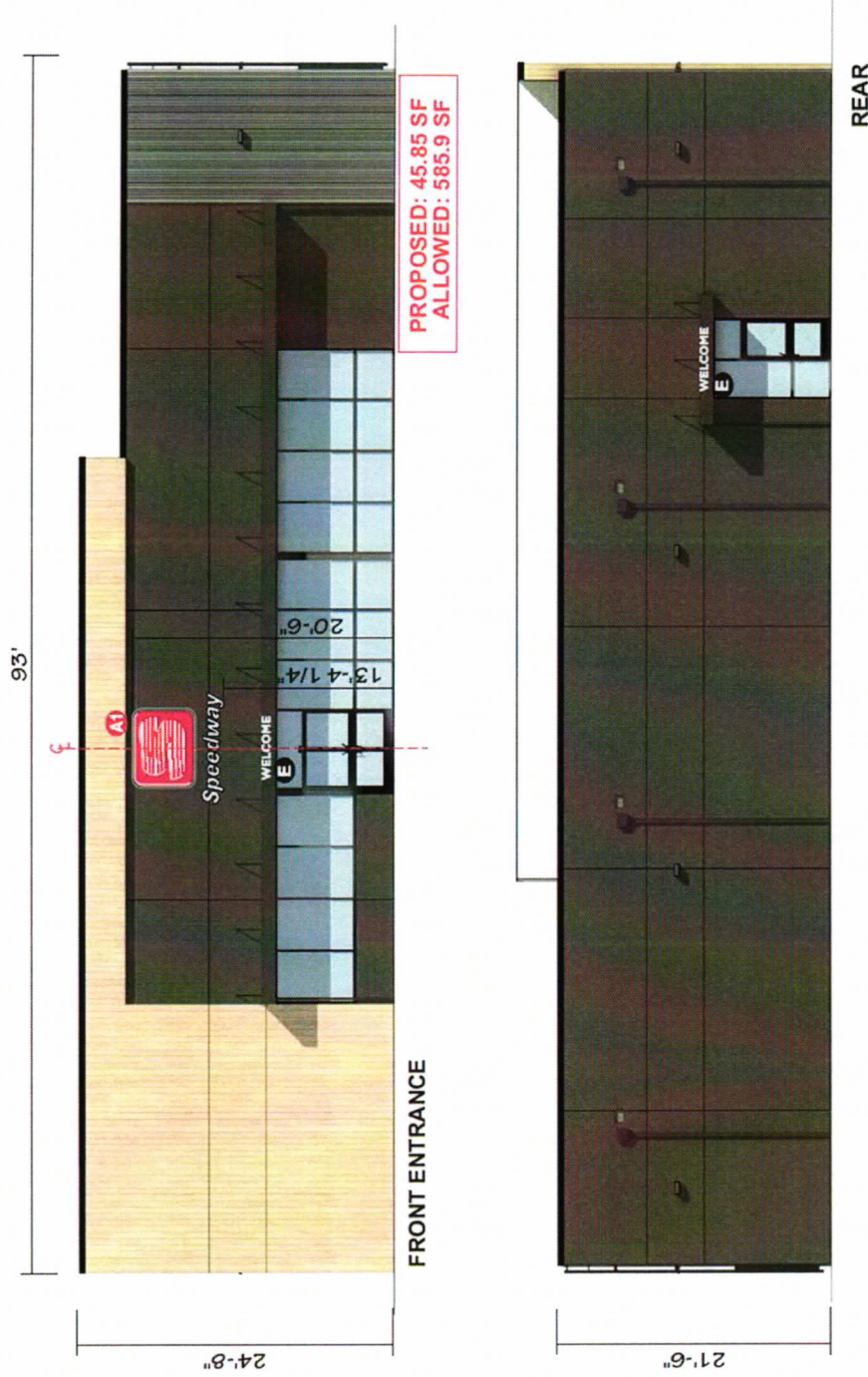
Site Plan



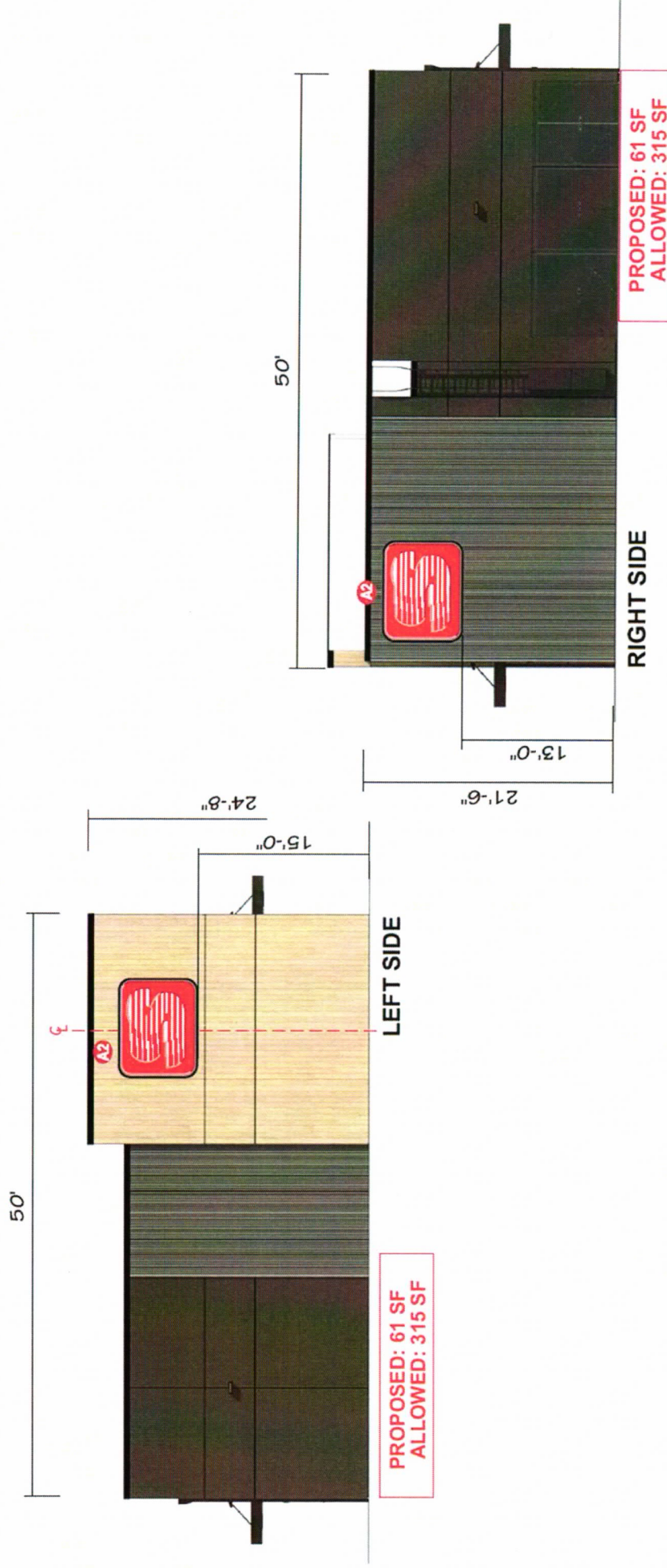
Proposed:

- Proposed 4,750 SF +/- Convenience store
- Fueling
 - 8 "Stacked" auto canopy (16 fueling positions)
- 39 Auto Spaces

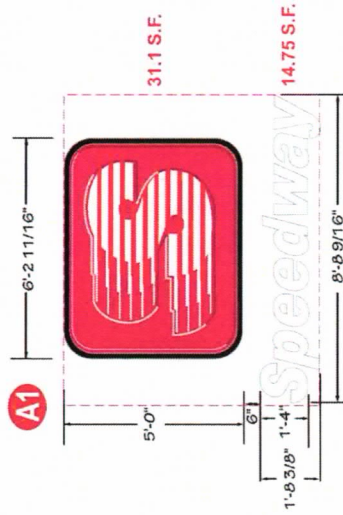
Site Elevations



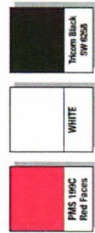
Site Elevations



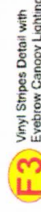
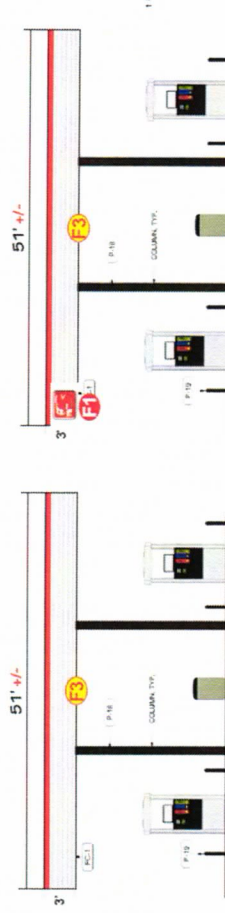
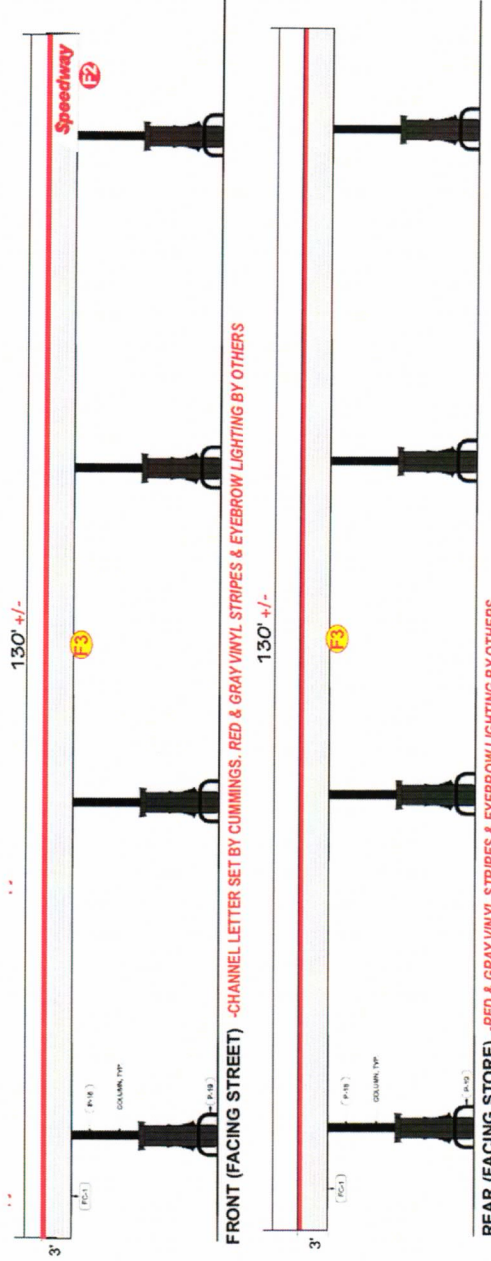
Site Signage



COLORS:



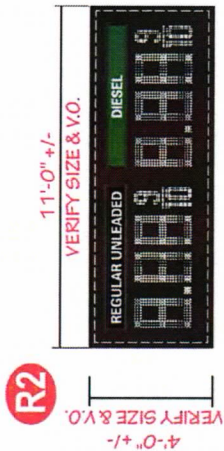
OPAQUE WHITE WELCOME VINYL LETTERS FOR FIRST SURFACE IN FIELD APPLICATION TO NEW BLDG. CANOPY FACE.



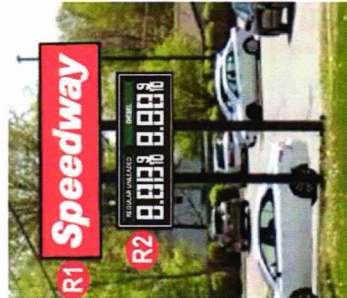
Site Signage



- SPEEDWAY FACES**
- FLAT CLEAR POLYCARBONATE FACES WITH 2ND SURFACE DECORATION
- SPEEDWAY COLORS**
- RED 3M 3630-43/PMS 199C
 - WHITE 3M WHITE/PANTONE PMS WHITE



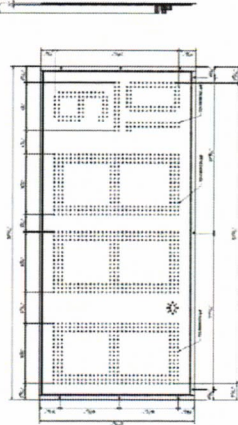
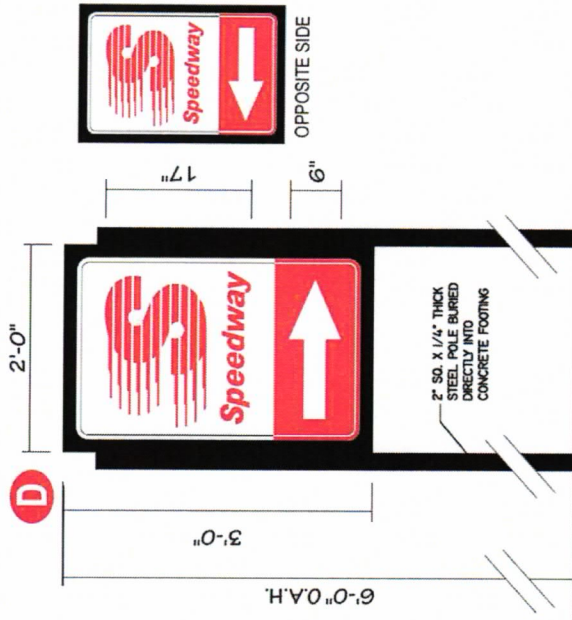
- FUEL PRICE FACES**
- FLAT CLEAR POLYCARBONATE BACK SPRAYED BLACK WITH WHITE RECTANGLES FOR FLAT CLEAR ACRYLIC WORD PLATES WITH COPY WEEDED FROM BLACK & GREEN BACK-GROUNDS TO SLIDE INTO 1ST SURFACE APPLIED CLEAR TRACKS.
- FLAT PCU TACK (PVM) 22" WHITE LED DIGITS**
- 7-ELEVEN COLORS**
- 3M Scotchcal 3730-4537 Pantone PMS 336 C



PROPOSED



EXISTING



Waiver – bufferyard south property

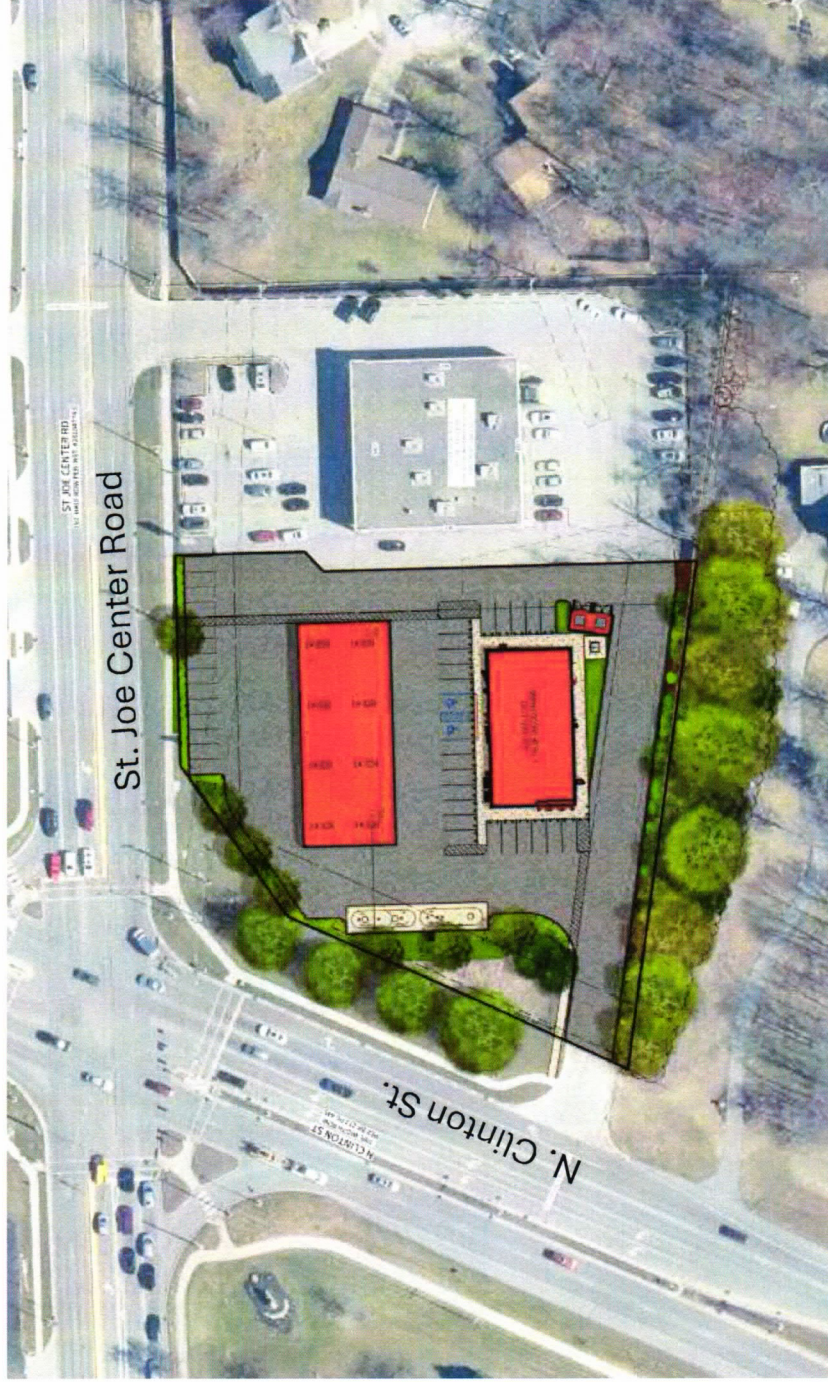


Reasons for request of Waiver Buffer yard (from Section 157.408.D.2.i).
Existing ingress/egress to the neighbor's commercial property must be maintained.
Existing fence and landscape preservation.

Section 157.408.B.4 :

If this §157.408 requires screening and buffering between two adjacent properties, and an existing property already contains screening and buffering that satisfies the applicable screening and buffering standards, a new development or use on the adjacent parcel is not required to install additional landscaping or screening.

Site Plan



WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this 21st day of May, 2026 by MCM – WAGS IN I, LLC, a North Carolina limited liability company (the "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 1.59 acres of real estate located in 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 C2/Limited Commercial zoning district to a C3/General Commercial zoning district, bearing numbers REZ-2026-0020 and PDP-2026-0009 (the "Petition"), which Petition has been approved by the Fort Wayne 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 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:

- a) Agricultural equipment sales
- b) Agricultural equipment service
- c) Agricultural supply sales
- d) Animal kennel
- e) Animal obedience school
- f) Automobile auction
- g) Automobile body shop
- h) Automobile detailing or trim shop
- i) Automobile maintenance (quick service)
- j) Automobile rental
- k) Automobile repair

- l) Automobile restoration
- m) Automobile rustproofing
- n) Automobile sales
- o) Automobile washing facility
- p) Boat sales
- q) Correctional services facility
- r) Equipment rental (limited)
- s) Equipment service
- t) Fireworks sales
- u) Fraternity house
- v) Go-kart facility
- w) Homeless shelter
- x) Landscape contracting service
- y) Manufactured home sales
- z) Motor vehicle auction
- aa) Motor vehicle rental
- bb) Motor vehicle repair
- cc) Motor vehicle sales
- dd) Shooting range (indoor)
- ee) Sorority house
- ff) Stadium/racetrack
- gg) Storage shed sales
- hh) Tire sales
- ii) Towing service (with no storage yard)
- jj) Watercraft sales
- kk) Zoo

2. Permitted Uses. Any use otherwise permitted in a C3/General Commercial 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. Declarant agrees to the following:

- a) Existing privacy fence and plant material on south property line will be maintain in good condition, with repair or replacement as necessary to meet the intent of the zoning ordinance required screening and buffering.
- b) The dumpsters will have the required enclosure, to be constructed with either a wood or a vinyl fence or masonry structure and will include a gate.
- c) All site and building lighting will use sharp cut-off type fixtures as defined by the Illuminating Engineers Society of North America (IESNA). A photometrics plan will be submitted as a part of the secondary development plan showing no light emanating onto the adjacent residential properties to the south.
- d) New signage will meet zoning ordinance requirements, or Board of Zoning Appeals approval shall be required.

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) _____
_____.

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.

"DECLARANT"

MCM – WAGS IN I, LLC

By: Morgan Capital Management, LLC, a North Carolina limited liability company

By: [Signature]
Printed Name: George A. Morgan, III
Title: Manager

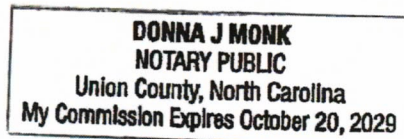
STATE OF NORTH CAROLINA)
) SS:
COUNTY OF MECKLENBURG)

Before me, the undersigned, a Notary Public, in and for said County of Mecklenburg and State of North Carolina, this 21st day of May, 2026, personally appeared George A. Morgan, III and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

[Signature]
Notary Public

My Commission Expires: 10/20/29

My County of Residence: Mecklenburg



THIS INSTRUMENT prepared by: Department of Planning Services, 200 East Berry, Suite 150, Fort Wayne, IN 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.

Michelle B. Wood

When Recorded, mail to: Department of Planning Services, 200 East Berry, Suite 150, Fort Wayne, IN 46802.

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

LAND DESCRIPTION PER INSTRUMENT NUMBER 2019067532

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, ALSO BEING A PART OF A 1.86 ACRE PARCEL AS RECORDED IN DOCUMENT NO. 83-29214, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 953.46 FEET; THENCE SOUTH A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ST. JOE CENTER ROAD; THENCE CONTINUING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 77.95 FEET; THENCE SOUTH 48 DEGREES 11 MINUTES 35 SECONDS WEST, A DISTANCE OF 16.20 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 223.36 FEET TO A POINT ON THE SOUTH LINE OF SAID 1.86 ACRE PARCEL; THENCE NORTH 80 DEGREES 40 MINUTES 00 SECONDS WEST, A DISTANCE OF 305.14 FEET, ALONG SAID SOUTH LINE, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH CLINTON STREET; THENCE 48.00 FEET ALONG A 4849.65 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INCLUDED ANGLE OF 0 DEGREES 34 MINUTES 02 SECONDS, AND THE LONG CHORD OF WHICH MEASURES NORTH 26 DEGREES 26 MINUTES 30 SECONDS EAST, 48.00 FEET, ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 25 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 75.00 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 25 DEGREES 09 MINUTES 00 SECONDS EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 56 DEGREES 18 MINUTES 00 SECONDS EAST, A DISTANCE OF 110.47 FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF ST. JOE CENTER ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 125.41 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, CONTAINING 1.59 ACRES, MORE OR LESS.

Karen Couture

From: DM Wiederholt <jwwdmw@hotmail.com>
Sent: Wednesday, May 6, 2026 4:04 PM
To: ACFWPlanCommission
Subject: Rezoning petition REZ-2026-0020

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hopefully this is the correct email to voice my thoughts on proposal number,
Rezoning Petition REZ-026-0020 and Primary Development Plan PDP-2026-0009
N. Clinton Speedway/7-Eleven

1. Why is there another gas station needed when there is one right across the street from this location and a station within a short distance on the corner of No. Clinton and Coliseum also going east also a short distance on St. Joe Center Road and BP and a Marathon. Does that mean one or other will be losing customers and going out of business then there will be empty places.
2. It is too close to Bishop Dwenger High School and also a junior high school.
3. It is hard enough to get out of Papermill Bluffs addition at times and this will make it even harder, I have sat there close to 5 minutes on a busy day.
4. .The lighting and possible noise that will be a result of this business will be a hinderance to those in Papermill Bluffs addition especially those that live next to the proposed business.

Papermill Bluffs is a nice quiet neighborhood lets keep it that way.

I am definitely opposed to this option.
Delores Wiederholt
1709 Cobblewood Cove
Fort Wayne, IN 46825

BILL NO. Z-26-04-13

REPORT OF COMMITTEE ON REGULATIONS

June 2, 2026

Scott Myers Chair

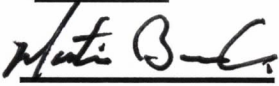
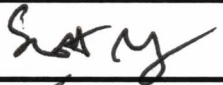
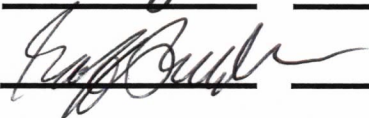
Rohli Booker Co-Chair

All Council Members

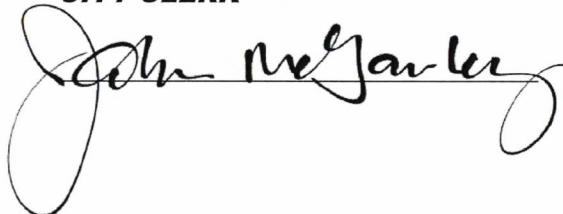
An Ordinance amending the City of Fort Wayne Zoning Map No. O34 (Sec. 24 of Washington Township)

To rezone 1.59 acres from C2/Limited Commercial to C3/General Commercial at 5830 N Clinton Street to permit a gas station and C-Store

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>			

**JOHN D. MCGAULEY
CITY CLERK**



Public Hearing Date: N/A

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

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

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

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
BENDER	☒	☐	☐	☐
BOOKER	☒	☐	☐	☐
CHAMBERS	☒	☐	☐	☐
ENSLEY	☒	☐	☐	☐
FREISTROFFER	☒	☐	☐	☐
HARTMAN	☒	☐	☐	☐
JEHL	☐	☐	☒	☐
MYERS	☐	☐	☐	☒
PADDOCK	☐	☒	☐	☐

DATED: June 9, 2026

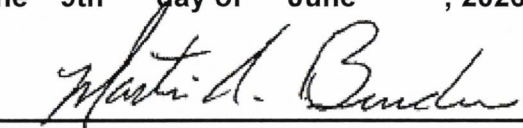

JOHN D. MCGAULEY, CITY CLERK

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

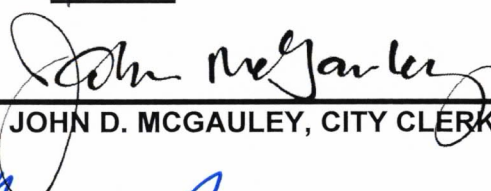
Zoning Ordinance No. Z-26-04-13 on the 9th day of June, 2026

ATTEST:

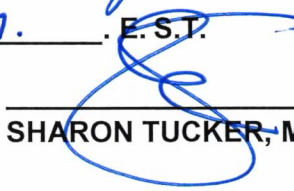

JOHN D. MCGAULEY
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th of June 2026, at the hour of 10:45 o'clock A.M. E.S.T.


JOHN D. MCGAULEY, CITY CLERK

Approved and signed by me this 10th day of June 2026, at the hour of 2:10 o'clock P.M. E.S.T.


SHARON TUCKER, MAYOR

Fort Wayne Indiana
Office of the City Clerk

JUN 10 2026
RECEIVED