

#REZ-2026-0023

BILL NO. Z-26-05-13

ZONING MAP ORDINANCE NO. Z-12-26

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L23 (Sec 26 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:

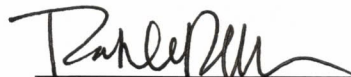
LEGAL DESCRIPTION

Lots Numbered 265, 266, 267, 268, 269, 270, and 271 in Fairfield Terrace Addition, Section "B", and addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 11, pages 52-53, EXCEPT that portion of Lot Numbered 265 conveyed to the City of Fort Wayne as recorded in Deed Record 631, page 440 and by Dedication to the City of Fort Wayne recorded as Document Number 70-8461.

and the symbols of the City of Fort Wayne Zoning Map No. L23 (Sec. 26 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-2026-0023
Bill Number: Z-26-05-13
Council District: 5 – Geoff Paddock

Introduction Date: May 26, 2026

Plan Commission
Public Hearing Date: June 8, 2026 (not heard by Council)

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

Synopsis of Ordinance: To rezone 0.842 acres from R1/Single Family Residential, C2/Limited Commercial, and C3/General Commercial to C3/General Commercial

Location: 5805 & 5825 Fairfield Ave and 430 W Cox Dr (Section 26 of Wayne Township)

Reason for Request: To permit new construction on existing site, including updated access drives and enhanced landscaping

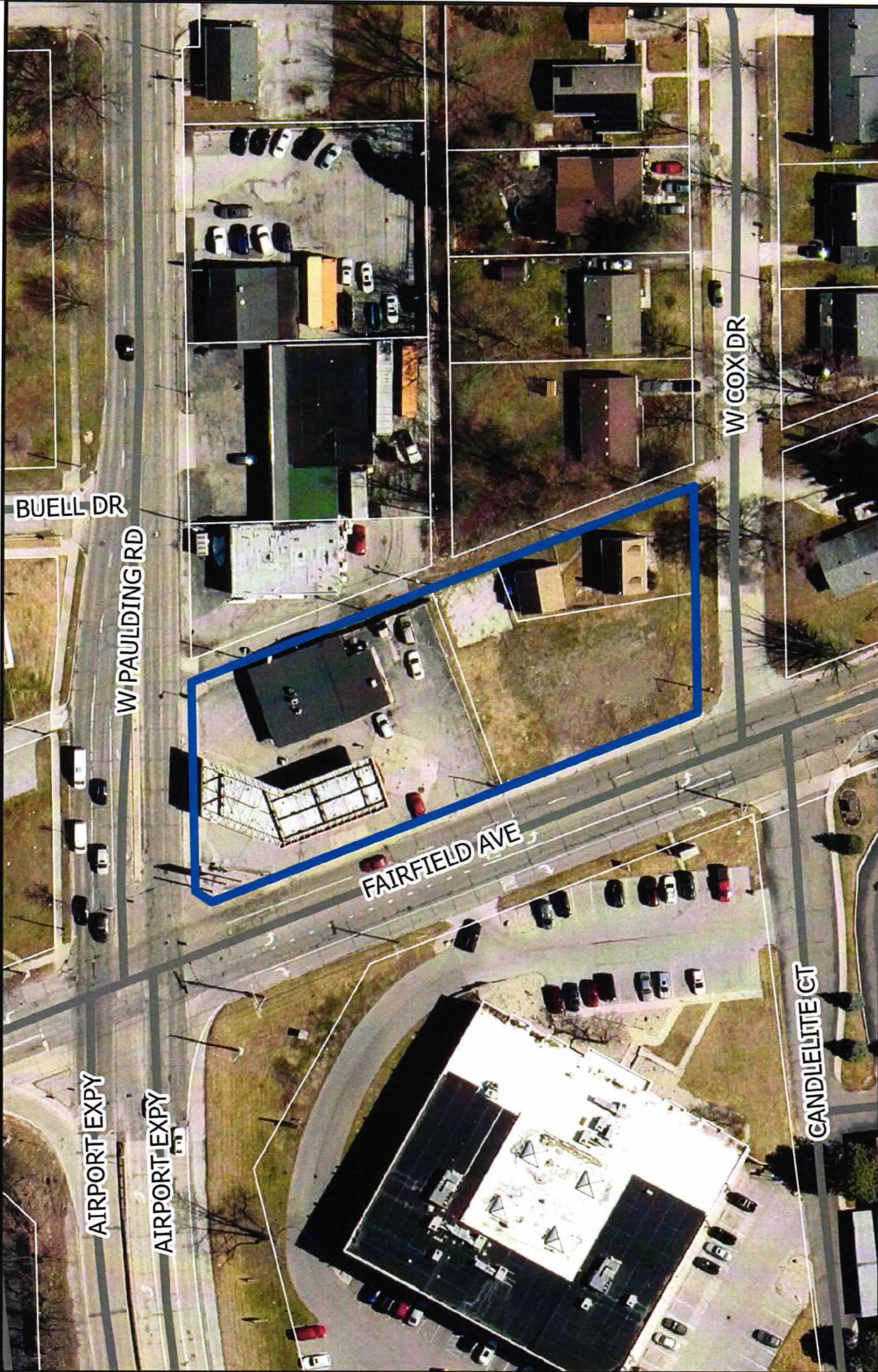
Applicant: Humaidi Group LLC

Property Owner: Humaidi Group LLC and A And H Oil Co LLC

Related Petitions: Primary Development Plan - PDP-2026-0013 – Humaidi Group LLC

Effect of Passage: Property will be rezoned to the C3/General Commercial zoning district, which would permit proposed new construction on existing site, including updated access drives and enhanced landscaping.

Effect of Non-Passage: Property will remain zoned R1/Single Family Residential, C2/Limited Commercial, and C3/General Commercial, which would not permit proposed new construction on existing site. The site may continue with existing or non-conforming uses, and may be redeveloped with similar single-family residential, and some limited and general commercial uses.

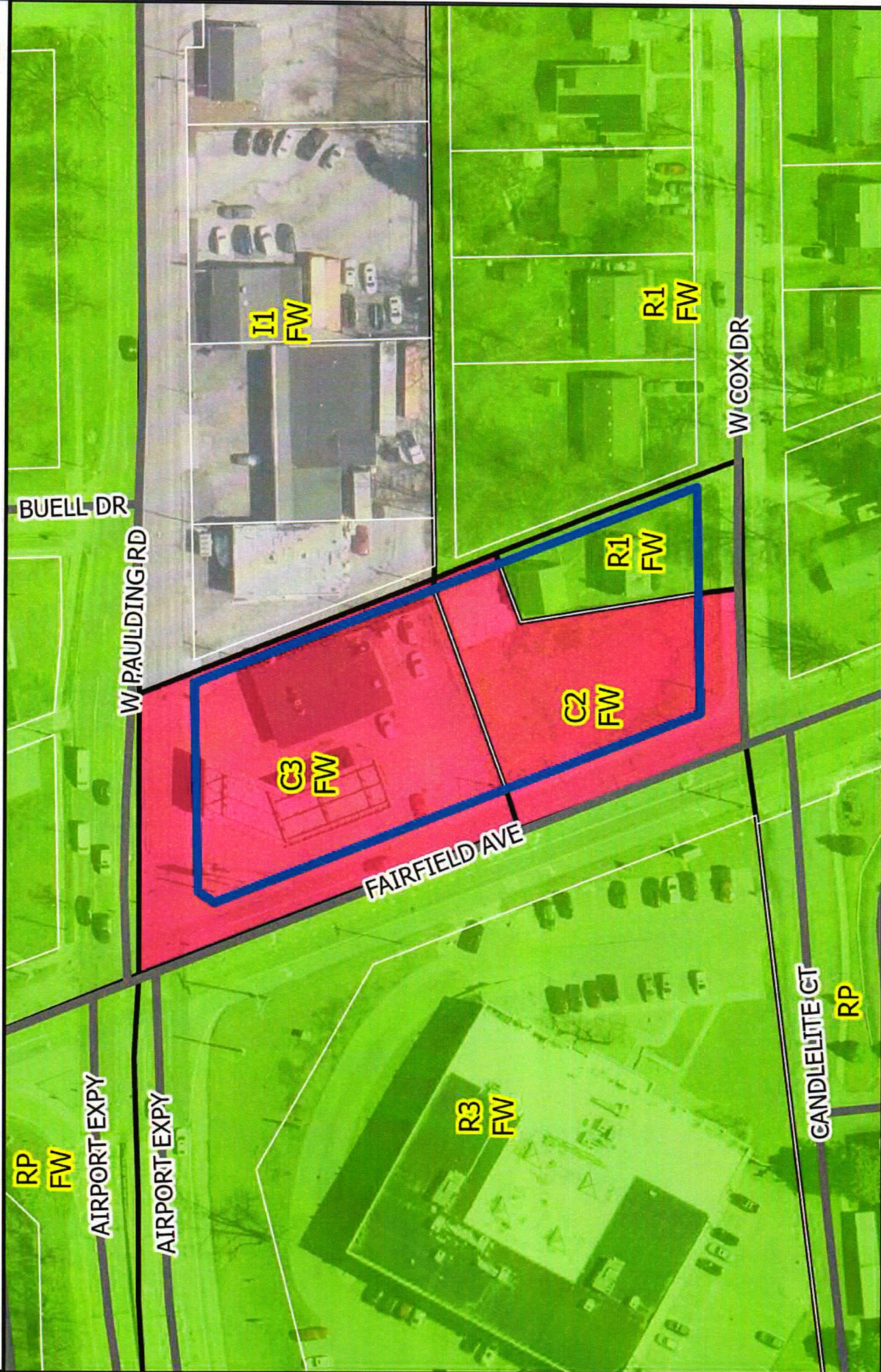


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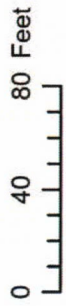
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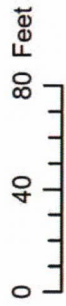
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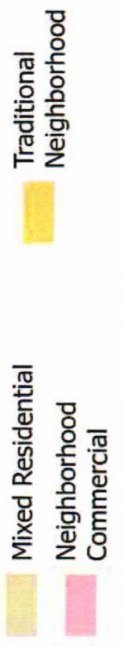
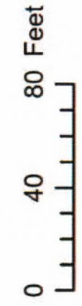
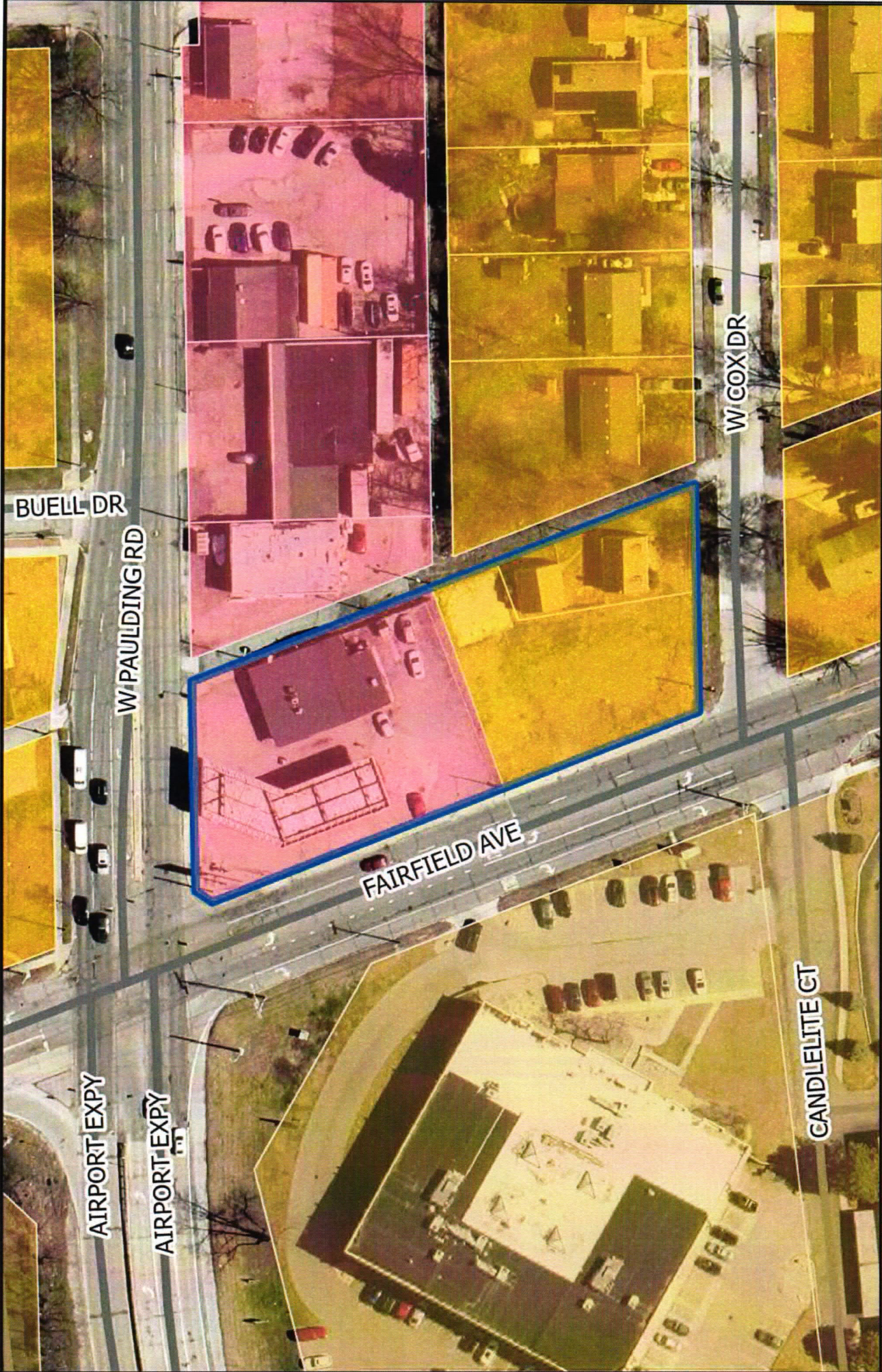
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Priority Investment Area
 Urban Infill Area

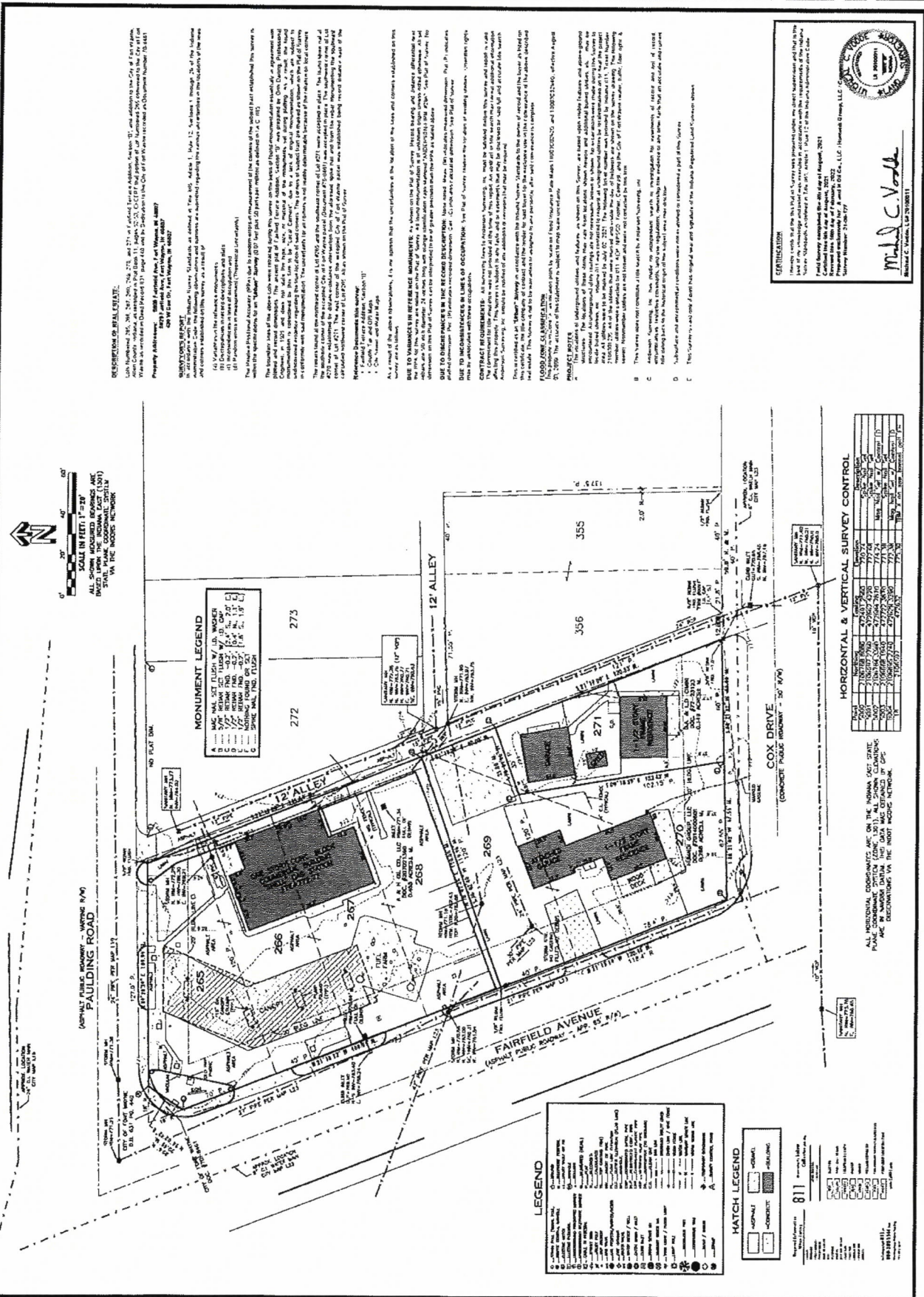




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 Date: 5.12.2025

SHEET 1 OF 1
SURVEY



DESCRIPTION OF REAL ESTATE:

Lots Numbered 265, 266, 267, 268, 269, 270, and 271 in Fairfield Terrace Addition, Section "B", and addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 11, pages 52-53, EXCEPT that portion of Lot Numbered 265 conveyed to the City of Fort Wayne as recorded in Deed Record 631, page 440 and by Dedication to the City of Fort Wayne recorded as Document Number 70-8461.

Property Addresses: **5805 Fairfield Ave, Fort Wayne, IN 46807**
 5825 Fairfield Ave, Fort Wayne, IN 46807
 430 W Cox Dr, Fort Wayne, IN 46807

SURVEYOR'S REPORT

In accordance with the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12, Sections 1 through 29 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments:
- (b) Discrepancies in record descriptions and plats:
- (c) Inconsistencies in lines of occupation and:
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (RPA) due to random errors in measurement of the corners of the subject tract established this survey is within the specifications for an **"Urban" Survey** (0.07 feet plus 50 parts per million) as defined in I.A.C. 865.

The boundary lines of the above Lots were retraced during this survey on the basis of found monumentation essentially in agreement with platted and record dimensions. The ancient plat of Fairfield Terrace Addition, Section "B" was prepared by Orin Darling, Professional Engineer, in 1925 and does not state the type, size, or material of the monuments set during platting. As a result, the found monumentation is considered by this firm to be "Local Corners", due to a lack of original monumentation, which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the Plat of Survey in conformity with said monumentation. The uncertainty for all corners is not readily determinable because of the reliance on local corners.

The rebars found at the northeast corner of Lot #265 and the southeast corner of Lot #271 were accepted in place. The found spike nail at the southerly corner of the excepted City of Fort Wayne parcel (Document #70-8461) was accepted in place. The southwest corner of Lot #270 was established by distance-distance intersection from the aforesaid spike nail and from the rebar monumenting the southeast corner of Lot #271. The east corner of the excepted City of Fort Wayne parcel was established being record distance east of the calculated northwest corner of Lot #265. All as shown on the Plat of Survey.

Reference Documents this survey:

- Fairfield Terrace Addition, Section "B"
- County Tax and GIS Maps
- City Sewer and Water Maps

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: As shown on the Plat of Survey. Record bearing and distance differential over the RPA for this survey are noted on the Plat of Survey. All found monumentation is of unknown origin unless noted otherwise. All set rebars are 5/8 inch diameter 24 inches long with orange identification caps stamped "ANDERSON-FIRM #29A". See Plat of Survey. No dimension on this Plat of Survey can be interpreted to be of greater precision than the RPA as stated above.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: None noted. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: See Plat of Survey relative the location of existing utilities. Unwritten rights may be associated with these occupations.

CONTRACT REQUIREMENTS: All surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report is valid. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

This is certified as an **"Urban" Survey** in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. This Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

FLOOD ZONE CLASSIFICATION

This property is in Zone "X" as location plots by scale on Flood Insurance Rate Maps 18003C0292G and 18003C0294G, effective August 03, 2009. The accuracy of this statement is subject to map scale uncertainty.

PROJECT NOTES

The locations of underground utilities and features, as shown on this Survey, are based upon visible features and above-ground structures. The locations of these items may vary from locations shown hereon and additional buried utilities, etc.... may be encountered. All underground utility routings are not necessarily known or shown. No excavations were made during this Survey to locate buried utilities, etc... Indiana 811 was contacted to request all underground utilities be located/marked on or near the project area. All utilities were to be marked by July 02, 2021. The following ticket number was provided by Indiana 811, Ticket Number 2106301235. All of the utilities that were marked and visible the day of fieldwork are shown on the survey drawing. The following member utilities were contacted by 811: AEP, NIPSCO, Frontier, Comcast, and the City of Fort Wayne (water, traffic, fiber optic, & sewer). Nonmember utilities are not known and were not contacted by this firm.

This Survey does not constitute a title search by Anderson Surveying, Inc.

Anderson Surveying, Inc. has made no independent search or investigation for easements of record and not of record, encumbrances, restrictive covenants, land use regulations, ownership title evidence or any other facts that an accurate and current title dating back to the historical origin of the subject area may disclose.

Subsurface and environmental conditions were not examined or considered a part of this Survey.

This Survey is valid only if print has original seal and signature of the Indiana Registered Land Surveyor shown.

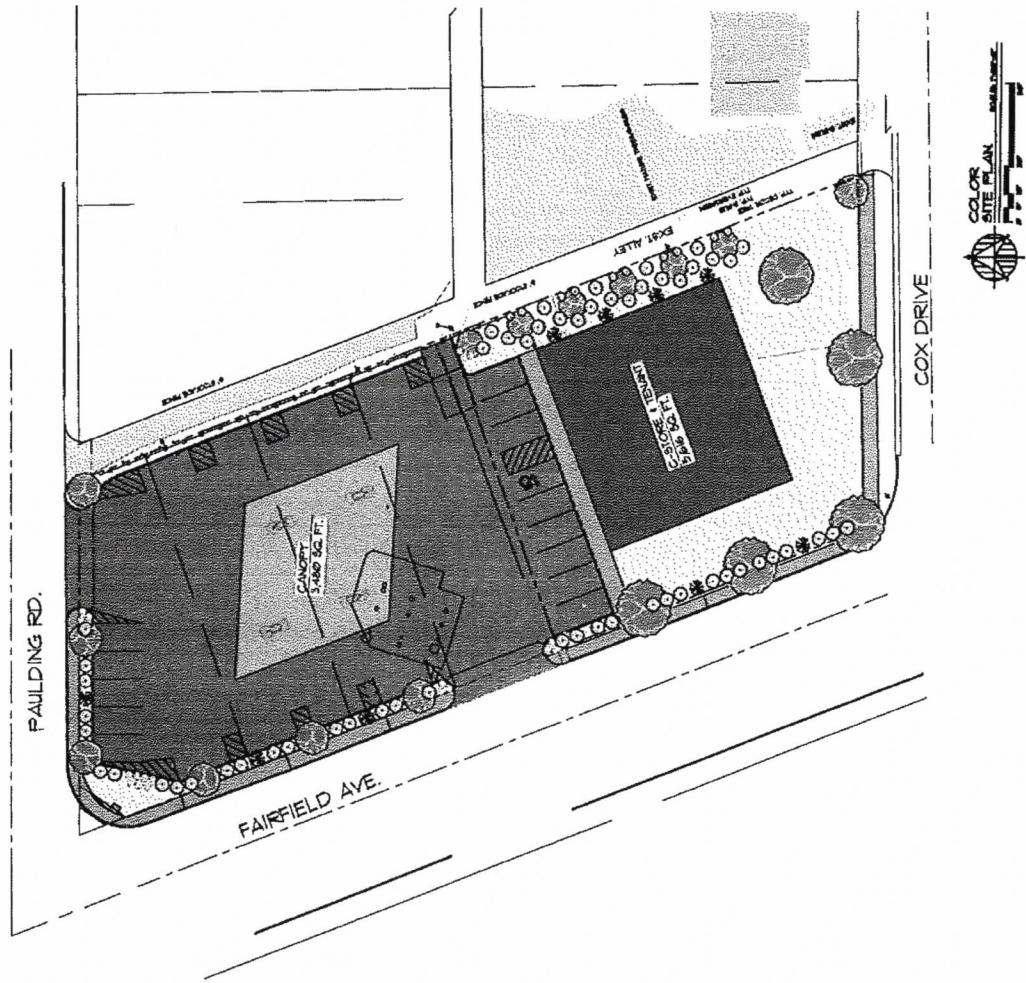


P. A. TROYER INC.
CONSTRUCTION
INDIANAPOLIS, IN 46220
5525 BUNNY LANE
PHIL@PATROYER.COM



C-STORE
FAIRFIELD AVE @ PAULDING RD
FORT WAYNE, IN 46807

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
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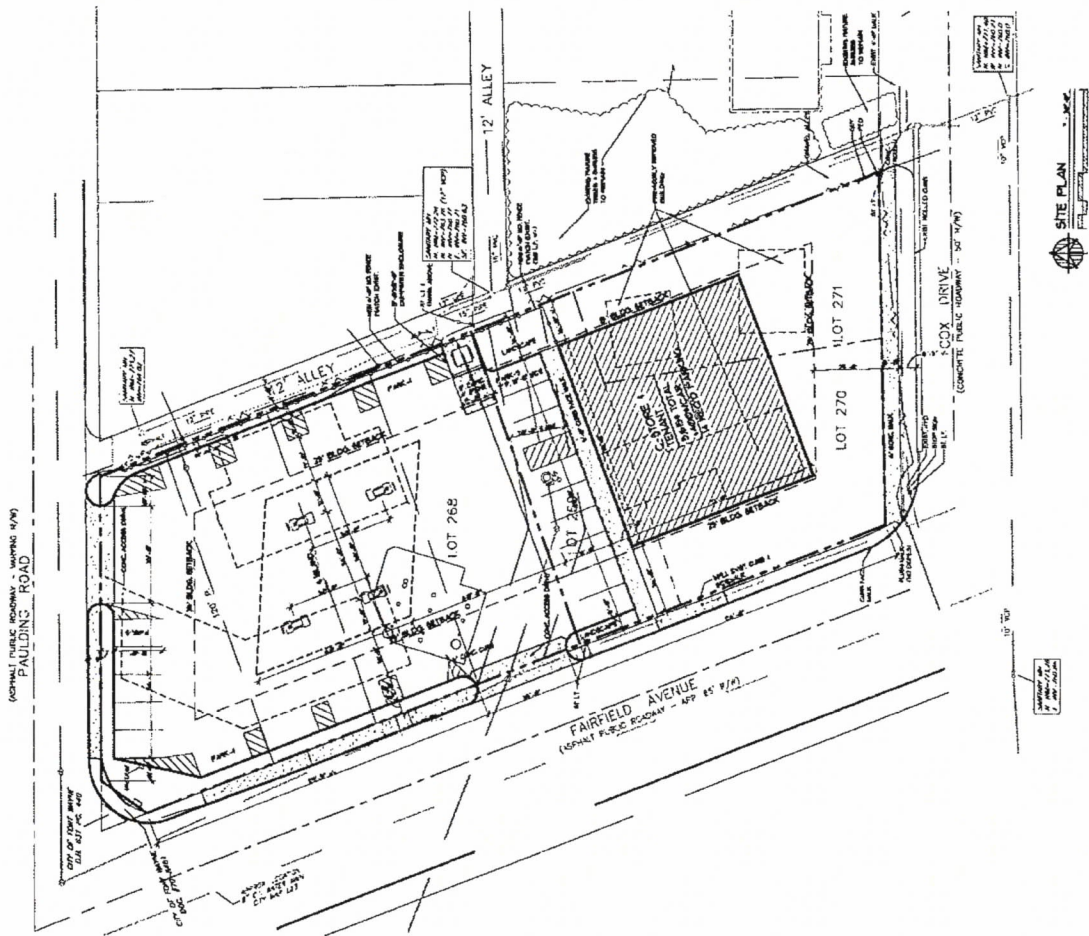
P. A. TROYER INC.
ARCHITECTURE
DEVELOPMENT
CONSTRUCTION
6825 BUNNY LANE
INDIANAPOLIS, IN 46220
D. 260-318-0925
PHIL@PATROYER.COM



C-STORE
FAIRFIELD AVE & PAULDING RD
FORT VAYNE, IN 46037

1	OWNER
2	ARCHITECT
3	ENGINEER
4	DATE

S1
SITE
ARCH
SITE PLAN





**DPS Plan Commission
Rezoning Petition Application**

Page 1 of 1

Applicant

Applicant Name: Humaidi Group LLC
Address: 5805 Fairfield Ave City: Fort Wayne State: IN Zip: 46807
Email (type or print): Humaidim@gmail.com Phone: 260 343 8783

Property Ownership

☒ Same as applicant

Owner Name: _____
Address: _____ City: _____ State: _____ Zip: _____
Email (type or print): _____ 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 Hometown ☐ City of Woodburn

Property Information

Development Address or PIN #: 5805 & 5825 Fairfield and 430 Cox Dr. Lots: 265,266,267,268,269,270,271 Fairfield Terrace
Present Zoning : C3, C2, R1 Proposed Zoning : C3 Acreage to be rezoned : C3 (.455) + C2 (.268) + R1 (.119)
Purpose of rezoning (attach additional page if necessary): Combine parcels to allow redevelopment of existing C3 use.
This will allow updating of access drives, landscaping, and new construction. Improved tax base.
Township Name: Wayne Township Section Number: 26
Sewer Provider: City of Fort Wayne Water Provider: City of Fort 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.

Ahmed Humaidi printed name of applicant [Signature] signature of applicant 4-20-2026 date
Humaidi Group LLC printed name of property owner [Signature] signature of property owner 4-20-2026 date

STAFF USE ONLY			
Received	Receipt Number	Hearing Date	Petition Number
<u>4-20-26</u>	<u>149144</u>	<u>6-8-26</u>	<u>REZ-2026-</u>





DPS Plan Commission
Application for Waiver of Required Design Standards

Page 1 of 1

Project Name Humaidi Group
Applicant Name: Humaidi Group LLC
Address: 5805 Fairfield Ave City: Fort Wayne State: IN Zip: 46807
Email (type or print): Humaidi@gmail.com Phone: 260 243 8343

Description of Requested Waiver(s)

Reduce front setback from 35' to 25'.
Reduce rear setback from 25' to 15'.

How will granting the waiver request(s) be in conformance with the purposes and intent of the ordinance and with the objectives and policies of the comprehensive plan?

Due to the public storm easement through the center of the site, the already small acreage does not allow the flexibility to expand building to the north.

How will failure to grant the waiver request(s) result in practical difficulties in the use of the property for the proposed development?

The intent is to construct a convenience store and small laundry facing north. All sides of the building will be architecturally detailed as 'front' (including glass). No access openings on East. Limited openings on South and West.

Ahmed Humaidi
printed name of applicant

[Signature]
signature of applicant

4.20.2026
4.20.2026
Date

STAFF USE ONLY

Received	Receipt Number	Hearing Date	Petition Number



FACT SHEET

Case #REZ-2026-0023 Bill # Z-26-05-13 Project Start: May 2026

APPLICANT:	Humaidi Group LLC
REQUEST:	To rezone from R1/Single Family Residential, C2/Limited Commercial, and C3/General Commercial to C3/General Commercial
LOCATION:	5805 & 5825 Fairfield Ave and 430 W Cox Dr (Section 26 of Wayne Township)
LAND AREA:	0.842 acres
PRESENT ZONING:	R1/Single Family Residential, C2/Limited Commercial, and C3/General Commercial
PROPOSED ZONING:	C3/General Commercial
COUNCIL DISTRICT:	5 – Geoff Paddock
SPONSOR:	Fort Wayne Plan Commission

June 8, 2026 Public Hearing

- No one spoke in support.
- Three people spoke in opposition or with concerns.
- Scott Myers and Rachel Tobin-Smith were absent.

June 11, 2026 Business Meeting

Plan Commission Recommendation: DO PASS, with a written commitment

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

5-1 MOTION PASSED

- Paul Sauerteig, Scott Myers, and Patrick Zaharako were absent.
- Karen Richards voted Nay.

Fact Sheet Prepared by:
Karen Couture, Principal Land Use Planner
June 25, 2026

PROJECT SUMMARY

The site is located on the southeast corner of Paulding Road and Fairfield Avenue, and the northeast corner of Fairfield and Cox Drive. The site is comprised of three properties: the existing gas station at 5805 Fairfield, a vacant property at 5825 Fairfield, and a single-family structure at 430 West Cox Drive. Following is some site history:

- 5805 Fairfield appears to have been a service station since the mid 1980's, according to aerial photography.
- 5805 Fairfield was rezoned to C3/General Commercial with a written commitment in 2020 to permit the existing gas station. (REZ-2020-0033)
- 5825 Fairfield had been used commercially with a 1980 Board of Zoning Appeals approval for a barber shop. The structure has been demolished.
- 5825 Fairfield was rezoned to C2/Limited Commercial in 2022 for a laundromat and tenant space. (REZ-2022-0038)
- 430 West Cox Drive was denied a rezoning to C2/Limited Commercial in 2023 to add property to the laundromat and tenant space at 5825 Fairfield. (REZ-2023-0004)
- 5825 Fairfield and 430 West Cox Drive received approval from the Board of Zoning Appeals in 2024 for a laundromat and tenant space, which has lapsed.

The latest board approval on this site was from the Board of Zoning Appeals in 2024 to utilize 5825 Fairfield and 430 West Cox Drive to build a new laundromat and tenant space, leaving the existing gas station as is. As construction did not commence, this approval expired in 2025. The current proposal is to combine all three properties, reconstruct the convenience store with a tenant space and build a new gas canopy to face Paulding Road. All three properties are proposed to be rezoned to C3/General Commercial. There is a recorded written commitment on 5805 Fairfield from the 2020 gas station rezoning. This commitment restricts all pure C3 uses except for gas station/truck fueling station, leaving all C1 and C2 uses that are also permitted in C3. To date a new written commitment has not been submitted, but one should be required with this rezoning, that would encompass all three properties.

The proposed plan shows a new 5,616 square foot convenience store with tenant space on the south end of the site. Two setback waivers have been requested: along Fairfield Avenue from 35 feet to 25 feet, and along the east side of the building from 25 feet to 15 feet. The east side is adjacent to a 12-foot unimproved alley, effectively equal to the ordinance requirement. The plan shows a landscape buffer within the setback, comprised of ornamental trees, evergreens and large shrubs. Lawn is shown completely around the west, south and east sides of the building; no pavement, storage or other commercial activity is proposed in these areas.

The existing convenience store with former carwash bay will be demolished. The new gas canopy is turned to the north, facing Paulding Road. Twenty-two parking spaces are shown, a significant increase over available parking on the current site. The trash dumpster is shown within the parking area, adjacent to the commercial property to the east. A 6-foot-high stockade privacy fence is proposed along the east property line to end where the building begins, overlapping with the proposed landscape buffer. There is currently City infrastructure being completed along Paulding Avenue and at the Fairfield intersection, with new traffic lanes, pavement and sidewalks. This proposal, if approved, will allow redevelopment of a site in need of updating, including investment into two underutilized and vacant properties on the edge of a neighborhood. The new

access plan, in conjunction with City improvements, will shift and define access points to safe locations on the site, as approved by Board of Works, and eliminate the current open-access situation at this intersection.

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 east, Mixed Residential to the west, and Traditional Neighborhood to the east and 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, Mixed Residential and Traditional Neighborhood categories. 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: Ahmed Humaidi, applicant, presented the request as outlined above.

Public Comments:

Sandy Theime (825 S Harrison St) – Opposed; neighborhood does not support rezoning, concerns for loss peace and privacy, crime, safety, and alley being a driveway. A laundromat is not needed, as all the apartments have washers and dryers.

Michele Voirol (410 W Cox Dr) – Opposed; concerns with crime, noise, traffic.

Randy Branstrator (303 W Cox Dr) – Opposed; concerns with daycare and bus stop nearby, traffic, crime.

Rebuttal: Ahmed Humaidi stated that this is an existing gas station, which they have owned for over 20 years and does not create new traffic. They are trying to improve it and with the approval of the rezoning they can reinvest in the property to go along with the investment made by the City with new lights, paving and sidewalks, and the new facility will be updated to current codes. The claims of crime at this property are false. They have recently built new facilities on West Hamilton and Bluffton, and will build the same quality on Fairfield. They want to invest in Fort Wayne where they have lived since 2000. As for claims that the alley is a driveway, it is owned by the City (not a driveway) and they will work with the City to install a fence and new landscaping for a buffer.

FORT WAYNE PLAN COMMISSION

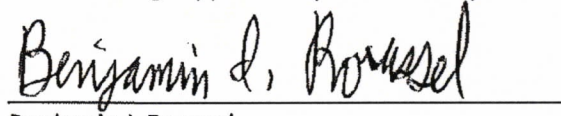
Findings of Fact • June 2026

PROPOSAL:	Rezoning Petition REZ-2026-0023 – Humaidi Group LLC
APPLICANT:	Humaidi Group LLC
REQUEST:	Rezone from C2/Limited Commercial and R1/Single Family Residential to C3/General Commercial for gas station and convenience store reconstruction
LOCATION:	5805 and 5825 Fairfield Avenue and 430 Cox Drive
LAND AREA:	0.84 acres (0.5 acres already zoned C3)
PRESENT ZONING:	C3/General Commercial, C2/Limited Commercial and R1/Single Family Residential
PROPOSED ZONING:	C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2026-0023 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 project site is located with the Urban Infill area, where the Comprehensive Plan encourages compatible infill development and redevelopment.
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 aging gas station site will be redeveloped with a new convenience store situated and designed to have limited impact on the adjacent residential property. Enhanced screening and buffering will aid in compatibility with the neighborhood.
3. Approval is consistent with the preservation of property values in the area. The existing commercial property is in need of redevelopment. The addition of adjacent properties will allow the applicant to construct a new convenience store with limited commercial impact on the neighboring properties with no commercial access, enhanced buffering and more green space. A written commitment will limit future commercial development on the site.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The proposed development will utilize existing infrastructure and orient all commercial activity toward the commercial intersection and away from the adjacent neighborhood. City of Fort Wayne Public Works is in the process of improving the area with new pavement, laning, sidewalks, and lighting. This work, in conjunction with the proposed redevelopment, represents a significant investment to this intersection and neighborhood.
5. An approved Written Commitment will be executed and provided to staff prior to Council action on the rezoning.

These findings approved by the Fort Wayne Plan Commission on June 15, 2026.

A handwritten signature in black ink, reading "Benjamin J. Roussel", written over a horizontal line.

Benjamin J. Roussel

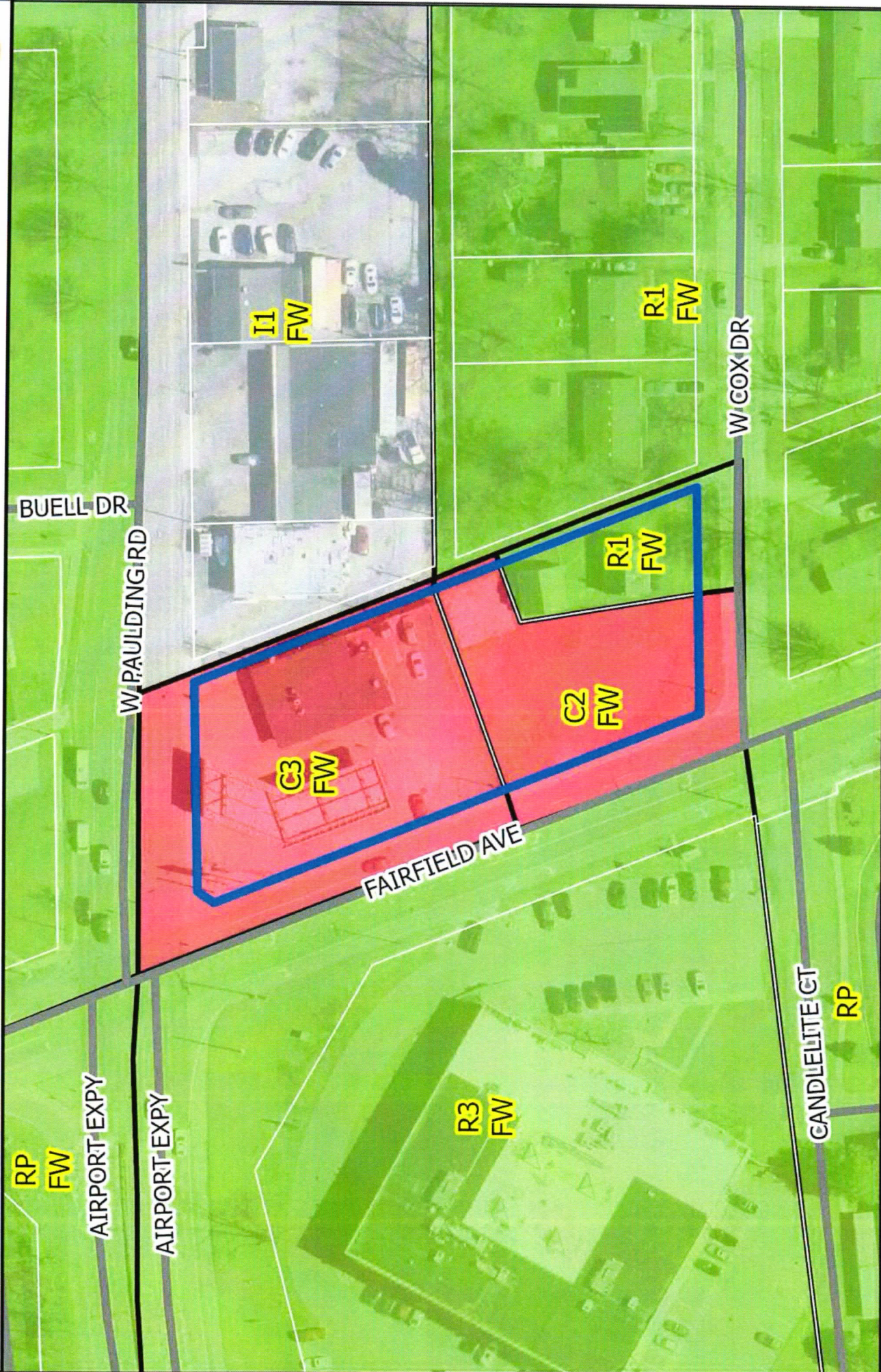
Executive Director

Secretary to the Commission



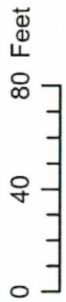
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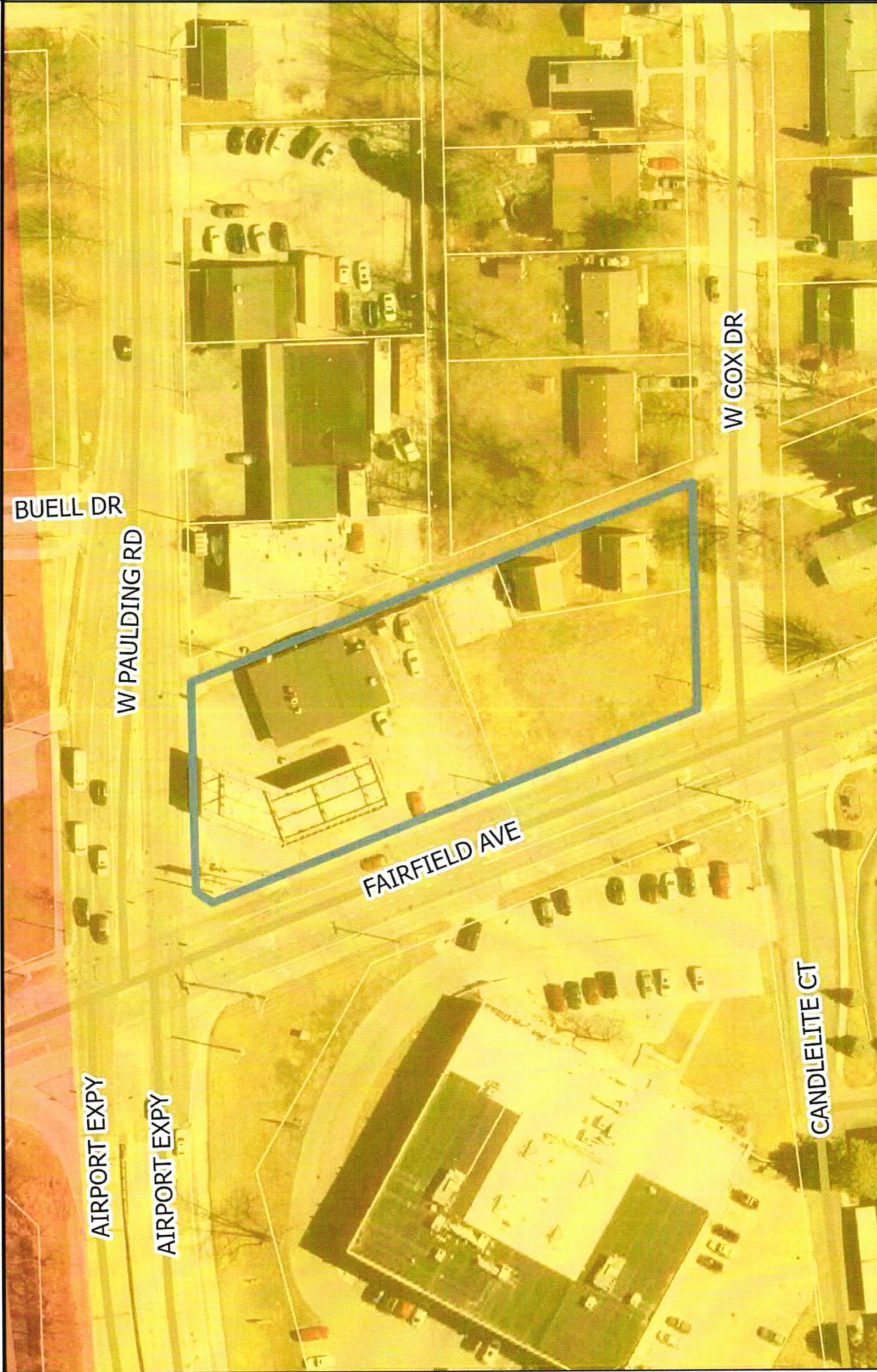
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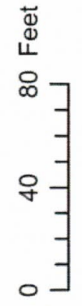
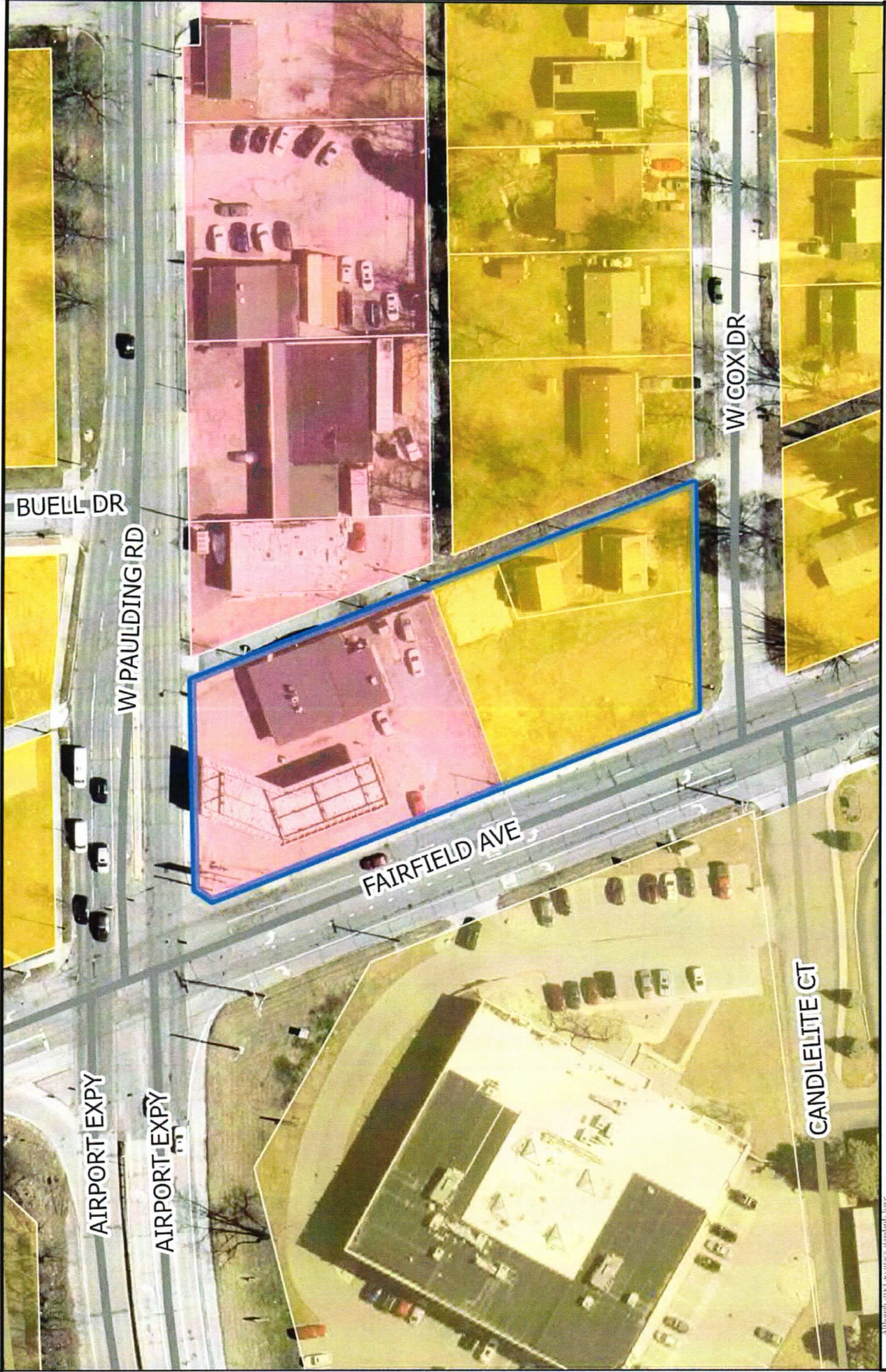
North Arrow
 State Plane Coordinate System, Indiana East
 Photo and Contours: Spring 2009





Priority Investment Area
Urban Infill Area





- Traditional Neighborhood
- Mixed Residential
- Neighborhood Commercial
- Commercial



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy, reliability, or completeness of the data, and all liability resulting from any error or omission in this map are hereby disclaimed.

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 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 4/14/2026



P. A. TROYER INC
CONSTRUCTION
DEVELOPMENT
INDIANAPOLIS, IN 46220
6625 SUNNY LANE
PHIL@PATROYER.COM
D. 260-318-0926



C-STORE
FAIRFIELD AVE. @ PAULDING RD.
FORT WAYNE, IN 46807

1	4/20/24
2	
3	
4	



WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this 23 day of June, 2026 by Humaidi Group, LLC, (the "Declarant" and "Applicant").

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 0.84 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 R1/Single Family Residential, C2/Limited Commercial and C3/General Commercial zoning districts to a C3/General Commercial zoning district, bearing numbers REZ-2026-0023 and PDP-2026-0013 (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) Air conditioning service
- e) Amusement park
- f) Animal grooming (outdoor)
- g) Animal hospital (outdoor)
- h) Animal kennel (outdoor)
- i) Animal obedience school (outdoor)
- j) Arena
- k) Athletic field

- l) Auction hall
- m) Automobile accessory store
- n) Automobile auction
- o) Automobile body shop
- p) Automobile detailing or trim shop
- q) Automobile maintenance (quick service)
- r) Automobile rental
- s) Automobile repair
- t) Automobile restoration
- u) Automobile rustproofing
- v) Automobile sales
- w) Automobile washing facility
- x) Bar
- y) Batting cages
- z) Betting or other gambling facility
- aa) Billiard or pool hall
- bb) Bingo establishment
- cc) Boarding house
- dd) Boat sales
- ee) Bowling alley
- ff) Brewery (micro)
- gg) Campus housing (off-site)
- hh) Check cashing
- ii) Correctional services facility
- jj) Country club
- kk) Detoxification facility
- ll) Distillery (micro)
- mm) Engine repair
- nn) Entertainment facility
- oo) Equipment rental (limited)
- pp) Equipment service
- qq) Exhibit hall
- rr) Exterminator
- ss) Feed store
- tt) Fireworks sales
- uu) Flea market
- vv) Fraternity house
- ww) Furniture refinishing/repair
- xx) Garden equipment supply
- yy) Go-kart facility
- zz) Golf course, miniature
- aaa) Greenhouse (retail)
- bbb) Gun repair
- ccc) Gun sales
- ddd) Heating service
- eee) Home repair

fff)	Homeless shelter
ggg)	Hospital
hhh)	Hot tub sales
iii)	Hotel
jjj)	Landscape contracting service
kkk)	Manufactured home sales
lll)	Model unit
mmm)	Motel
nnn)	Motor vehicle auction
ooo)	Motor vehicle rental
ppp)	Motor vehicle repair
qqq)	Motor vehicle sales
rrr)	Package liquor store (as a primary use)
sss)	Parking area
ttt)	Parking area (off-site)
uuu)	Parking structure
vvv)	Pawn shop
www)	Pest control
xxx)	Plumbing service
yyy)	Recreation outdoor
zzz)	Rehabilitation Facility
aaaa)	Riding stable
bbbb)	Seasonal sales
cccc)	Shooting range
dddd)	Sorority house
eeee)	Stadium/racetrack
fff)	Storage shed sales
gggg)	Swimming pool sales
hhhh)	Taxidermist
iiii)	Tire sales
jjjj)	Towing service (with no storage yard)
kkkk)	Trade show facility
llll)	Truck stop
mmmm)	Warehouse/storage facility
nnnn)	Water park
oooo)	Watercraft sales
pppp)	Wholesale facility
qqqq)	Wind energy conversion system (micro)
rrrr)	Window repair
ssss)	Window sales
tttt)	Zipline
uuuu)	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. A 6-foot-high stockade privacy fence is proposed along the east property line. This fence will extend to the allowable southern end of the property, by ordinance. Landscaping on the east property line will match the intent of the plans submitted with the primary development plan. A separate fence permit will be required.
 - b. Signage will meet zoning ordinance requirements and will require a separate permit.
 - c. Lighting will use sharp (full) cut-off type fixtures as defined by the Illuminating Engineers Society of North America (IESNA). All fixtures will be downward directed at a 90-degree angle to the ground. A final site lighting plan for the overall development will be submitted and detailed cut sheets on all light fixtures will be submitted subject to staff review and approval. Any site lighting within 50 feet of a residential district shall not exceed 25 feet in height.
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/APPLICANT"

[Signature]

By: Ahmed Humaidi

Printed Name:

Title: owner

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this 23rd day of June, 2026, personally appeared Ahmed Humaidi and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Karma J Brown
Notary Public

My Commission Expires: 4/21/26
My County of Residence: Allen



Karma J Brown, Notary Public
Commission Number: NP0733230
My Commission Expires: 04/21/2029
Residing in Allen County, IN

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 Karen Couture

Karen Couture

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

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

Lots Numbered 265, 266, 267, 268, 269, 270, and 271 in Fairfield Terrace Addition, Section "B", and addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 11, pages 52-53, EXCEPT that portion of Lot Numbered 265 conveyed to the City of Fort Wayne as recorded in Deed Record 631, page 440 and by Dedication to the City of Fort Wayne recorded as Document Number 70-8461.

Property Addresses: **5805 Fairfield Ave, Fort Wayne, IN 46807**
 5825 Fairfield Ave, Fort Wayne, IN 46807
 430 W Cox Dr, Fort Wayne, IN 46807

BILL NO. Z-26-05-13

REPORT OF COMMITTEE ON REGULATIONS

July 7, 2026

Rohli Booker Chair

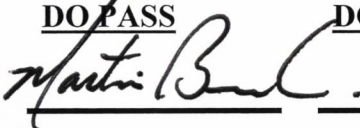
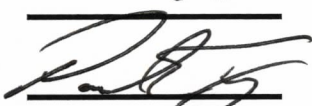
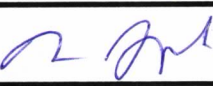
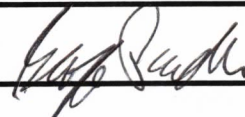
Scott Myers Co-Chair

All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. L23 (Sec 26 of Wayne Township)

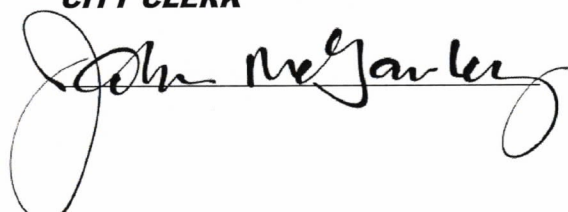
To rezone 0.842 acres from R1/Single Family Residential, C2/Limited Commercial, and C3/General Commercial to C3/General Commercial at 5805 & 5825 Fairfield Ave and 430 W Cox Dr

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 Booker.

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

Read the third time in full and on motion by Councilperson Ensley, 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: July 14, 2026


JOHN D. MCGAULEY, CITY CLERK

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

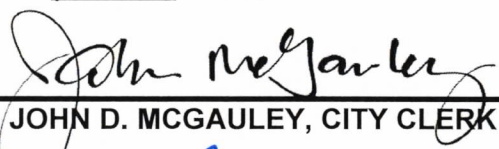
Zoning Ordinance No. Z-26-05-13 on the 14th day of July, 2026

ATTEST:

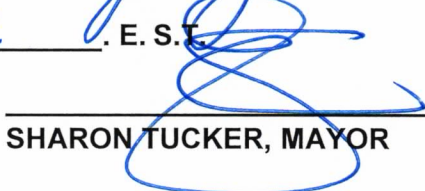

JOHN D. MCGAULEY
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of July 2026, at the hour of 10:00 o'clock A.M. E.S.T.


JOHN D. MCGAULEY, CITY CLERK

Approved and signed by me this 17th day of July 2026, at the hour of 10:38 o'clock A.M. E.S.T.


SHARON TUCKER, MAYOR

Fort Wayne Indiana
Office of the City Clerk

JUL 17 2026

RECEIVED