#REZ-2026-0043

BILL NO. Z-26-09-22

ZONING MAP ORDINANCE NO. Z-29-26

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I27 (Sec 28 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 C2/Limited Commercial zoning district under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

LEGAL DESCRIPTION

DESCRIPTION OF REAL ESTATE:

The Land referred to herein below is situated in the County of Allen, State of Indiana and is described as follows:

BEGINNING at the Southwest corner of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence North 164 .0 feet along the West line of the said Lots Numbered 84, 85 and 86 in Elzey's First Addition to the Original Plat of Waynedale; thence East 218.0 feet on a line parallel to and 32.0 feet North of the South line of said Lot Numbered 86 in Elzey's First Addition to the Original Plat of Waynedale; thence South 164.0 feet on a line parallel to and 112.0 feet West of the East line of said Lots Numbered 84, 85 and 86 in the said Elzey's First Addition to the Original Plat of Waynedale to the South line of said Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence West 222.5 feet (223.2 feet, deed) to the place of beginning along the said South line of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale (now City of Fort Wayne) as recorded in Plat Record 11, page 61.

PROPOSED 30-FOOT-WIDE INGRESS AND EGRESS EASEMENT
An Easement being a portion of Lot Numbered 86 in Elzey's First Addition to the Original Plat of Waynedale as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at the southwest corner of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence North 00 degrees 52 minutes 59 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the west line of Lots Numbered 84, 85, & 86 in Elzey's First Addition to the Original Plat of Waynedale, a distance of 133.99 feet to the Point of Beginning for the Easement herein described; thence continuing North 00 degrees 52 minutes 59 seconds East on the west line of said Lot Numbered 86, a distance of 30.01 feet to the northwest corner of the lands of Public Service Credit Union as described in Recorder's Document #92-55038; thence North 89 degrees 34 minutes 27 seconds East on the north line of said Document #92-55038, a distance of

214.10 feet to the northeast corner thereof; thence South 00 degrees 37 minutes 23 seconds East on the east line of said Document #92-55038, a distance of 30.00 feet; thence South 89 degrees 34 minutes 27 seconds West, a distance of 214.89 feet to the Point of Beginning, containing 0.148 acres of land, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. I27 (Sec 28 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

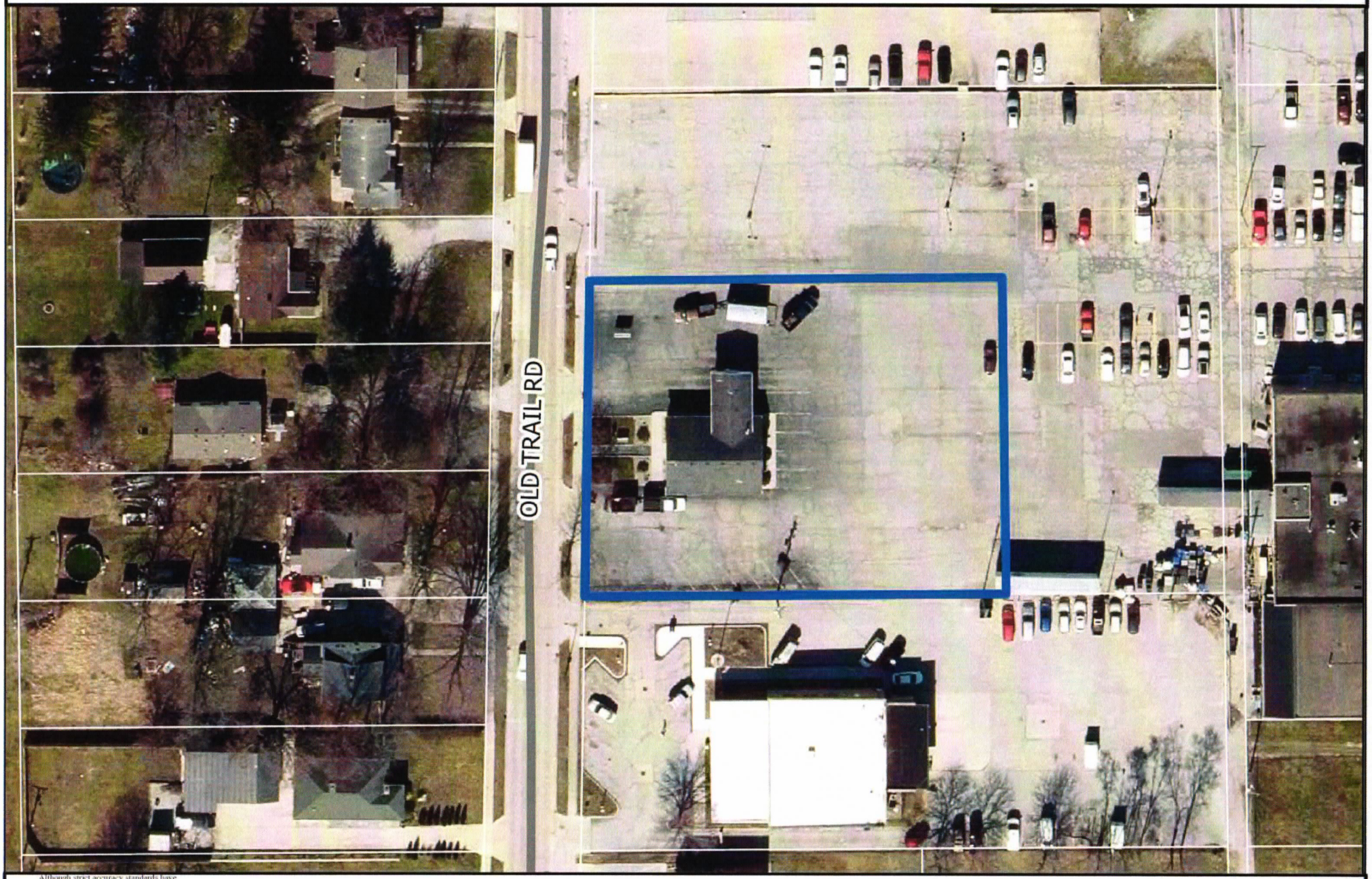
City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance:	Zoning Map Amendment
Case Number:	REZ-2026-0043
Bill Number:	Z-26-09-22
Council District:	4 – Dr. Scott Myers
Introduction Date:	September 22, 2026
Plan Commission Public Hearing Date:	October 12, 2026 (not heard by Council)
Next Council Action:	Ordinance will return to Council after recommendation by the Plan Commission
Synopsis of Ordinance:	To rezone 0.81 acres from C1/Professional Office and Personal Services to C2/Limited Commercial
Location:	7017 Old Trail Rd (Sec 28 of Wayne Township)
Reason for Request:	To permit a restaurant
Applicant:	Ana Luja
Property Owner:	Ana Luja
Related Petitions:	None
Effect of Passage:	Property will be rezoned to the C2/Limited Commercial zoning district, which would permit a restaurant.
Effect of Non-Passage:	Property will remain zoned C1/Professional Office, which would not permit a restaurant. The site may continue with existing or non-conforming uses, and may be redeveloped with similar professional office and personal service uses.

Rezoning Petition REZ-2026-0043 - 7017 Old Trail Rd



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0 40 80 Feet

N

Rezoning Petition REZ-2026-0043 - 7017 Old Trail Rd



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Rezoning Petition REZ-2026-0043 - 7017 Old Trail Rd



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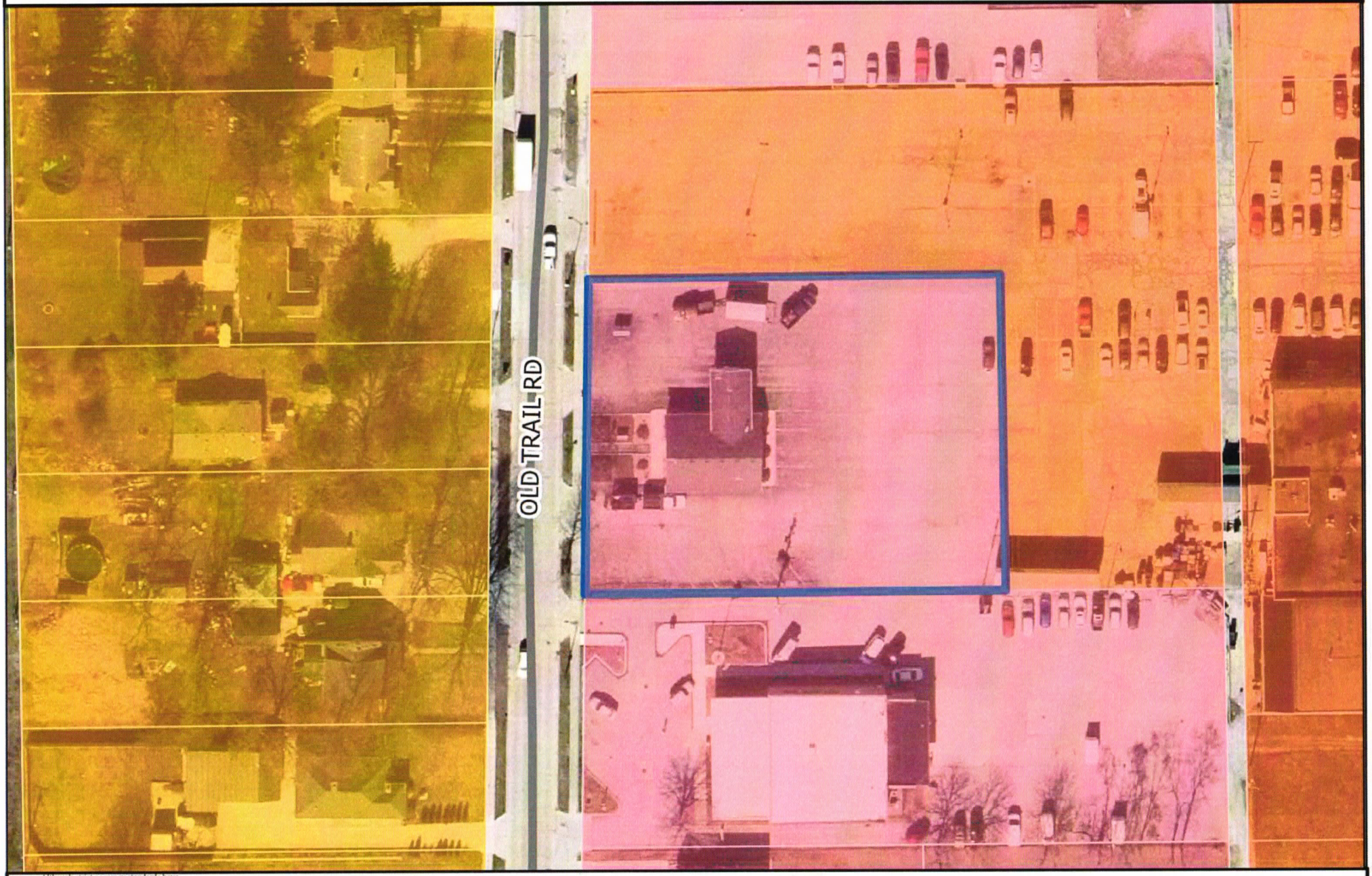
Urban Infill Area

N

Rezoning Petition REZ-2026-0043 - 7017 Old Trail Rd



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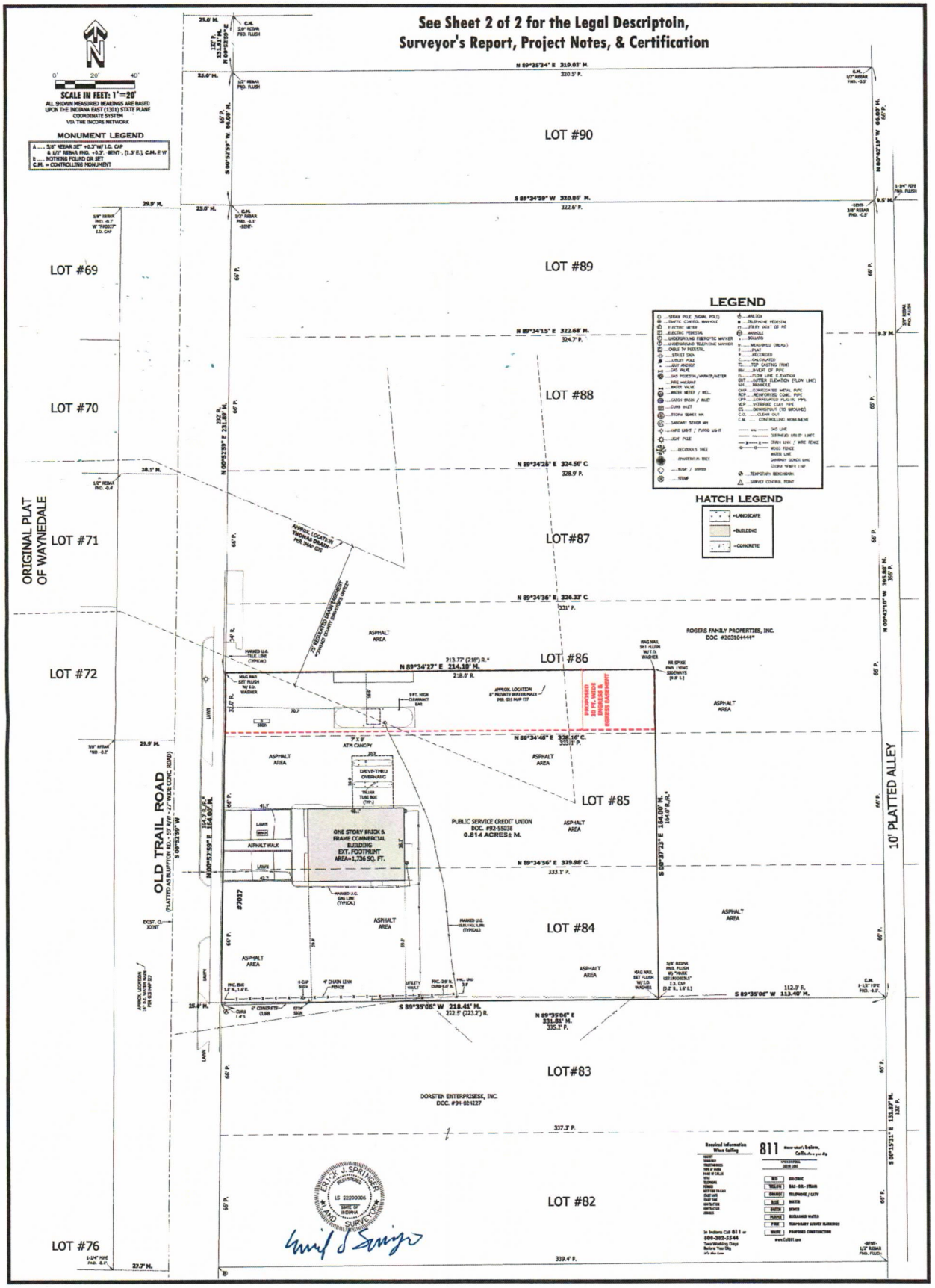
0 40 80 Feet

Community Commercial
Neighborhood Commercial
Traditional Neighborhood

N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Surveyor's Report, Project Notes, & Certification
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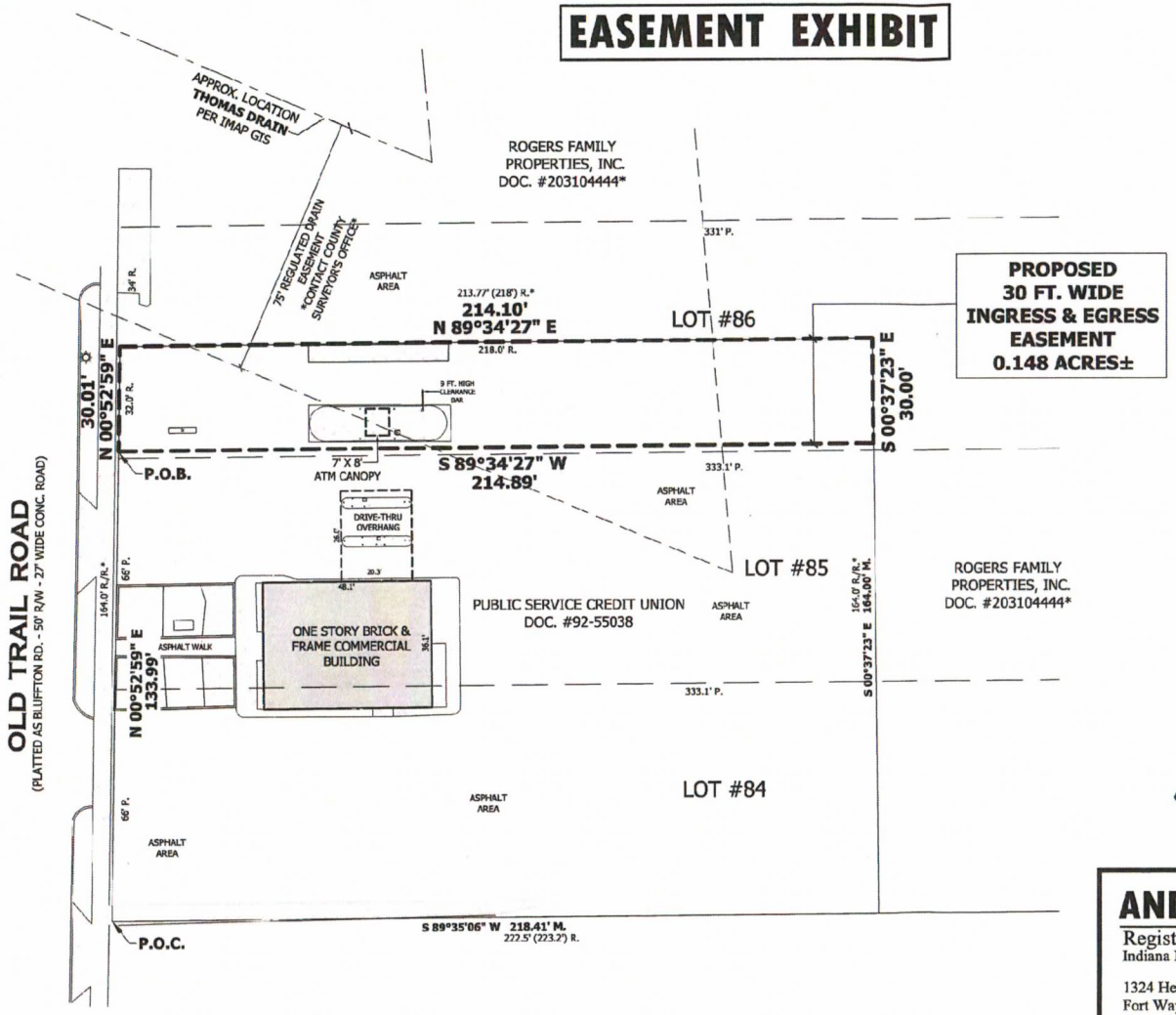
ALL SHOWN MEASURED BEARINGS ARE BASED UPON THE INDIANA EAST (1301) STATE PLANE COORDINATE SYSTEM VIA THE INCORS NETWORK
MONUMENT LEGEND
A ... 5/8" REBAR SET" +0.3' W/ I.D. CAP & 1/2" REBAR FND. +0.3' - BENT , [1.3' E.], C.M. E W
B ... NOTHING FOUND OR SET
C.M. = CONTROLLING MONUMENT
LOT #90
LOT #89
LOT #88
LOT#87
LOT #86
LOT #85
LOT #84
LOT#83
LOT #82
LOT #69
LOT #70
LOT #71
LOT #72
LOT #76
ORIGINAL PLAT OF WAYNEDALE
OLD TRAIL ROAD
(PLATTED AS RIUPTON RD. - 50' R/W - 21' WIDE CONC. ROAD)
10' PLATTED ALLEY
LEGEND
HATCH LEGEND
=LANDSCAPE
=BUILDING
=CONCRETE
ROGERS FAMILY PROPERTIES, INC.
DOC. #203104444*
PUBLIC SERVICE CREDIT UNION
DOC. #92-55038
0.814 ACRES± M.
ONE STORY BRICK & FRAME COMMERCIAL BUILDING
EXT. FOOTPRINT AREA=1,736 SQ. FT.
PROPOSED 20 FT. WIDE INGRESS-EGRESS EASEMENT
DORSTEN ENTERPRISESK, INC.
DOC. #94-024227
#7017
ASPHALT AREA
LAWN
DRIVE-THRU OVERHANG
ATM CANOPY
TELLER TUBE BOX (TYP.)
ASPHALTWALK
MARKED U.G. GAS LINE (TYPICAL)
MARKED U.G. TELE./CELL LINE (TYPICAL)
4' CHAIN LINK FENCE
6" CONCRETE CURB
STOP SIGN
UTILITY VAULT
APPROX. LOCATION 6" PRIVATE WATER MAIN PER IDEC MAP 177
APPROX. LOCATION THERMAL DRAIN PER 2004 IDEC
75' REGULAR DRAIN EASEMENT CENTER CUTTER DRAINAGE DITCH
N 89°35'24" E 310.03' M.
320.5' P.
S 89°34'39" W 320.86' M.
322.6' P.
N 89°34'15" E 322.68' M.
324.7' P.
N 89°34'28" E 324.56' C.
328.9' P.
N 89°34'36" E 326.33' C.
331' P.
N 89°34'27" E 234.10' M.
213.77' (216') R.*
218.8' R.
N 89°34'46" E 336.16' C.
333.1' P.
N 89°34'36" E 339.98' C.
333.1' P.
S 89°35'05" W 218.41' M.
222.5' (223.2') R.
N 89°35'06" E
331.81' M.
335.2' P.
S 89°35'06" W 113.40' M.
112.2' P.
337.3' P.
339.4' P.
S 89°35'06" W
S 00°52'59" W
N 00°52'59" E
S 89°37'23" E
N 89°37'15" W
S 00°37'39" W
N 89°43'19" W
S 89°37'31" E
ERICK J. SPRINGER
LS 22200006
STATE OF INDIANA
LAND SURVEYOR
Emil J Springer
811
ALTA
SHEET 1 OF 2
SURVEY NO.: 18-09-124
ALTA / NSPS LAND TITLE SURVEY
7017 Old Trail Rd.
Fort Wayne, IN 46809
ALTA / NSPS Land Title Survey
The lands of Public Service Credit Union
7017 Old Trail Rd., Fort Wayne, IN 46809
Part of Lots #84, 85, & 86 in Elzey's 1st Addition
Wayne Township, Allen County, IN
ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana I and Surveying Firm Identification Number: 29A
1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
www.andersonsurveying.com
1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855
Toll Free: (888) 483-1724
EST. 1978
ANDERSON SURVEYING INC.
CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING
WWW.ANDERSONSURVEYING.COM

EASEMENT EXHIBIT



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Prepared this 28th day of May, 2026
Prepared for: Public Service Credit Union
Survey Number: 18-09-124

ERICK J. SPRINGER
REGISTERED
LS 22200006
STATE OF INDIANA
LAND SURVEYOR

ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

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EST. 1978
AS INC.
CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING

WWW.ANDERSONSURVEYING.COM

DPS Plan Commission
Rezoning Petition Application

Applicant

Applicant Name: Ana Luja

Address: _____ City: Fort Wayne State: IN Zip: 46806

Email (type or print): analuja@outlook.com Phone: 260 7050322

Property Ownership ☒ **Same as applicant**

Owner Name: Ana Luja

Address: 3714 Lillie St. City: Fort Wayne State: IN Zip: 46806

Email (type or print): analuja@outlook.com Phone: 260 7050322

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 #: 7017 Old Trail Rd.

Present Zoning : C1 Proposed Zoning : C2 Acreage to be rezoned : _____

Purpose of rezoning (attach additional page if necessary): The goal it's to start selling tacos and hopefully in the future to be a bar.

Township Name: _____ Township Section Number: _____

Sewer Provider: FW Water Provider: FW

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.

Ana Luja	Ana Luja	8.27.26
printed name of applicant	signature of applicant	date
Ana Luja	Ana Luja	8.27.26
printed name of property owner	signature of property owner	date

STAFF USE ONLY

Received	Receipt Number	Hearing Date	Petition Number
8/27/26	149921	10-12-26	REZ-2026-0043

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 building is located in Neighborhood Commercial which includes restaurants

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

New use is for a restaurant so we would add a kitchen, otherwise building would remain as is.

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

The Comp plan recommends Neighborhood Commercial and our proposed use matches the suggested use in that category

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

The proposed use is compatible with other uses in the area, this will be reinvestment in the neighborhood

(5) Responsible development and growth.

We are re-using an existing vacant building and turning it into a restaurant

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-2026-0043 Bill # Z-26-09-22 Project Start: September 2026

PROPOSAL:	Rezoning Petition REZ-2026-0043 – 7017 Old Trail Rd
APPLICANT:	Ana Luja
REQUEST:	Rezone from C1/Professional Office and Personal Services to C2/Limited Commercial for a restaurant
LOCATION:	7017 Old Trail Rd (Sec 28 of Wayne Township)
LAND AREA:	0.81 acres
PRESENT ZONING:	C1/Professional Office and Personal Services
PROPOSED ZONING:	C2/Limited Commercial
Council District:	4 – Dr. Scott Myers

October 12, 2026 Public Hearing

- No one spoke in support or with concerns.
- Paul Sauerteig, Scott Myers, and Karen Richards were absent.

October 19, 2026 Business Meeting

Plan Commission Recommendation: DO PASS, with a Written Commitment

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

7-0 MOTION PASSED

- Paul Sauerteig and Karen Richards were absent.

Fact Sheet Prepared by:
Katelyn Bultemeier, Associate Land Use Planner
November 3, 2026

PROJECT SUMMARY

DISCUSSION

The applicant is requesting to rezone the parcel from C1/Professional Office and Personal Services to C2/Limited Commercial to remodel the existing building into a restaurant. The parcel was rezoned from I2/General Industrial in 2025 as part of the Bluffton Road/Lower Huntington Proactive Rezoning project and was previously home to the Public Service Credit Union. Public Service Credit Union has recently vacated the building, but maintains an ATM kiosk on the property. An ingress/egress easement is located on the north side of the building, with access through the Kroger parking lot and from Old Trail Road. The new owner of the property intends to use the 1,730 square foot brick building as a Mexican restaurant after remodeling with a commercial kitchen. Eventually the restaurant may also be used as the commissary for an associated food truck. As there are no planned changes to the site, a development plan submittal is not required. A new walk-in restaurant in this location will provide a walkable destination for the residential neighborhoods to the west and south, as well as reduce vacancy and offer variety to the Waynedale downtown area.

The site has been used commercially since the early 1980's and is part of an overall retail area between Old Trail, Bluffton Road, Lower Huntington, and Church Street. Commercial neighbors include the Kroger store, McDonald's Subway, three gas stations, a post office, Do-it-Best Hardware store, a car repair shop and various retail along Lower Huntington Road. The Proactive Rezoning Work Group focused on this area in 2025, following the zoning recommendations of the Lower Huntington/Bluffton Land Use Study. At the time of the zoning recommendations, the credit union was in operation and the C1 zoning district was deemed most appropriate for this property and the post office to the south. The proposed use of a restaurant squarely fits within the existing uses in the area and matches the Comprehensive Plan recommendations as shown below.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area. Development in urban infill areas should be focused on vacant lots within neighborhoods and commercial or industrial areas already served by infrastructure.
- The following Goal would be applicable and supportive of this request:
  LUD Goal 1 – 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 2 – Promote complete neighborhoods through sustainable development, preservation, and growth by encouraging and enhancing mixed use neighborhoods areas.
  LUD Policy 4 – Nonresidential development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses
  LUD Policy 7 – Encourage compatible adaptive reuse of vacant, obsolete, or underutilized nonresidential buildings

Generalized Future Land Use Map

- The project site is located within the Neighborhood Commercial generalized land use category.
- Adjacent properties are categorized as Community Commercial to the north and east, Neighborhood Commercial to the south, and Traditional Neighborhood to the west.
- Primary Neighborhood Commercial uses include low to moderate intensity business, service and retail and secondary uses include professional office and personal services.

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

- The proposed use is permitted in C2/Limited Commercial which is considered compatible with the Generalized Future Land Use category of Neighborhood Commercial.

Other Applicable Plans: None

PUBLIC HEARING SUMMARY:

Presenter: Ana Luja, applicant, presented the request as outlined above.

Public Comments: None

FORT WAYNE PLAN COMMISSION
Findings of Fact • October 2026

PROPOSAL:	Rezoning Petition REZ-2026-0043 – 7017 Old Trail Rd
APPLICANT:	Ana Luja
REQUEST:	Rezone from C1 to C2 for restaurant
LOCATION:	7017 Old Trail Rd
LAND AREA:	0.81 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	C2/Limited Commercial

The Plan Commission recommends that Rezoning Petition REZ-2026-0043 be returned to Council, with a "Do Pass" recommendation, with 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 property is located within the Urban Infill Future Growth Area, which encourages compatible redevelopment. The rezoning would allow for expansion and renovation of the current building which sits in the 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 repurpose the existing commercial building as a neighborhood restaurant to serve the downtown Waynedale area and adjacent neighborhoods.

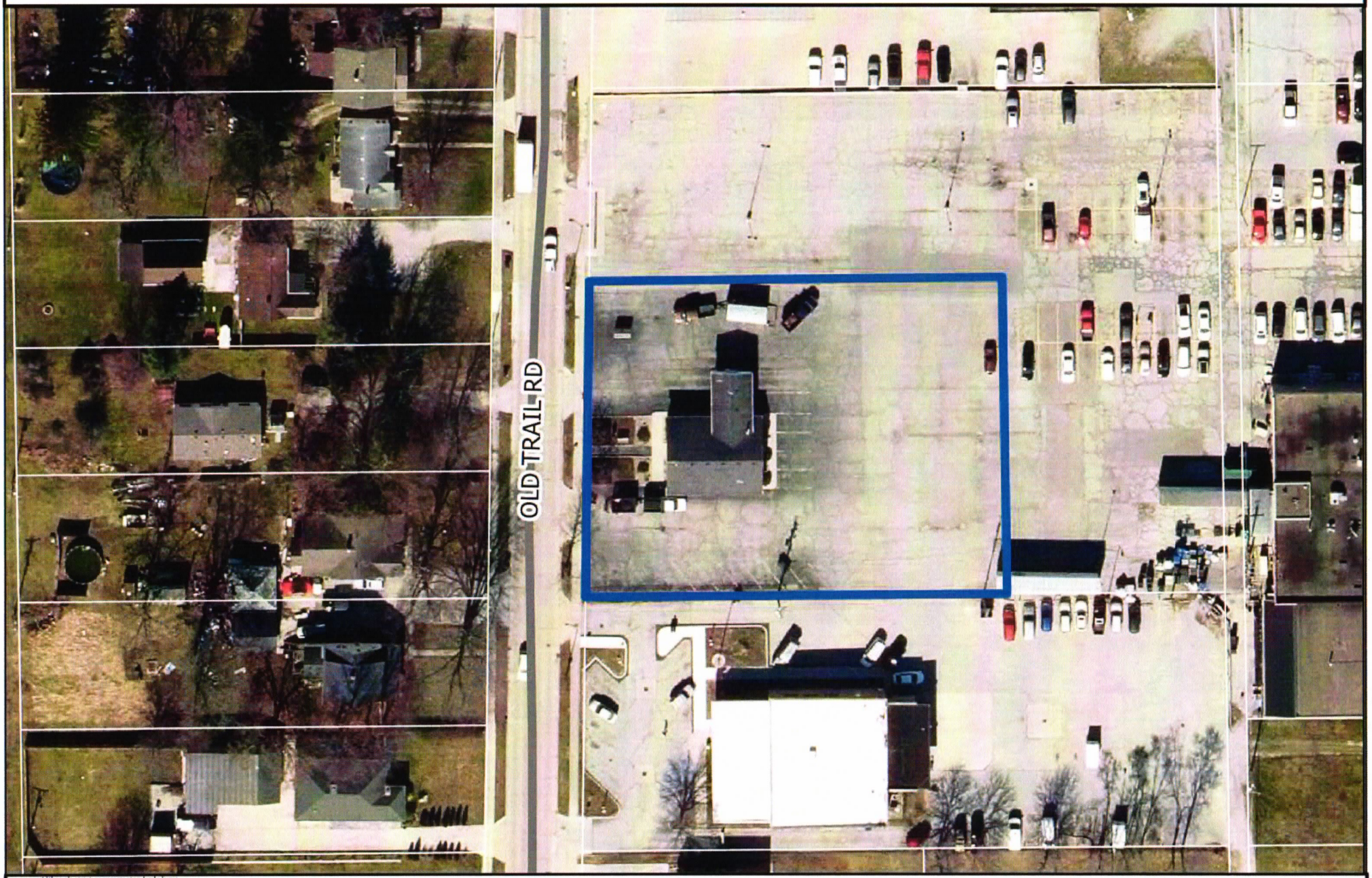
3. Approval is consistent with the preservation of property values in the area. The property is located within the Neighborhood Commercial land use area, which encourages adaptive reuse of vacant, obsolete, or underutilized buildings. The rezoning proposal will allow reinvestment into a core commercial area of Waynedale, recently highlighted through community plans and proactive rezonings.

4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The site is served by public utilities and no additional burden on infrastructure is planned.

These findings approved by the Fort Wayne Plan Commission on October 19, 2026.

Benjamin J. Roussel
Executive Director
Secretary to the Commission

Rezoning Petition REZ-2026-0043 - 7017 Old Trail Rd



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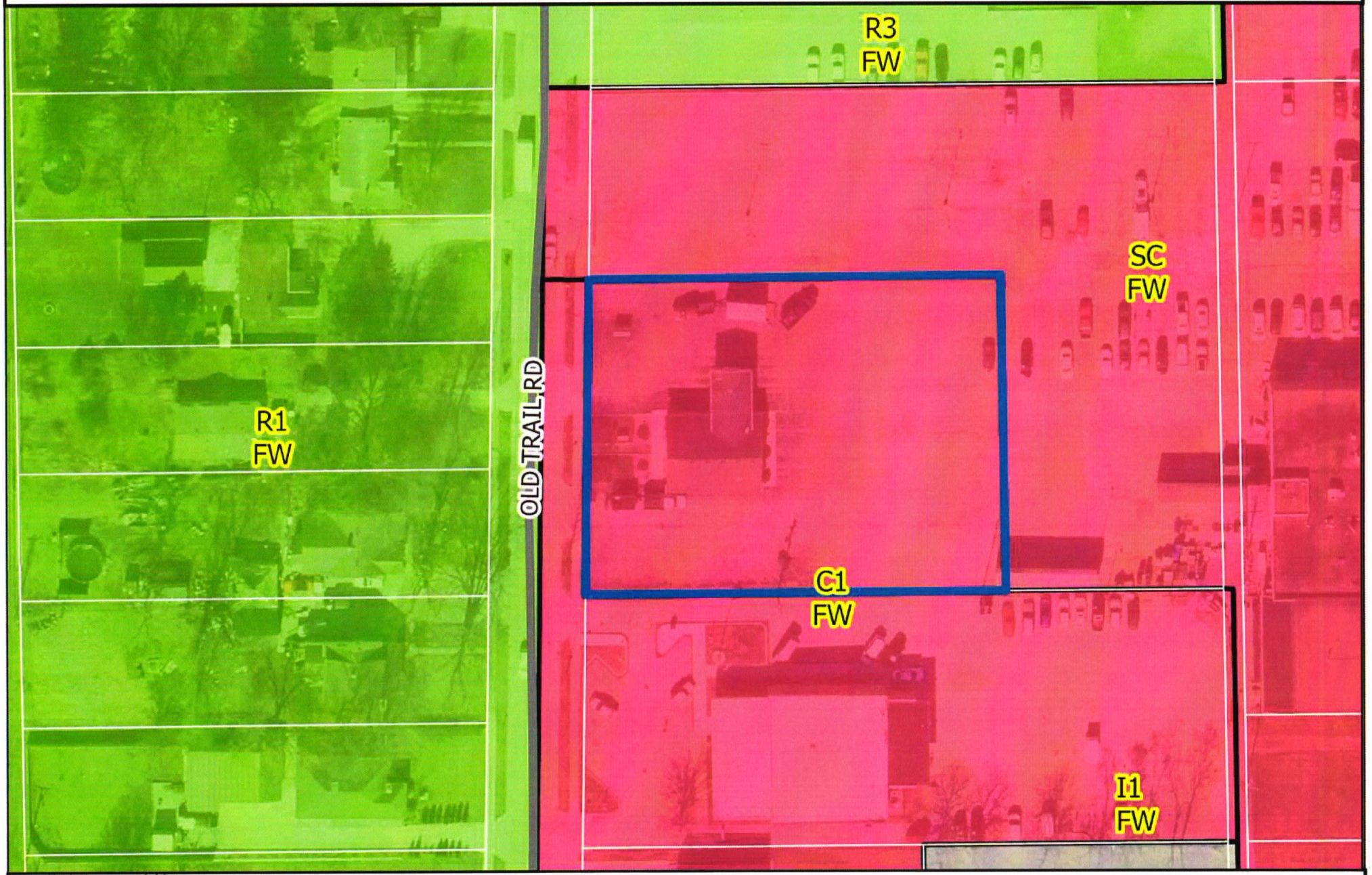

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Urban Infill Area

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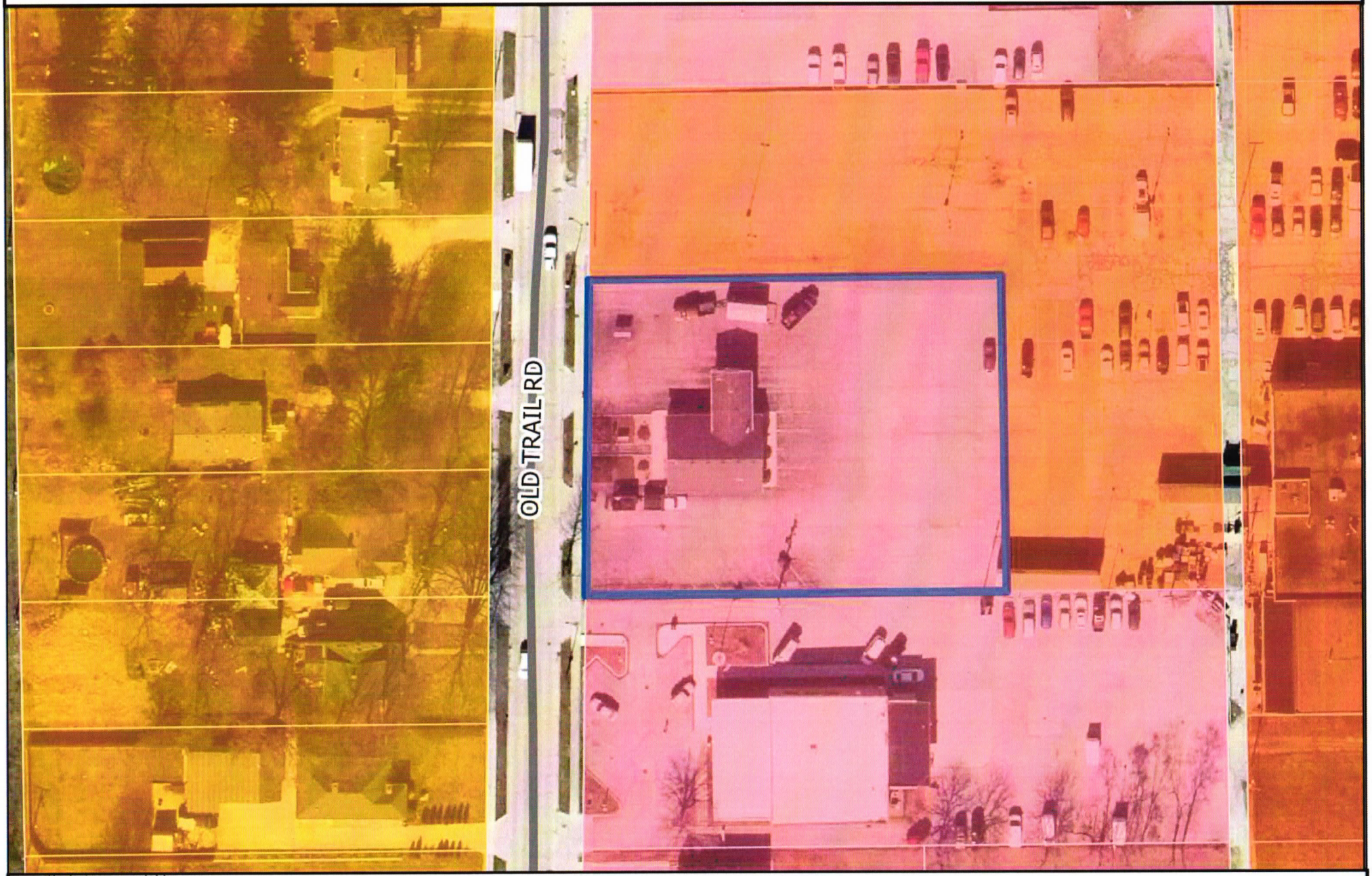

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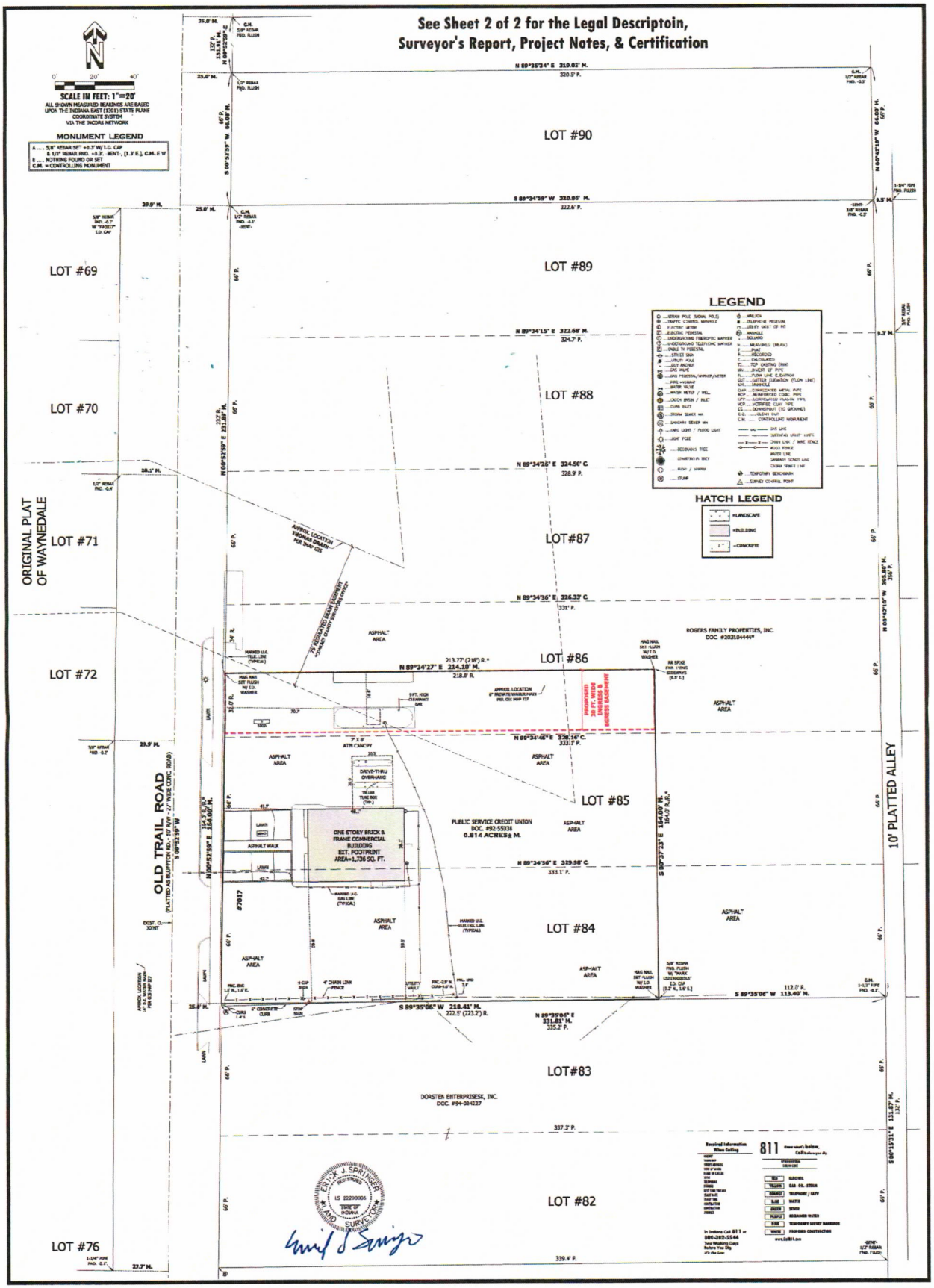
Community Commercial
Neighborhood Commercial
Traditional Neighborhood

N


AVAILABLE
Zacher
769-422-6474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LOT #85
LOT #84
LOT#83
LOT #82
LOT #69
LOT #70
LOT #71
LOT #72
LOT #76
ORIGINAL PLAT OF WAYNEDALE
OLD TRAIL ROAD
(PLATTED AS RUPPTON RD. - 50' R/W - 21' WIDE CONC. ROAD)
10' PLATTED ALLEY
#7017
ONE STORY BRICK & FRAME COMMERCIAL BUILDING EXT. FOOTPRINT AREA=1,736 SQ. FT.
PUBLIC SERVICE CREDIT UNION DOC. #92-55238 0.814 ACRES± M.
ROGERS FAMILY PROPERTIES, INC. DOC. #200104449
DORSTEN ENTERPRISESK, INC. DOC. #94-024227
PROPOSED 30 FT. WATER SERVICE EASEMENT
ASPHALT AREA
DRIVE-THRU OVERHANG
ATM CANOPY
ASPHALT WALK
LAWN
N 89°25'24" E 319.03' M.
320.5' P.
S 89°34'39" W 320.86' M.
322.6' P.
N 89°34'15" E 322.68' M.
324.7' P.
N 89°34'28" E 324.56' C
328.9' P.
N 89°34'36" E 326.33' C
331' P.
N 89°34'27" E 214.10' M.
213.77' (218') R.
218.8' R.
N 89°34'46" E 328.16' C.
333.1' P.
N 89°34'56" E 329.98' C.
333.1' P.
S 89°35'06" W 218.41' M.
222.5' (223.2') R.
N 89°35'06" E 331.81' M.
335.2' P.
S 89°35'06" W 113.40' M.
112.2' R.
337.3' P.
339.4' F.
S 00°37'13" E 164.69' M.
164.0' R.,M.'
N 00°42'15" W 65.02' M.
65' P.
N 00°42'15" W 328.80' M.
330' P.
S 00°13'31" E 131.87' M.
132' P.
S 00°25'59" W 164.06' M.
164.0' R.,M.'
N 00°25'59" E 164.06' M.
164.0' R.,M.'
S 00°13'39" E 232.48' M.
232' P.
N 00°13'39" E 66.00' M.
66' P.
S 00°25'59" W 66.00' M.
66' P.
APPROX. LOCATION TERMINAL DRIVEN PER INST. 005
APPROX. LOCATION 6" PRIVATE WATER MAIN PER ENG. CO. MAP ???
25' RESTRICTED ACCESS RIGHT-OF-WAY PER ALLEN COUNTY SURVEYOR'S OFFICE
ENTRANCE
EXIT
ERIK J. SPRINGER
LS 21200006
STATE OF INDIANA
LAND SURVEYOR
Received Information When Calling
811
In Indiana Call 811 or 800-382-5544 Two Working Days Before You Dig
www.Call811.com
ALTA / NSPS Land Title Survey
The lands of Public Service Credit Union
7017 Old Trail Rd., Fort Wayne, IN 46809
Part of Lots #84, 85, & 86 in Elzey's 1st Addition
Wayne Township, Allen County, IN
ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A
1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1124
Fax: (260) 482-6855
www.andersonsurveying.com
1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855
Toll Free: (888) 483-1724
EST. 1979
AS INC.
CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING
WWW.ANDERSONSURVEYING.COM
SHEET 1 OF 2
ALTA
SURVEY NO.: 18-09-124
ALTA / NSPS LAND TITLE SURVEY
7017 Old Trail Rd.
Fort Wayne, IN 46809
DRAWN BY: E.J.S.
CHECKED BY: E.J.S.
SCALE: 1" = 20'
DATE: 10/01/2018
REVISIONS
NO.
DATE

DESCRIPTION OF REAL ESTATE:

The Land referred to herein below is situated in the County of Allen, State of Indiana and is described as follows:

BEGINNING at the Southwest corner of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence North 164.0 feet along the West line of the said Lots Numbered 84, 85 and 86 in Elzey's First Addition to the Original Plat of Waynedale; thence East 216.0 feet on a line parallel to and 32.0 feet North of the South line of said Lot Numbered 86 in Elzey's First Addition to the Original Plat of Waynedale; thence South 164.0 feet on a line parallel to and 112.0 feet West of the East line of said Lots Numbered 84, 85 and 86 in the said Elzey's First Addition to the Original Plat of Waynedale to the South line of said Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence West 222.5 feet (223.2 feet, deed) to the place of beginning along the said South line of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale (now City of Fort Wayne) as recorded in Plat Record 11, page 61.

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 purpose of this document was to perform a Retracement Survey of that real estate described in a Corporate Deed conveyed to Public Service Credit Union, recorded October 5, 1992, as Document #92-055038 in the Office of the Recorder of Allen County, Indiana. The boundary lines of the subject tracts and other relevant lines were established as follows:

The boundary lines of the above described parcel were retraced during this survey on the basis of monumentation found essentially in agreement with platted and record dimensions by field measurement. The ancient plat of Elzey's First Addition to the Original Plat of Waynedale was certified platted by C. Ross Lladenroth, Civil Engineer, April 8, 1925, and does not state the type, size, or material of the monuments set at each Lot corner 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 south line of Lot #84 was established by a found iron pipe at the southeast corner and by a found ½-inch rebar near the southwest corner. The line was extended west to the east right-of-way of Old Trail Road. The east right-of-way was established by several found monuments label as controlling - "C.M." The monumented right-of-way line is situated 25.0 feet east of the physical centerline (expansion joint) of the existing concrete road. The northwest corner was established being record distance north of the southwest corner of Lot #84. The northeast and southeast corners were established in the record historical location of found railroad spikes. Reference to a prior retracement survey of the subject parcel by this firm dated September 19, 2018, Survey Number 18-09-124, in which these spikes were found and held in place. A variance exists of up to 4.9 feet east-west relative the monumented east right-of-way line Old Trail Road versus that of the monumented west right-of-way of said road. This variance is also found held measured distances for the north and south lines of the subject tract. The record description for the north and east adjoining Rogers Family Properties tract acknowledges this variance in the record call for the north line of the subject being recorded as 216 feet and field measuring 213.77 feet. All as shown on the Plat of Survey.

Reference Documents this survey:

- Retracement survey of the subject parcel by this firm as discussed above
- Prior surveys within Elzey's 1st Addition by this firm, Survey Numbers 94-25-168, 01-11-155, & 04-09-129
- Prior surveys within the Original Plat of Waynedale by this firm, Survey Numbers 95-11-130, 96-07-209, & 11-03-129
- Retracement survey by Nolan Mark, LS#21900093, dated Feb. 23, 2023, Job No. 24.0015
- Site Plan by T-E Inc., dated May 15, 2024, Job No.: 24062
- LORE by this firm dated Jan. 21, 2019, Project No.: 18-11-125
- Original Plat of Waynedale
- Plat Elzey's First Addition
- Current deeds of record for the subject and adjoining tracts
- County Tax and GIS 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: Up to 3.2 feet north-south and 4.9 east-west due to existing monumentation relative the subject tract. 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 the locations of the existing chain link fence, asphalt area, concrete curb, and landscape. Also see the locations of the existing utilities. All as shown on the Plat of Survey. There may be Unwritten rights associated with these occupations.

CONTRACT REQUIREMENTS: All surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report are valid. The commitment for title insurance was provided to this firm and referenced in this survey as prepared by Stewart Title Guaranty Company, issued by Trademark Title, Inc., having a Commitment Date of March 26, 2026 at 8:00 AM, and File No.: FWN 167446. Future abstract or title searches 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 Map 18003C0293G, effective August 03, 2009. The accuracy of this statement is subject to map scale uncertainty. The exact location of any flood plain can only be ascertained with a topographic procedure, which is beyond the scope of this Survey. As provided for under the guidelines of the National Flood Insurance Program, the final decision regarding flood insurance is left up to the local lending institution.

PROJECT NOTES

A. 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 markings 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. Utilities were to be marked by May 6, 2026, reference 811 Ticket Number 260504096462. 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, City of Fort Wayne (fiber optic, sewer, street & traffic lights, & water), Comcast, Metro Ethernet, ITC, Zayo Bandwidth, and Frontier. Nonmember utilities are not known and were not contacted by this firm.

B. The shown locations of the storm and sanitary sewer pipes and water mains are approximate and are based upon visible structures and the City of Fort Wayne GIS water and sewer maps. No field verification of any sewer pipe or water main was performed this survey.

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

D. 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.

E. No zoning information was provided to this firm, consequently Item 8(b) of the "table "A" was not addressed.

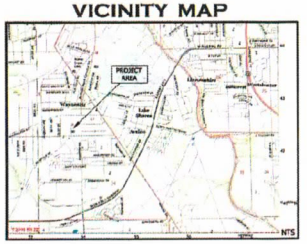
F. No visual evidence of recent earth moving, building construction or building additions were observed on site relative to Item #16 of the Table "A".

G. No visual evidence of recent street or sidewalk construction or repairs was observed on site relative to Item #17 of the Table "A".

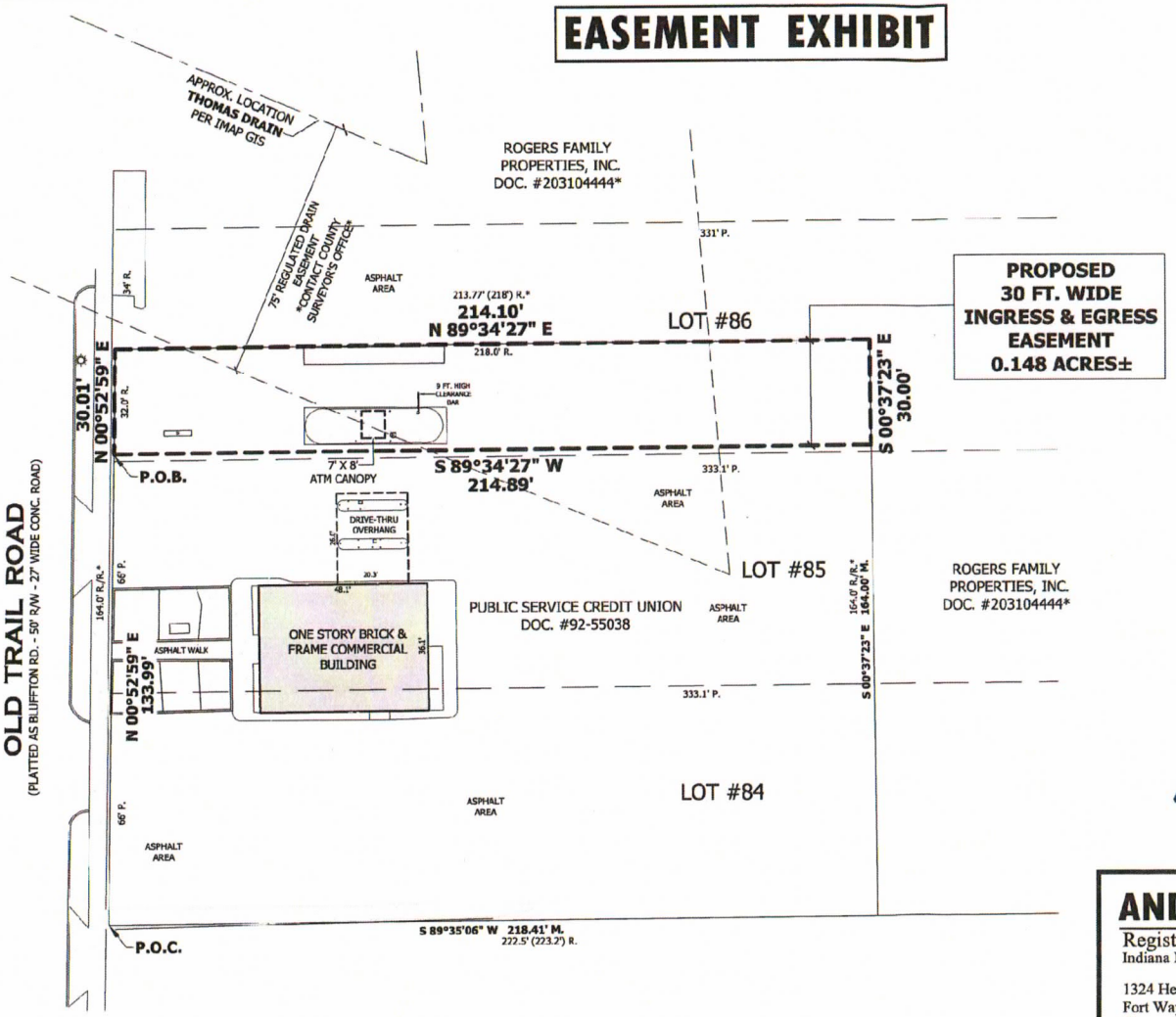
H. Subsurface and environmental conditions were not examined or considered a part of this Survey.

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

VICINITY MAP


PROJECT AREA
Waynedale
Lake Shore
Cleveland
Bethlehem
Lafayette
Wells
Coliseum
Hanna
Lima
Dupont
Ardmore
Tillman
Ferguson
Hillegas
Lake Avenue
Old Trail
Old Trail Rd
Old Trail Rd N
Old Trail Rd S
Old Trail Rd Ct
Old Trail Rd Pl
Old Trail Rd Dr
Old Trail Rd Ln
Old Trail Rd Cir
Old Trail Rd Way
Old Trail Rd Ter
Old Trail Rd Blvd
Old Trail Rd Pkwy
Old Trail Rd Sq
Old Trail Rd Ave
Old Trail Rd St
Old Trail Rd Rd

EASEMENT EXHIBIT



PROPOSED 30-FOOT-WIDE INGRESS AND EGRESS EASEMENT

An Easement being a portion of Lot Numbered 86 in Elzey's First Addition to the Original Plat of Waynedale as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at the southwest corner of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence North 00 degrees 52 minutes 59 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the west line of Lots Numbered 84, 85, & 86 in Elzey's First Addition to the Original Plat of Waynedale, a distance of 133.99 feet to the ***POINT OF BEGINNING*** for the Easement herein described; thence continuing North 00 degrees 52 minutes 59 seconds East on the west line of said Lot Numbered 86, a distance of 30.01 feet to the northwest corner of the lands of Public Service Credit Union as described in Recorder's Document #92-55038; thence North 89 degrees 34 minutes 27 seconds East on the north line of said Document #92-55038, a distance of 214.10 feet to the northeast corner thereof; thence South 00 degrees 37 minutes 23 seconds East on the east line of said Document #92-55038, a distance of 30.00 feet; thence South 89 degrees 34 minutes 27 seconds West, a distance of 214.89 feet to the Point of Beginning, **containing 0.148 acres of land, more or less.**

Prepared this 28th day of May, 2026
Prepared for: Public Service Credit Union
Survey Number: 18-09-124

ERICK J. SPRINGER
REGISTERED
LS 22200006
STATE OF INDIANA
LAND SURVEYOR

ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

EST. 1978
AS INC.
CIVIL ENGINEERING
LAND SURVEYING
LAND PLANNING
WWW.ANDERSONSURVEYING.COM

Cross Reference: Document No. _____

ITM/ATM EASEMENT AGREEMENT

THIS ITM/ATM EASEMENT AGREEMENT (this "Agreement") is made, dated and effective as of June ___, 2026 (the "Effective Date"), between **ANA LUJA**, together with her transferees, successors and assigns (collectively "Grantor"), and **PUBLIC SERVICES CREDIT UNION**, together with its transferees, successors and assigns (collectively "Grantee"). Grantor and Grantee are sometimes referred to in this Agreement as a "Party" or collectively as the "Parties".

RECITALS

A. Grantor owns certain real property located in Allen County, Indiana, legally described on **Exhibit A**, attached hereto and incorporated herein by reference (the "Real Estate"); and.

B. Grantee previously operated a credit union on the Real Estate and sold the Real Estate to Grantor

C. As part of Grantee's sale of the Real Estate to Grantor, the Parties agreed that Grantee could continue its operation of Grantee's Interactive Teller Machine/Automated Teller Machine ("ITM/ATM") on the Real Estate;

D. The Parties desire to establish an exclusive ITM/ATM easement for the benefit of Grantee with such easement rights being in, upon, on, over, above, under and across the portion of the Real Estate described in Exhibit B which is incorporated herein by reference("ITM/ATM Easement Area"), all pursuant and subject to the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the Parties hereby agree as follows:

1. Grant of ITM/ATM Easement. On the terms and conditions set forth herein, Grantor hereby grants, sells, conveys and warrants to Grantee, and its banking customers and other such invitees that may use the ITM/ATM, an exclusive ITM/ATM easement on the Real Estate, all as depicted, described and incorporated herein by reference on attached Exhibit B for the purpose of operating the ITM/ATM on the ITM/ATM Easement Area, which shall include, but be not limited to, access, ingress, and egress, in, upon, on, over, above, under and across the Real Estate and

the ITM/ATM Easement Area, which access, ingress and egress will also include all utilities serving the ITM/ATM. The easement rights granted to Grantee shall include the right to maintain, repair and replace the ITM/ATM. All such maintenance, repair and replacement of the ITM/ATM by Grantee shall be at Grantee's sole cost and expense.

2. Title to ITM/ATM. Grantee shall at all times retain title to the ITM/ATM but not the land under the ITM/ATM Easement Area. Grantor shall have no ownership, lien or other interest in the ITM/ATM but retains fee title to the land under the ITM/ATM Easement Area.

3. No Expansion of ITM/ATM. This easement is granted solely for the existing ITM/ATM on the Real Estate and Grantee shall not expand or increase the size of the ITM/ATM or add any additional facilities within the ITM/ATM Easement Area.

4. Term and Termination. The term of this Agreement shall be perpetual, until either: (a) mutually terminated in writing by both Grantor and Grantee; or (b) unilaterally terminated by Grantee by recording with the Allen County Recorder a written instrument signed by Grantee terminating this Agreement. If this ITM/ATM Easement is terminated, Grantee shall be solely responsible for the cost of removing the ITM/ATM from the Real Estate, including the cost terminating all utilities associated with the ITM/ATM.

5. Maintenance of the Real Estate. Except for Grantee's maintenance, repair and replacement of the ITM/ATM as set forth in Paragraph 1 above, Grantor shall be responsible for all other maintenance and repair of the Real Estate, including but not limited to all driveway areas serving the ITM/ATM, all snow removal and all repair and maintenance of any paved areas within the ITM/ATM Easement Area.

6. No Interference. Grantor shall not interfere with and, shall not allow any other party associated with Grantor, to interfere with Grantee's, or Grantee's banking customers' or other such invitees', use of the ITM/ATM Easement Area or the ITM/ATM under this Agreement. Without limiting the foregoing, Grantor shall not, within the ITM/ATM Easement Area, erect or install any obstructions, buildings, fences, structures, or other improvements; plant any trees or shrubs; install water, sewer or drainage facilities or other utilities; or alter the elevation of the existing ground surface in the ITM/ATM Easement Area without Grantee's written consent, which consent may be withheld in Grantee's sole and absolute discretion.

7. Default and Remedies. If either Party defaults in performance of an obligation under this Agreement, the non-defaulting Party shall not have the right to exercise any remedies hereunder if the default is cured within ten (10) days of receiving written notice of such default specifying in detail the default and the required remedy (the "Notice of Default") from the defaulting Party; provided however, that if the nature of the default requires, in the exercise of reasonable diligence, more than ten (10) days to cure, then the non-defaulting Party shall have the right to exercise any remedies at law or in equity, including injunctive relief and specific performance.

8. Miscellaneous.

(a) Successors and Assigns;Third Party Beneficiaries. This Agreement shall inure to the benefit of and be binding upon Grantor and Grantee, any transferee, and their respective heirs, transferees, successors and assigns, and all persons claiming under them. Grantee's banking customer and other such invitees that may use the ITM/ATM are expressly third party beneficiaries of this Agreement.

(b) Easement to Run with the Land. The easement created by this Agreement shall run with the land.

(c) Recording of Agreement. Grantee shall record this Agreement in the Allen County Recorder's Office at Grantee's sole expense.

(d) Entire Agreement; Amendments. This Agreement, together with all exhibits referenced herein and attached hereto, constitutes the entire agreement between Grantor and Grantee respecting its subject matter. This Agreement shall not be modified or amended except in a writing signed by both Parties. No purported modifications or amendments, including, without limitation, any oral agreement (even if supported by new consideration), course of conduct or absence of a response to a unilateral communication, shall be binding on either Party. The Recitals are incorporated herein by reference as a material part of this Agreement.

(f) Other Legal Matters. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Indiana. If the Parties are unable to resolve amicably any dispute arising out of or in connection with this Agreement, they agree that such dispute shall be resolved in the state courts located in Allen County, Indiana. The Parties agree that any rule of construction to the effect that ambiguities are to be resolved in favor of either Party shall not be employed in the interpretation of this Agreement and is hereby waived. The prevailing Party in any action or proceeding for the enforcement, protection or establishment of any right or remedy under this Agreement shall be entitled to recover its reasonable attorneys' fees and costs in connection with such action or proceeding from the non-prevailing Party.

(g) Partial Invalidity. Should any provision of this Agreement be held, in a final and unappealable decision by a court of competent jurisdiction, to be either invalid, void or unenforceable, the remaining provisions hereof shall remain in full force and effect, unimpaired by the holding. Notwithstanding any other provision of this Agreement, the Parties agree that in no event shall the Term be longer than, respectively, the longest period permitted by applicable law.

(i) No Merger. There shall be no merger of this Agreement, or of the easement estate created by this Agreement, with the fee estate in Real Estate.

(j) Joint Owners. If one or more Parties execute this Agreement, the obligations of the Parties shall be the joint and several obligations.

(k) Headings. The headings of the paragraphs of this Agreement are not a part of this Agreement and shall have no effect upon the construction or interpretation of any part thereof.

(l) Counterparts. This Agreement, and any amendment hereto, may be executed in any number of counterparts and by each Party on separate counterparts, each of which when so executed and delivered shall be deemed an original and all of which taken together shall constitute one and the same instrument.

(m) Waiver of Right to Trial by Jury. EACH OF THE PARTIES KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVES THE RIGHT TO A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED ON THIS AGREEMENT, OR ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT AND ANY AGREEMENT CONTEMPLATED TO BE EXECUTED IN CONJUNCTION HEREWITH, OR ANY COURSE OF CONDUCT, COURSE OF DEALING, STATEMENTS (WHETHER VERBAL OR WRITTEN) OR ACTIONS OF ANY PARTY HERETO. EACH OF THE PARTIES TO THIS AGREEMENT WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT OR HAS NOT BEEN WAIVED. THIS PROVISION IS A MATERIAL INDUCEMENT TO EACH OF THE PARTIES FOR ENTERING INTO THIS AGREEMENT.

[*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK*]

IN WITNESS WHEREOF, the Parties have executed and delivered this Agreement as of the Effective Date.

GRANTOR:

By: _____
Ana Luja

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, **ANA LUJA** acknowledged the execution of the foregoing or attached ITM/ATM Easement Agreement as her voluntary act for the purposes stated therein.

Witness my hand and Notarial Seal this _____ day of June, 2026.

My Commission Expires: _____

_____
Signature of Notary Public

Resident of:_____

_____
Printed Name of Notary Public

Commission Number:_____

IN WITNESS WHEREOF, the Parties have executed and delivered this Agreement as of the Effective Date.

GRANTEE

PUBLIC SERVICE CREDIT UNON

By: _____
Carolyn Mikesell, President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, **CAROLYN MIKESELL**, the duly authorized President of **PUBLIC SERVICE CREDIT UNON**, acknowledged the execution of the foregoing or attached ITM/ATM Easement Agreement as her voluntary act for the purposes stated therein.

Witness my hand and Notarial Seal this _____ day of June, 2026.

My Commission Expires: _____

_____
Signature of Notary Public

Resident of:_____

_____
Printed Name of Notary Public

Commission Number:_____

This instrument prepared by ROBERT W. EHERENMAN, Attorney at Law, 444 East Main Street, Fort Wayne, Indiana 46802; (260) 426-0444. 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. /s/ Robert W. Eherenman

EXHIBIT A

Real Estate

EXHIBIT B

ITM/ATM Easement Area

DPS Plan Commission
Rezoning Petition Application

Applicant

Applicant Name: Ana Luja

Address: _____ City: Fort Wayne State: IN. Zip: 46806

Email (type or print): analuja@outlook.com Phone: 260 7050322

Property Ownership ☒ Same as applicant

Owner Name: Ana Luja

Address: 3714 Lillie St. City: Fortwayne State: IN Zip: 46806

Email (type or print): analuja@outlook.com Phone: 260 7050322

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 #: 7017 Old Trail Rd.

Present Zoning : C1 Proposed Zoning : C2 Acreage to be rezoned : _____

Purpose of rezoning (attach additional page if necessary): The goal it's to start selling tacos and hopefully in the future to be a bar.

Township Name: _____ Township Section Number: _____

Sewer Provider: FW Water Provider: FW

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.

Ana Luja	Ana Luja	8.27.26
printed name of applicant	signature of applicant	date
Ana Luja	Ana Luja	8.27.26
printed name of property owner	signature of property owner	date

STAFF USE ONLY

Received	Receipt Number	Hearing Date	Petition Number
8/27/26	149921	10-12-26	REZ-2026-0043

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 building is located in Neighborhood Commercial which includes restaurants

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

New use is for a restaurant so we would add a kitchen, otherwise building would remain as is.

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

The Comp plan recommends Neighborhood Commercial and our proposed use matches the suggested use in that category

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

The proposed use is compatible with other uses in the area, this will be reinvestment in the neighborhood

(5) Responsible development and growth.

We are re-using an existing vacant building and turning it into a restaurant

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*

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this ___ day of November, 2026 by Ana Luja, property owner (the "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 0.81 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 C1/Professional Office and Personal Services to a C2/Limited Commercial zoning district, bearing number REZ-2026-0043 (the "Petition"), which Petition has been approved by the City of 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.

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) Accountant
    2) Adoption service
    3) Adult care center
    4) Advertising
    5) Air conditioning sales
    6) Animal grooming (indoor)
    7) Animal hospital (indoor)
    8) Animal kennel (indoor)
    9) Animal obedience school (indoor)

10) Answering service
11) Appliance store
12) Appraiser
13) Arcade
14) Architect
15) Art gallery
16) Art instruction
17) Art studio
18) Art supply store
19) Assisted living facility
20) Attorney
21) Auction service
22) Audiologist
23) Audio visual studio
24) Automobile accessory store (indoor)
25) Automobile rental (indoor)
26) Automobile sales (indoor)
27) Bait sales
28) Bankruptcy service
29) Barber/beauty school
30) Bicycle sales and repair shop
31) Blood bank
32) Blood or plasma donor facility
33) Boarding house
34) Book store
35) Bookkeeping service
36) Bowling alley
37) Broadcast studio
38) Broker
39) Business training
40) Campus housing (off-site)
41) Catalog showroom
42) Child care center
43) Child care home (class I or II)
44) Clinic

45) Clock sales
46) Clothing alterations
47) Coin shop
48) Collection agency
49) Computer sales and service
50) Computer software store
51) Computer training
52) Consulting service
53) Consumer electronics sales
54) Consumer electronics service
55) Copy service
56) Correctional services facility
57) Counseling service
58) Craft instruction
59) Craft studio
60) Craft supply store
61) Customer service facility
62) Day care
63) Dentist
64) Department store
65) Detoxification facility
66) Diaper service facility
67) Doctor
68) Driving instruction
69) Drug store
70) Dry cleaning store
71) Educational institution
72) Embroidery
73) Employment agency
74) Engineer
75) Entertainment facility (indoor)
76) Fabric shop
77) Finance agency
78) Financial planning service
79) Fireworks sales (indoor)

80) Fitness center
81) Floor covering store
82) Foundation office
83) Fraternity house
84) Furrier
85) Game rental
86) Game sales
87) Glass cutting/glazing shop
88) Group residential facility, FHAA (large)
89) Group residential facility, FHAA (small)
90) Gymnastics instruction
91) Hardware store
92) Haunted house
93) Health club
94) Heating sales
95) Home improvement business
96) Homeless shelter
97) Hospice care center
98) Hospital
99) Hot tub sales
100) Household appliance store
101) Insurance agency
102) Interior design service
103) Internet service
104) Investment service
105) Jewelry sales
106) Laboratory
107) Land surveyor
108) Laundromat
109) Leather goods store
110) Legal service
111) Loan office
112) Luggage store
113) Marketing agency
114) Martial arts training

115) Meat/fish market
116) Medical supply sales
117) Medical training
118) Model unit
119) Mortgage service
120) Movie sales
121) Multiple family complex
122) Museum
123) Music instruction
124) Music store
125) Music studio
126) Musical instrument store
127) Neighborhood facility
128) Nursing home
129) Nutrition service
130) Office, professional
131) Opthamologist
132) Optician
133) Optomatrist
134) Paint store
135) Painting studio
136) Pet store
137) Pharmacy
138) Photography studio
139) Photography supply store
140) Photography training
141) Physical therapy facility
142) Picture framing facility
143) Pilates instruction
144) Planetarium
145) Planner
146) Podiatrist
147) Public transportation facility
148) Radio station
149) Real estate

150) Recording studio
151) Precreation, indoor
152) Rehabilitation facility
153) Residential facility for homeless individuals (up to 8)
154) Retirement facility
155) Savings and loan
156) Sculpture studio
157) Security service
158) Shoe repair shop
159) Sign sales store
160) Skating rink
161) Sleep disorder facility
162) Social service agency
163) Stained glass studio
164) Stationary store
165) Stock and bond broker
166) Surgery center
167) Swim club
168) Swimming pool sales
169) Tailor
170) Tax consulting
171) Taxi service
172) Telephone sales
173) Telephone service
174) Television station
175) Tennis clup
176) Theater
177) Tire sales
178) Title company
179) Toy store
180) Travel agency
181) Treatment center
182) Tutoring service
183) Veternary clinic (indoor)
184) Watch sales

185) Website service
186) Wedding consultant
187) Weight-loss service
188) Wind energy conversion system (micro)
189) Window sales
190) Yoga instruction
191) Zoo

2. Permitted Uses. Any use otherwise permitted in a C2 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. 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.

4. 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. Pursuant to I.C. 36-7-4-1015, 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.

5. Recording. Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder within 10 days of Plan Commission approval and shall provide a recorded copy to Department of Planning Services. If not recorded within this timeframe, Department of Planning Services staff is authorized to record the commitment.

6. 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.

7. 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) 2026028716.

8. Severability. Each covenant or restriction contained in any paragraph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

9. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.

10. Effective Date. The effective date ("Effective Date") of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

"DECLARANT"

_____

_____

By: _____
Printed Name: Ana Luja
Title: Property Owner

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

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

_____
Notary Public

My Commission Expires: _____

My County of Residence: _____

THIS INSTRUMENT prepared by: *Michelle Wood, Department of Planning Services.*

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: Department of Planning Services, 200 East Berry, Suite 150, Fort Wayne, IN 46802

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

The Land referred to herein below is situated in the County of Allen, State of Indiana and is described as follows:

BEGINNING at the Southwest corner of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence North 164 .0 feet along the West line of the said Lots Numbered 84, 85 and 86 in Elzey's First Addition to the Original Plat of Waynedale; thence East 218.0 feet on a line parallel to and 32.0 feet North of the South line of said Lot Numbered 86 in Elzey's First Addition to the Original Plat of Waynedale; thence South 164.0 feet on a line parallel to and 112.0 feet West of the East line of said Lots Numbered 84, 85 and 86 in the said Elzey's First Addition to the Original Plat of Waynedale to the South line of said Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence West 222.5 feet (223.2 feet, deed) to the place of beginning along the said South line of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale (now City of Fort Wayne) as recorded in Plat Record 11, page 61.

PROPOSED 30-FOOT-WIDE ingress and egress easement
An Easement being a portion of Lot Numbered 86 in Elzey's First Addition to the Original Plat of Waynedale as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at the southwest corner of Lot Numbered 84 in Elzey's First Addition to the Original Plat of Waynedale; thence North 00 degrees 52 minutes 59 seconds East (all bearings in this description are based on the Indiana East (Zone 1301) State Plane coordinate system) on the west line of Lots Numbered 84, 85, & 86 in Elzey's First Addition to the Original Plat of Waynedale, a distance of 133.99 feet to the Point of Beginning for the Easement herein described; thence continuing North 00 degrees 52 minutes 59 seconds East on the west line of said Lot Numbered 86, a distance of 30.01 feet to the northwest corner of the lands of Public Service Credit Union as described in Recorder's Document #92-55038; thence North 89 degrees 34 minutes 27 seconds East on the north line of said Document #92-55038, a distance of 214.10 feet to the northeast corner thereof; thence South 00 degrees 37 minutes 23 seconds East on the east line of said Document #92-55038, a distance of 30.00 feet; thence South 89 degrees 34 minutes 27 seconds West, a distance of 214.89 feet to the Point of Beginning, containing 0.148 acres of land, more or less.

BILL NO. Z-26-09-22

REPORT OF COMMITTEE ON REGULATIONS
November 10, 2026

Rohli Booker Chair
Scott Myers Co-Chair
All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. I27 (Sec. 28 of Wayne Township)

To rezone 0.81 acres from C1/Professional Office and Personal Services to C2/Limited Commercial at 7017 Old Trail Rd

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

COUNCIL MEMBER	DO PASS	DO NOT PASS	ABSTAIN
BENDER			
BOOKER			
CHAMBERS			
ENSLEY			
FREISTROFFER			
HARTMAN			
JEHL			
MYERS			
PADDOCK			

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 Booker, placed on passage by the following vote:

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

DATED: November 10, 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-26-09-22 on the 10th day of November , 2026

ATTEST:

JOHN D. MCGAULEY
CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th of November 2026, at the hour of 9:00 o'clock A.M. E.S.T.

JOHN D. MCGAULEY, CITY CLERK

Approved and signed by me this 12th day of November 2026, at the hour of 1:54 o'clock p.m. E. S.T.

SHARON TUCKER, MAYOR

Fort Wayne Indiana
Office of the City Clerk
NOV 12 2026
RECEIVED