

1
2 **#REZ 2025 0003**

3 **BILL NO. Z-25-01-19**

4
5 **ZONING MAP ORDINANCE NO. Z-_____**

6 **AN ORDINANCE amending the City of Fort Wayne**
7 **Zoning Map No. I-66 (Sec. 31 of Perry Township)**

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

9
10 SECTION 1. That the area described as follows is hereby designated a C2 (Limited
11 Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
12 Wayne, Indiana:

13 Part of the Northwest Quarter of Section 31, Township 32 North, Range 12 East, Allen
14 County, Indiana, more particularly described as follows:

15 Beginning at a point on the North line of Section 31, Township 32 North, Range 12 East,
16 Allen County, Indiana, said point being South 89 degrees 45 minutes East, a distance of
17 797 feet from the Northwest corner of Section 31-32-12; thence continuing South 89
18 degrees 45 minutes East along the North line of Section 31-32-12 a distance of 486.5
19 feet; thence South 03 degrees 00 minutes West, a distance of 220 feet; thence North 89
20 degrees 45 minutes West, a distance of 200.0 feet; thence South 03 degrees 00 minutes
21 West a distance of 500 feet; thence North 89 degrees 45 minutes West, a distance of
22 233.3 feet; thence North 26 degrees 46 minutes West, a distance of 75.5 feet; thence
23 North 01 degrees 37 minutes East, a distance of 652.1 feet to the point of beginning,
24 containing 5.57 acres, more or less.

25 Excepting therefrom:

26 Parts of the Northwest Quarter of Section 31, Township 32 North, Range 12 East in Allen
27 County, Indiana, more particularly described as follows:

28 Commencing at the Northwest corner of the Northwest Quarter of Section 31, Township
29 32 North, Range 12 East, in Allen County, Indiana; thence East along the North line of
30 the Northwest Quarter of Section 31, Township 32 North, Range 12 East, a distance of
1083.5 feet; thence Southwesterly with a deflection angle to the right of 92 degrees 45
minutes, a distance of 513.2 feet to the true point of beginning of the herein described
real estate; thence Westerly with a deflection angle to the right of 88 degrees 37 minutes
30 seconds a distance of 100 feet; thence Southwesterly with a deflection to the left of 88

degrees 24 minutes a distance of 209.2; thence Easterly with a deflection angle to the left of 92 degrees 43 minutes 30 seconds a distance of 100 feet; thence Northeasterly with an angle to the left of 87 degrees 15 minutes a distance of 206.8 feet to the point of beginning, containing 0.477 acres.

Parcel II:

Tract A:

Beginning at a point on the North line of Section 31, Township 32 North, Range 12 East, Allen County, Indiana, said point being South 89 degrees 45 minutes East, a distance of 1083.5 feet from the Northwest corner of Section 31, Township 32 North, Range 12 East; thence continuing South 89 degrees 45 minutes East, along the North line of Section 31, Township 32 North, Range 12 East, a distance of 200.0 feet; thence South 03 degrees 00 minutes West, a distance of 720.0 feet; thence North 89 degrees 45 minutes West, a distance of 200.0 feet; thence North 03 degrees 00 minutes East, a distance of 720.0 feet to the point of beginning, containing 3.31 acres, more or less.

Excepting therefrom the following described real estate: Beginning at a point on the North line of Section 31, Township 32 North, Range 12 East, Allen County, Indiana, said point being South 89 degrees 45 minutes East, a distance of 1083.5 feet from the Northwest corner of Section 31, Township 32 North, Range 12 East; thence continuing South 89 degrees 45 minutes East along the North line of Section 31, Township 32 North, Range 12 East a distance of 200.0 feet; thence South 03 degrees 00 minutes West a distance of 220.0 feet; thence North 89 degrees 45 minutes West a distance of 200.0 feet; thence North 03 degrees 00 minutes East a distance of 220.0 feet to the point of beginning containing 1.01 acres, more or less. The net acreage for the above described real estate is 2.30 acres.

Together with a 40-foot ingress and egress easement, more particularly described as follows:

Beginning at a point on the North line of Section 31, Township 32 North, Range 12 East, Allen County, Indiana, said point being South 89 degrees 45 minutes East, a distance of 1283.5 feet from the Northwest corner of Section 31, Township 32 North, Range 12 East; thence continuing South 89 degrees 45 minutes East along the North line of the Section 31, Township 32 North, Range 12 East a distance of 40.0 feet; thence South 03 degrees 00 minutes West, a distance of 720.00 feet; thence North 89 degrees 45 minutes West a distance of 40.0 feet; thence North 03 degrees 00 minute East, a distance of 720.0 feet to the point of beginning, containing 0.66 acres, more or less.

Tract B:

Parts of the Northwest Quarter of Section 31, Township 32 North, Range 12 East in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 31, Township 32 North, Range 12 East, in Allen County, Indiana; thence East along the North line of

1 the Northwest Quarter of Section 31, Township 32 North, Range 12 East a distance of
2 1083.5 feet; thence Southwesterly with a deflection angle to the right of 92 degrees 45
3 minutes, a distance of 513.2 feet to the true point of beginning of the herein described
4 real estate; thence Westerly with a deflection angle to the right of 88 degrees 37 minutes
5 30 seconds a distance of 100 feet; thence Southwesterly with a deflection angle to the left
6 of 88 degrees 24 minutes a distance of 209.2 feet; thence Easterly with a deflection angle
to the left of 92 degrees 43 minutes 30 seconds a distance of 100 feet; thence
Northeasterly with a deflection angle to the left of 87 degrees 15 minutes a distance of
206.8 feet to the point of beginning, containing 0.477 acres.

7
8 and the symbols of the City of Fort Wayne Zoning Map No. I-66 (Sec. 31 of Perry Township), as
9 established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is
10 hereby changed accordingly.

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

15
16 SECTION 3. That this Ordinance shall be in full force and effect from and after its
17 passage and approval by the Mayor.

18
19
20 _____
Council Member

21
22 APPROVED AS TO FORM AND LEGALITY:

23 _____
24 Malak Heiny, City Attorney
25
26
27
28
29
30

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2025-0003
Bill Number: Z-25-01-19
Council District: 3 -Nathan Hartman

Introduction Date: January 28, 2025

Plan Commission
Public Hearing Date: February 10, 2025 (not heard by Council)

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

Synopsis of Ordinance: To rezone 7.73 acres from AR/Low Intensity Residential to C2/Limited Commercial with a written commitment to restrict uses

Location: 3217 Carroll Road

Reason for Request: To permit the existing reception hall and allow for a micro-distillery in the existing building.

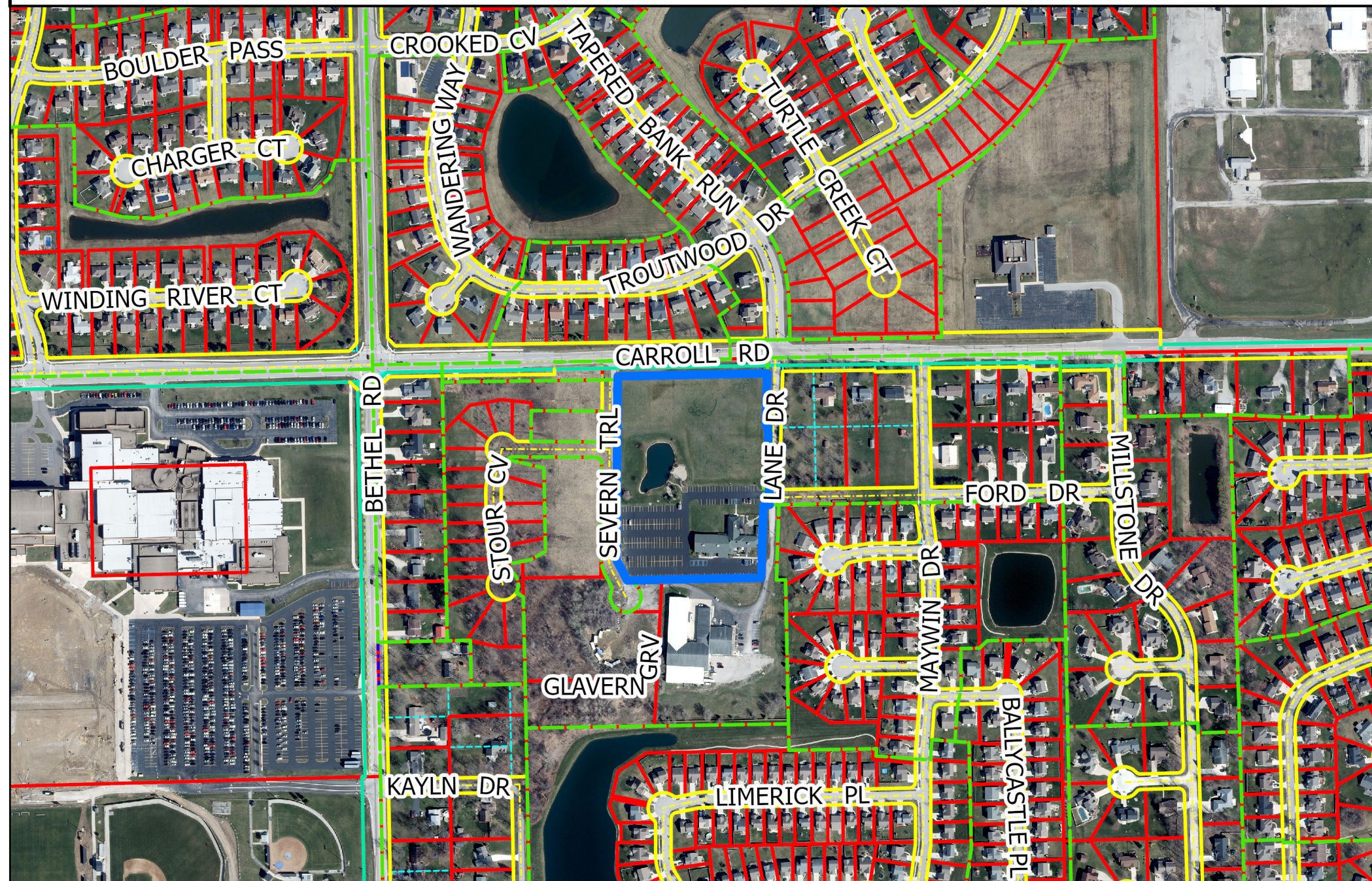
Applicant: Copper Forge Distilling, LLC

Property Owner: 2Mics, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district, which will bring the existing reception hall into compliance (currently operating under a variance). The zoning will also allow the building to include a micro-distillery.

Effect of Non-Passage: The property will remain zoned AR and the reception hall can operate under the existing variance approval, however the uses cannot be expanded without a new approval.

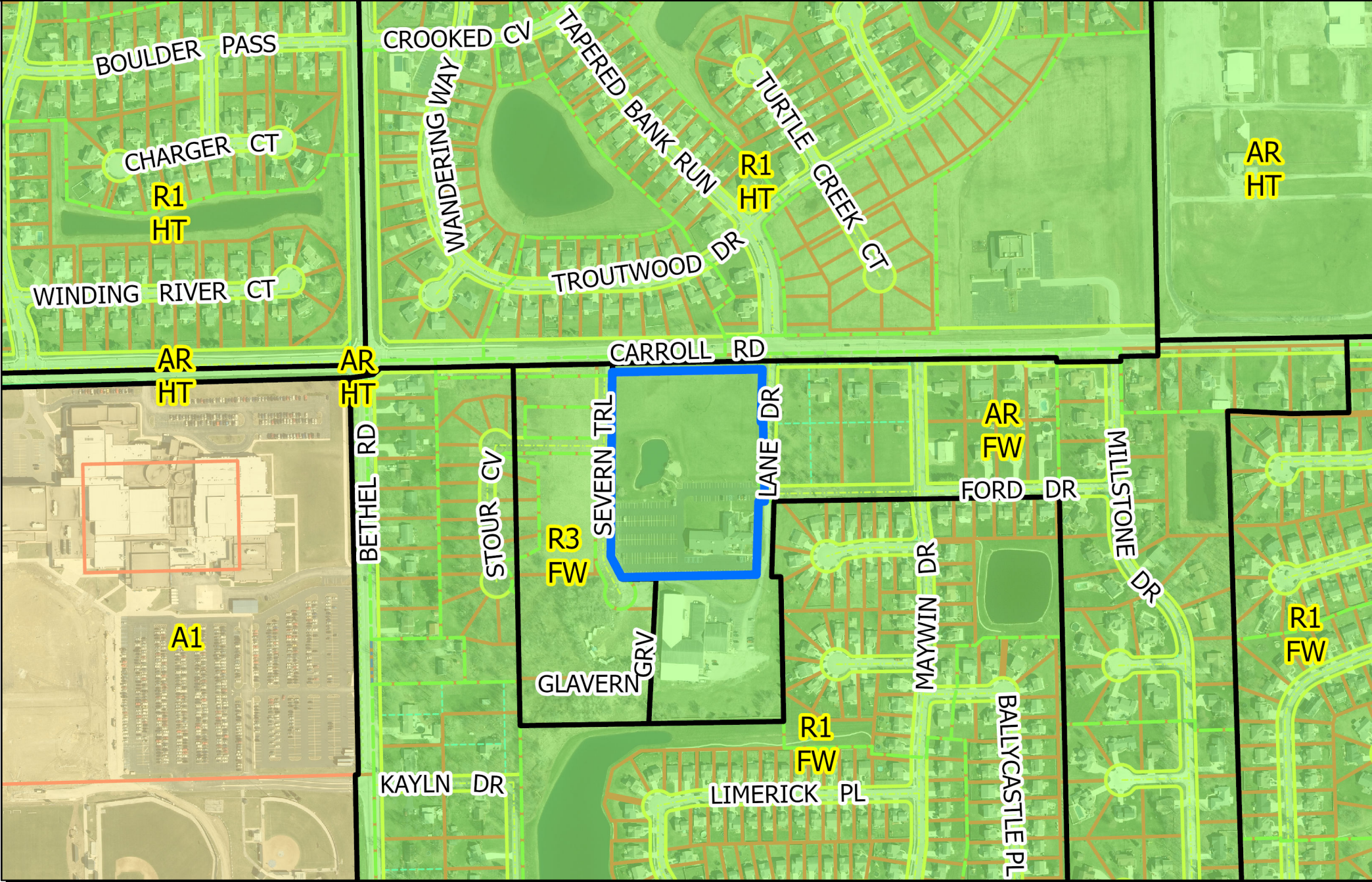


Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

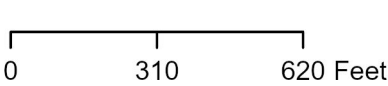
© 2004 Board of Commissioners of the County of Allen
 North American Datum 1983
 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 1/15/2025

0 310 620 Feet





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WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made this _____ day of _____, 2025 by 2MICS, LLC, an Indiana limited liability company (the “Declarant”).

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 7.73 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 AR/Low Intensity Residential zoning district to a C2/Limited Commercial zoning district, bearing number REZ-2025-_____ (the “Application”) which has been approved by the City of Fort Wayne Plan Commission (the “Plan Commission”) and the Fort Wayne Common Council (“City Council”); and

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.** **Except for the Permitted Uses specifically allowed in Paragraph 2 below, and those uses permitted in residential zoning districts** and subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:
 - 1) C2 Limited Commercial Specific Permitted Uses listed in Section 157.213(C) of the Fort Wayne Zoning Ordinance; and
 - 2) All C2 Limited Commercial Special Uses listed in Section 157.213 (D) of the Fort Wayne Zoning ordinance.
2. **Permitted Uses.** **The following uses shall be permitted on the Real Estate:**
 - 1) Any use permitted in a C1/Professional Office and Personal Services zoning district; and
 - 2) **The following specific uses permitted in a C2/Limited Commercial zoning district: Banquet Hall/Reception Hall, Distillery (Micro), Brewery (Micro), Restaurant (excluding drive-through), and Bar/Tavern.**
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. 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 and shall provide two copies of the recorded Commitment to the Zoning Administrator.
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. Authority to Sign. The person signing this Commitment in a representative capacity on behalf of Declarant warrants and represents that: (a) the person has the actual authority and power to so sign, and to bind the respective entity to the provisions of this Commitment; and (b) all corporate or other entity action necessary for the making of this Commitment has been duly taken.
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 202400712.

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.

[signature page follows]

“DECLARANT”

2MICS, LLC

By: _____

Printed Name: _____

Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this _____ day of _____, 2025, personally appeared _____, _____ of 2MICS, LLC, and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

Notary Public
Printed Name: _____
County of Residence: _____

This instrument prepared by: Robert C. Kruger, Esq., BURT, BLEE, DIXON, SUTTON & BLOOM, LLP, 200 E. Main St., Ste. 1000, Fort Wayne, IN 46802; (260) 426-1300

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. Robert C. Kruger

Return to: _____

EXHIBIT “A”

LEGAL DESCRIPTION OF REAL ESTATE

[insert legal description]

Property Address: 3127 Carroll Road, Fort Wayne, IN 46818

Department of Planning Services Rezoning Petition Application

Applicant

Applicant Copper Forge Distilling, LLC

Address 4834 Jean Drive

City Fort Wayne State IN Zip 46825

Telephone _____ E-mail _____

Property Ownership

Property Owner 2MICS, LLC

Address 3217 Carroll Road

City Fort Wayne State IN Zip 46818

Telephone _____ E-mail _____

Contact Person

Contact Person Robert C. Kruger

Address 200 E. Main Street, Suite 1000

City fort Wayne State IN Zip 46802

Telephone 260-426-1300 E-mail rkruger@burtblee.com

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

Request

☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction

Address of the property 3217 Carroll Road 3127 Township and Section Perry; Sec. 31

Present Zoning AR Proposed Zoning C2 Acreage to be rezoned 7.73

Purpose of rezoning (attach additional page if necessary) To bring use of property as reception hall into compliance with current ordinance and to allow for use of the site as a distillery

(micro) by an existing local business currently operating at another location

Sewer provider Fort Wayne Water provider Fort Wayne

Filing Checklist

Applications will not be accepted unless the following filing requirements are submitted with this application.

- ☐ Filing fee \$1000.00
- ☐ Surveys showing area to be rezoned
- ☐ Legal Description of parcel to be rezoned
- ☐ Rezoning Criteria (please complete attached document)

I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Fort Wayne and Allen County Plan Commissions as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that

By: Kenn Scribner, Member

(printed name of applicant)

Signed by:

Kenn Scribner

(signature of applicant)

1/6/2025

(date)

By: Christine Leto, Authorized Representative

(printed name of property owner)

(signature of property owner)

(date)



Received	Receipt No.	Hearing Date	Petition No.
1-7-25	146900	2-10-24	RE2-2025-0003

Department of Planning Services • 200 East Berry Suite 150 • Fort Wayne, Indiana • 46802
Phone (260) 449-7607 • Fax (260) 449-7682 • www.allencounty.us • www.cityoffortwayne.org

