

#REZ-2025-0034

BILL NO. Z-25-06-13

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. H06 (Sec. 4 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 I2/General Industrial District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 4, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, based on an original survey by Nolan R. Mark, Indiana Professional Surveyor Number 21900003 of Miller Land Surveying, Inc., Survey No. 19065139, dated September 25, 2019, and being more particularly described as follows:

Commencing 3/4" Steel Rebar marking the Southwest corner of said Southwest Quarter; thence North 89 degrees 35 minutes 52 seconds East (Indiana Geospatial Coordinate System of Allen County bearing and basis of bearings to follow), a distance of 1625.02 feet along the South line of said Southwest Quarter and within the right-of-way of Illinois Road; thence North 00 degrees 16 minutes 09 seconds West, a distance of 30.00 feet to a 5/8" Steel Rebar found flush at the North right-of-way line of Illinois Road and being the POINT OF BEGINNING of the herein described tract; thence continuing North 00 degrees 16 minutes 09 seconds West, a distance of 374.36 feet along the East line of an existing 0.967 acre tract of land as described in Document Number 2013056877 in the Office of the Recorder of Allen County, Indiana to a point on the Southerly right-of-way line of the CSX Railroad, said point being referenced by a 5/8" Steel Bar found 0.54 feet West and 0.2 feet below grade; thence South 72 degrees 01 minutes and 54 seconds East, a distance of 478.82 feet along said Southerly right-of-way line to a 5/8" Steel Rebar found flush at the West line of an existing 0.93 acre tract of land as described in Document Number 2017067346 in said Office of the Recorder; thence South 00 degrees 19 minutes 03 seconds East, a distance of 223.45 feet along said West line to a 1/2" Steel Square Rebar found flush on the North right-of-way line of Illinois Road; thence South 89 degrees 35 minutes 52 seconds West, a distance of 454.96 feet along said North right-of-way line to the Point of Beginning. Containing 3.121 acres, more or less. Subject to easements of record.

1
2
3 and the symbols of the City of Fort Wayne Zoning Map No. H06 (Sec. 4 of Wayne Township), as
4 established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby
5 changed accordingly.

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

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

14
15 _____
Council Member

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17 APPROVED AS TO FORM AND LEGALITY:

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19 _____
Malak Heiny, City Attorney
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City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2025-0034
Bill Number: Z-25-06-13
Council District: 5 – Geoff Paddock

Introduction Date: May 27, 2025

Plan Commission
Public Hearing Date: July 14, 2025 (not heard by Council)

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

Synopsis of Ordinance: To rezone 3.121 acres from I1/Limited Industrial to I2/General Industrial

Location: Immediately east of 3404 Illinois Rd (Section 4 of Wayne Township)

Reason for Request: To permit a landscape contracting service

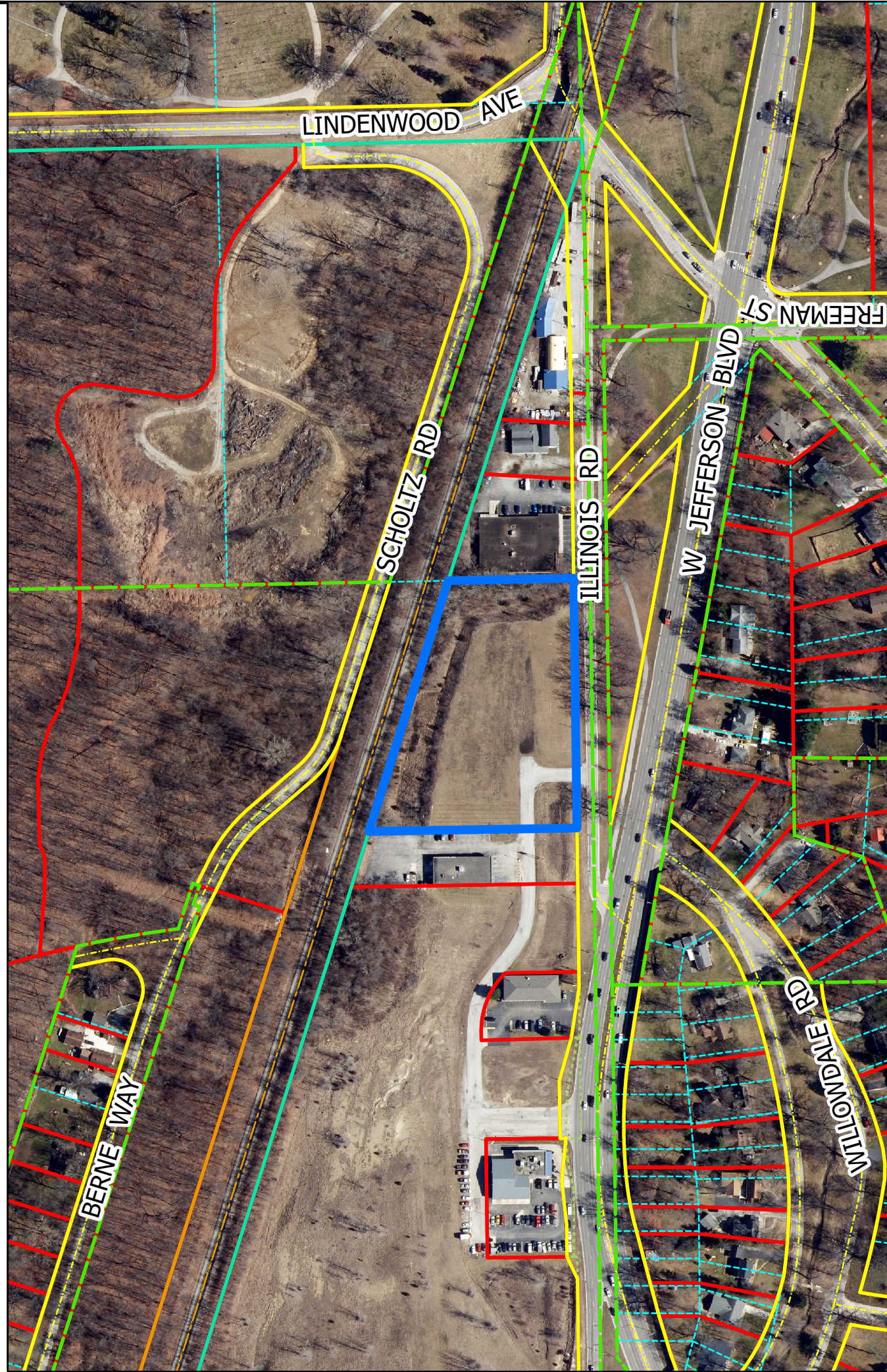
Applicant: Timothy R. Pancake

Property Owner: Wildwood Partnership

Related Petitions: Primary Development Plan – Cornerstone Landscape Group

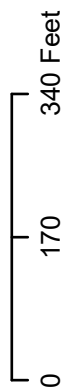
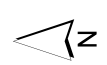
Effect of Passage: Property will be rezoned to the I2/General Industrial zoning district, which would permit a landscape contracting service.

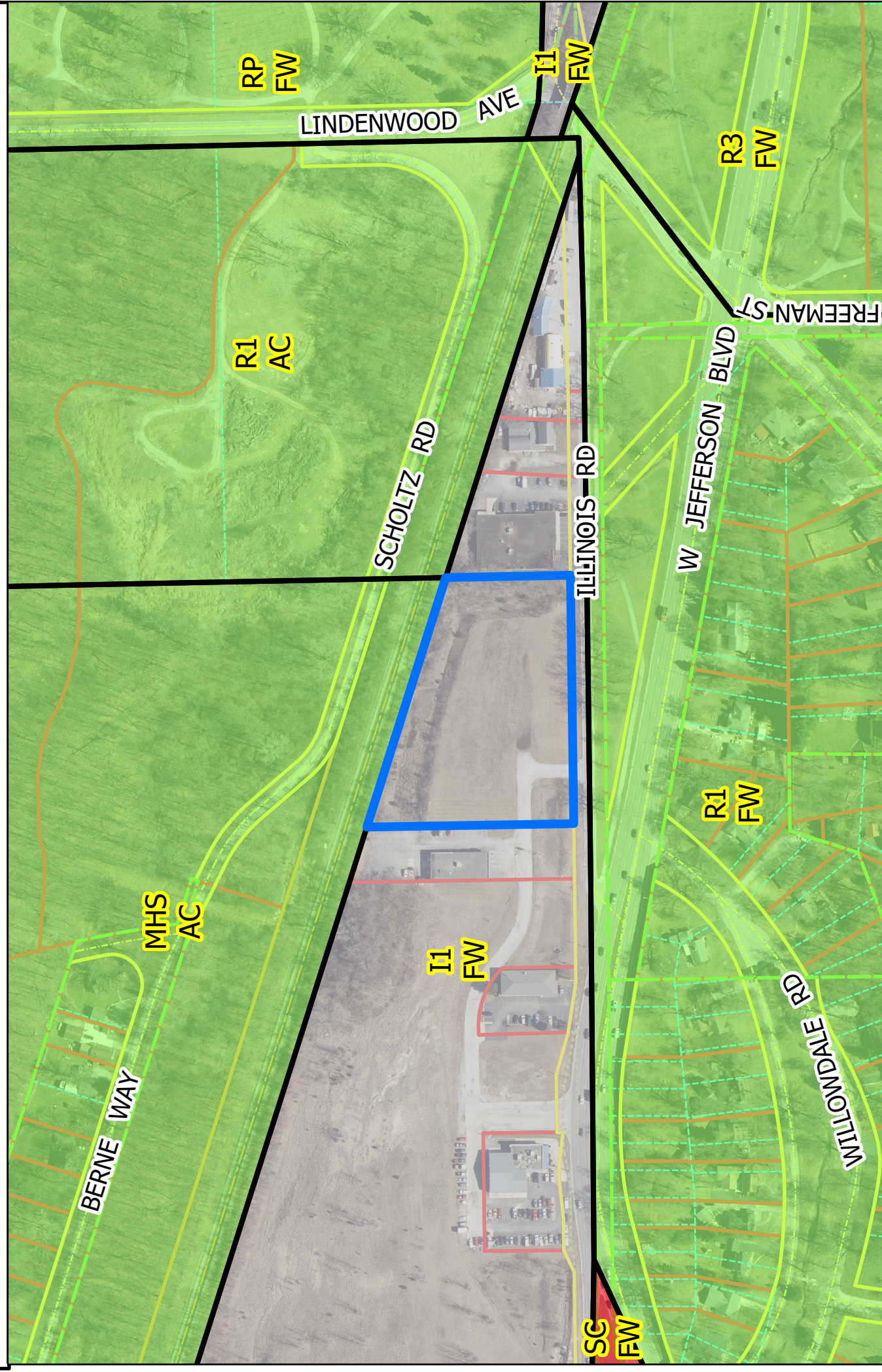
Effect of Non-Passage: Property will remain zoned I1/Limited Industrial, which does not permit a landscape contracting service. The site may continue with existing or non-conforming uses, and may be redeveloped with low intensity industrial or manufacturing uses, or wholesale and/or storage activities, and similar uses.



Although our 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: 6/5/2025

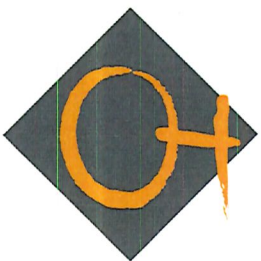




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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/5/2025





CORNERSTONE
LANDSCAPE GROUP

620 HAYDEN STREET . FORT WAYNE . INDIANA
PH. 260.425.9933



CLIENT:

**Cornerstone Landscape
Group**
620 Hayden Street
Fort Wayne, IN 46802

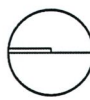
DRAWING:
WILDWOOD PROPERTY

Preliminary Site Layout

REVISIONS:

SHEET: 1 OF: 1
DATE: MAY 2025
DRAWN BY: TRP/PCG

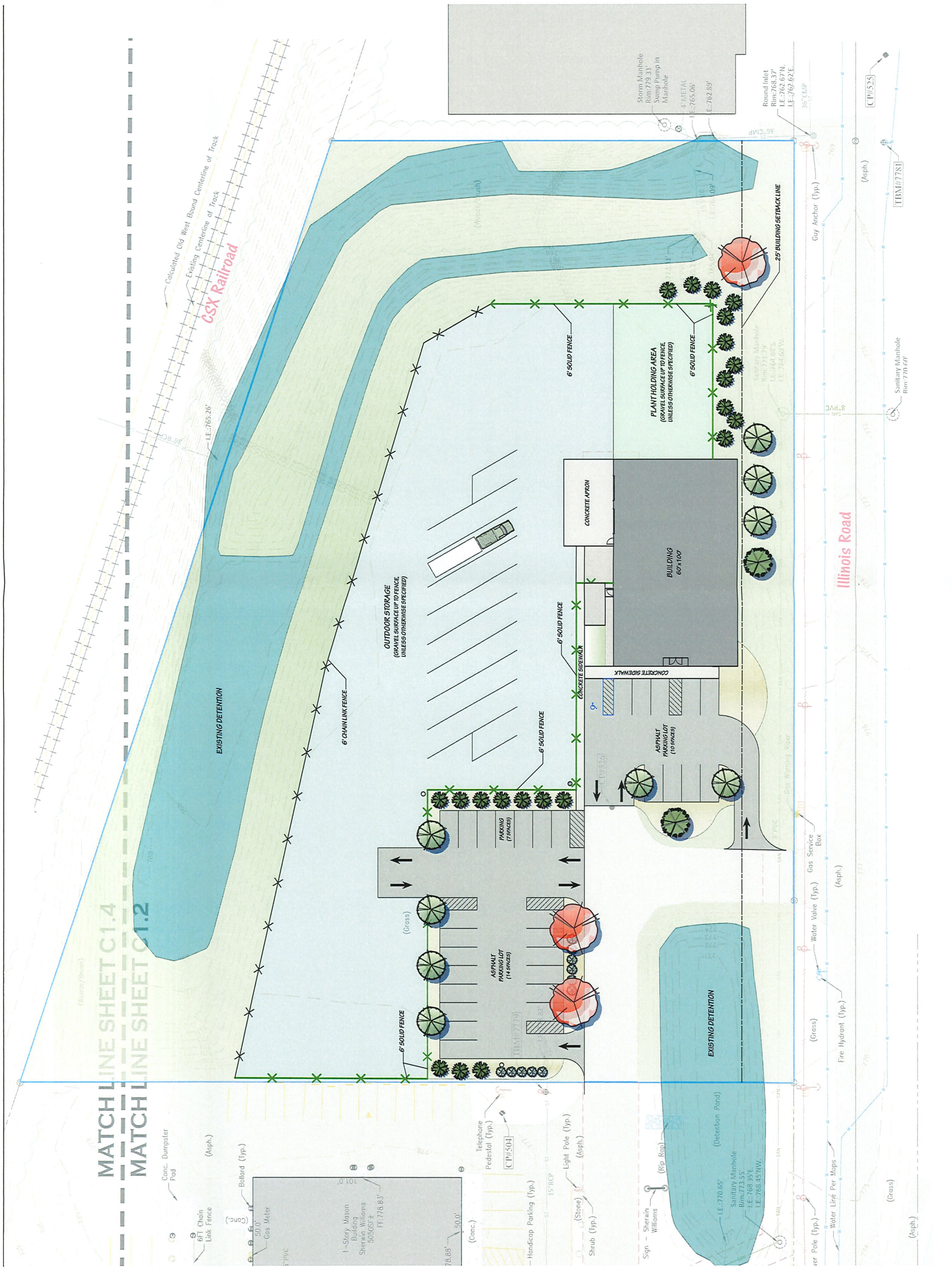
ALL INFORMATION CONTAINED IN THESE DRAWINGS IS THE PROPERTY OF THE CORNERSTONE LANDSCAPE GROUP INC. THIS DOCUMENT, ALONG WITH THE DESIGNATIVE PRODUCT IDEAS, AND CONCEPTS SHALL NOT BE COPIED BY, USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT WRITTEN CONSENT OF THE CORNERSTONE LANDSCAPE GROUP INC.



NORTH

SCALE: 1" = 20'

CORNERSTONE-LANDSCAPE.COM



Legal Description of Subject Property

Re-Zoning Application – 3500 Block of Illinois Road

Parcel No. 02-12-04-354-006.001-074

Part of the Southwest Quarter of Section 4, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, based on an original survey by Nolan R. Mark, Indiana Professional Surveyor Number 21900003 of Miller Land Surveying, Inc., Survey No. 19065139, dated September 25, 2019, and being more particularly described as follows:

Commencing 3/4" Steel Rebar marking the Southwest corner of said Southwest Quarter; thence North 89 degrees 35 minutes 52 seconds East (Indiana Geospatial Coordinate System of Allen County bearing and basis of bearings to follow), a distance of 1625.02 feet along the South line of said Southwest Quarter and within the right-of-way of Illinois Road; thence North 00 degrees 16 minutes 09 seconds West, a distance of 30.00 feet to a 5/8" Steel Rebar found flush at the North right-of-way line of Illinois Road and being the POINT OF BEGINNING of the herein described tract; thence continuing North 00 degrees 16 minutes 09 seconds West, a distance of 374.36 feet along the East line of an existing 0.967 acre tract of land as described in Document Number 2013056877 in the Office of the Recorder of Allen County, Indiana to a point on the Southerly right-of-way line of the CSX Railroad, said point being referenced by a 5/8" Steel Bar found 0.54 feet West and 0.2 feet below grade; thence South 72 degrees 01 minutes and 54 seconds East, a distance of 478.82 feet along said Southerly right-of-way line to a 5/8" Steel Rebar found flush at the West line of an existing 0.93 acre tract of land as described in Document Number 2017067346 in said Office of the Recorder; thence South 00 degrees 19 minutes 03 seconds East, a distance of 223.45 feet along said West line to a 1/2" Steel Square Rebar found flush on the North right-of-way line of Illinois Road; thence South 89 degrees 35 minutes 52 seconds West, a distance of 454.96 feet along said North right-of-way line to the Point of Beginning. Containing 3.121 acres, more or less. Subject to easements of record.



BarrettMcNagny
ATTORNEYS AT LAW

Brandon J. Almas
(260)423-8819
bj@barrettlaw.com

June 2, 2025

Via Hand Delivery

Michelle Wood, RLA
Senior Land Use Planner
Department of Planning Services
200 East Berry Street, Suite 150
Fort Wayne, IN 46802

RE: Cornerstone Landscape Group // Rezoning Application and Primary Development
Plan Application for 3500 Block of Illinois Road –
Parcel No. 02-12-04-354-006.001-074

Dear Ms. Wood:

Our office represents Cornerstone Landscape Group and its owner Timothy R. Pancake. Cornerstone Landscape Group seeks to re-zone approximately 3.121 acres of land at the 3500 Block of Illinois Road, identified by Parcel No. 02-12-04-354-006.001-074, and seeks approval of a primary development plan for a new building to serve as its main office. In this regard, please find enclosed with this letter the following documents:

1. Application to Re-Zone Property from I-1 to I-2 to allow for a landscape contracting service
 - a. Survey showing the area to be re-zoned
 - b. Legal description of the parcel to be re-zoned
 - c. Re-zoning criteria questionnaire
 - d. Proposed form of Written Commitment
2. Application for Primary Development Plan for development of a new building to serve as Cornerstone Landscape Group's main office
 - a. Two (2) copies of the proposed site plan
 - b. Survey showing the site to be developed with legal description
3. Check in the amount of \$1,000 as the filing fee for the Re-zoning Application
4. Check in the amount of \$700 as the filing fee for the Primary Development Plan Application



As noted above, the applicant is proposing to include a Written Commitment as a condition of the re-zoning approval to minimize the risks of adverse impacts that certain types of uses otherwise permitted in the I-2 zoning district could have on the surrounding properties. We welcome any feedback from planning staff and the members of the Plan Commission on the terms of the Written Commitment.

Should you have any questions or need anything further, please let me know.

Regards,

BARRETT McNAGNY LLP

A handwritten signature in black ink, appearing to read "Brandon J. Almas".

Brandon J. Almas
BJA/mmj: 4932-2678-5865

Enclosures

**Department of Planning Services
Rezoning Petition Application**

Applicant
Applicant Timothy R. Pancake
Address 620 Hayden Street
City Fort Wayne State IN Zip 46802
Telephone 260-425-9933 E-mail tpancake@cornerstone-landscape.com

Property Ownership
Property Owner Wildwood Partnership
Address 5651 Coventry Lane, PMB 304
City Fort Wayne State IN Zip 46804
Telephone _____ E-mail _____

Contact Person
Contact Person Brandon Almas
Address 215 E Berry Street
City Fort Wayne State IN Zip 46802
Telephone 260-423-8819 E-mail bja@barrettllaw.com

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

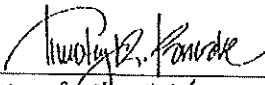
Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
Address of the property 02-12-04-354-006.001-074 Township and Section Wayne 74 (Loc
Present Zoning 11 Proposed Zoning 12 Acreage to be rezoned 3.121
Purpose of rezoning (attach additional page if necessary) To accomodate a landscape
contracting service as a Specific Permitted Use. See attached Exhibit A for
additional details.
Sewer provider Fort Wayne C.U. Water provider Fort Wayne C.U.

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

Timothy R. Pancake

(printed name of applicant)

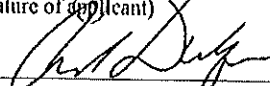

(signature of applicant)

6/2/2025

(date)

Wildwood Partnership

(printed name of property owner)


(signature of property owner)

6/2/2025

(date)



Received	Receipt No.	Hearing Date	Petition No.
<u>6-2-25</u>	<u>147642</u>	<u>7-14-25</u>	<u>REZ-2025-0034</u>

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



Department of Planning Services Rezoning Questionnaire

When making recommendations on rezoning requests, the Plan Commission shall pay reasonable regard to the following items. Please describe how this petition satisfies the following:

- (1) The Comprehensive Plan;

See attached Exhibit A

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

See attached Exhibit A

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

See attached Exhibit A

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

See attached Exhibit A

- (5) Responsible development and growth.

See attached Exhibit A

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*



EXHIBIT A

Re-Zoning Application – 3500 Block of Illinois Road **Parcel No. 02-12-04-354-006.001-074**

Purpose of Rezoning:

The proposed rezoning is to allow for the development of a landscaping contractor's facility and operations building on the subject property. The proposed use requires a zoning classification of I2 due to the type of use (landscape contracting service is not permitted in I1) and the proposed site plan. However, the facility will function similarly, and with even less intensity than nearby light industrial and commercial uses. A written commitment will accompany the rezoning to limit future uses on the property, ensuring that the development remains compatible with the surrounding area in the future.

Rezoning Criteria:

1. The rezoning aligns with the Comprehensive Plan

The proposed rezoning aligns with the All In Allen Comprehensive Plan (the "Plan") and supports its goals for targeted growth and development. The subject property is located within an Urban Infill area on the Future Growth and Development Map and lies immediately adjacent to a designated Targeted Growth Area. These designations encourage precisely the sorts of beneficial service and economic development as is here proposed.

The subject property also falls within a "Community Commercial" area on the Plan's Generalized Future Land Use map and is located in an area zoned for industrial use. These areas are intended to accommodate medium to large clusters of retail and service uses, including specialized services. The proposed landscaping facility fits well within this vision, offering a professional contracting service with negligible increases to traffic flow beyond what the immediate area already experiences due to the existing commercial and light industrial properties nearby.

2. The rezoning conforms with the current conditions and the character of current structures and uses in the district

The proposed rezoning, together with the accompanying written commitment, will ensure consistency with the existing character and conditions of the district. The surrounding area already contains a variety of light industrial and commercial uses, including a pool and spa retail store, pet grooming business, window service office, national and local auto repair

shops, and a paint supply retailer. The properties within this stretch of land bounded by the railroad track, Hillegas Road, and Illinois Road/W. Jefferson Blvd. are all currently zoned for industrial use with the adjacent properties being zoned I1.

The proposed landscaping facility will be no more intensive than these existing uses and will in fact operate in a similarly low-traffic, service-oriented manner. Also, the planned structure on the subject property will be of high quality and has been thoughtfully designed, making it even more aesthetically appealing than many industrial facilities that often lack architectural character.

Notably, the written commitment will prohibit heavier industrial uses within the subject property in the future, further aligning the proposed rezoning with the area's existing pattern of development.

3. The rezoning aligns with the most desirable use for which the land in the district is adapted

The proposed rezoning supports the most desirable and appropriate use of the subject property given its location and current condition. The subject property is presently vacant and underutilized, yet it lies within an established corridor of light industrial and commercial service uses. The property is set back approximately 35 to 40 feet from the nearest main road and is bounded to the north by railroad tracks—both of which create natural buffers that make the site especially well-suited for the proposed facility.

A landscaping facility is a productive use that takes full advantage of the site's physical separation from residential areas as well as its proximity to other service-based businesses. The facility will be relatively low-traffic, and it will not impose any new or intensified impacts beyond what the area already accommodates. Overall, it represents a practical and efficient reuse of vacant land that aligns with both the character of the district and the specific property's highest and best use.

4. The rezoning will conserve property values throughout the jurisdiction

The proposed rezoning will have no negative impact on nearby property values or property values throughout the jurisdiction. In fact, this rezoning will enhance local property values by replacing currently underused, vacant land with a well-designed, professional facility.

The subject property is already flanked by commercial and light industrial uses on both sides, and any impact those uses may have had on surrounding property values occurred long ago. The addition of an upscale landscaping facility will not alter or intensify existing effects or conditions.

The facility will be visually attractive and functionally compatible with its surroundings. It is set back from the nearby road, screened by the railroad tracks to the north, and will operate without any odors or excessive noise.

5. The rezoning will promote responsible development and growth in the area

The proposed rezoning reflects a thoughtful and responsible approach to growth. This is an in-fill site with existing infrastructure, so it is not expected that any new utilities, roadways, etc., will be required. The re-zoning also promotes development of an underutilized and vacant site in a manner that is complementary of the adjacent uses. The petitioner has chosen to rezone the property in a transparent and permanent manner that aligns with the intended long-term use of the property. This method represents the clearest and cleanest route for accommodating the landscaping contractor's facility in a way that is consistent with the property's surroundings and the expectations for the area.

At the same time, the petitioner recognizes that rezonings can have broader implications. To that end, a written commitment will accompany the rezoning to restrict future uses to those consistent with the area's existing character and intensity. This ensures that the site remains compatible with its surroundings and prevents the introduction of more intensive industrial operations in the future.

Legal Description of the Subject Property

Part of the Southwest Quarter of Section 4, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, based on an original survey by Nolan R. Mark, Indiana Professional Surveyor Number 21900003 of Miller Land Surveying, Inc., Survey No. 19065139, dated September 25, 2019, and being more particularly described as follows:

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478.82 feet along said Southerly right-of-way line to a 5/8" Steel Rebar found flush at the West line of an existing 0.93 acre tract of land as described in Document Number 2017067346 in said Office of the Recorder; thence South 00 degrees 19 minutes 03 seconds East, a distance of 223.45 feet along said West line to a 1/2" Steel Square Rebar found flush on the North right-of-way line of Illinois Road; thence South 89 degrees 35 minutes 52 seconds West, a distance of 454.96 feet along said North right-of-way line to the Point of Beginning. Containing 3.121 acres, more or less. Subject to easements of record.

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (“Commitment”) is made this ____ day of _____, 2025 by Timothy R. Pancake (the “Buyer”), and Wildwood Partnership (the “Seller”) (the Buyer and the Seller, collectively, the “Declarant”).

WITNESSETH:

WHEREAS, Seller is the owner of approximately 3.121 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”);

WHEREAS, Buyer submitted a rezoning petition with respect to the Real Estate (the “Petition”) to rezone the Real Estate from an I1 zoning district to an I2 zoning district to the City of Fort Wayne Plan Commission (the “Plan Commission”);

WHEREAS, Declarant has offered this Commitment, voluntarily, pursuant to Indiana Code 36-7-4-1015, for the purpose of limiting certain uses for the Real Estate; and

WHEREAS, in conjunction with the Petition, the Plan Commission has accepted Declarant’s offer of this Commitment and its recordation with the Allen County, Indiana, Recorder’s Office upon approval of the Petition by the Plan Commission and City Council.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Prohibited Uses. Subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:
 - a. Agricultural equipment sales
 - b. Agricultural equipment service
 - c. Air freight service
 - d. Animal kennel
 - e. Animal slaughter house (indoor)
 - f. Arcade
 - g. Arena
 - h. Assembly facility
 - i. Automobile auction
 - j. Automobile washing facility
 - k. Bar
 - l. Betting or other gambling facility
 - m. Billiard or pool hall
 - n. Bingo establishment
 - o. Boat dry dock facility

- p. Boat sales
- q. Bottling facility
- r. Bowling alley
- s. Check cashing
- t. Club, Private
- u. Community garden (including outdoor)
- v. Correctional services facility
- w. Dry cleaning facility (central)
- x. Dry cleaning store
- y. Equipment rental
- z. Flea market
- aa. Go-kart facility
- bb. Gun sales
- cc. Hotel
- dd. Junk yard (indoor)
- ee. Laundromat
- ff. Laundry facility (central)
- gg. Manufactured home sales
- hh. Motel
- ii. Motor vehicle auction
- jj. Package liquor store
- kk. Pawn shop
- ll. Recycling processing facility
- mm. Salvage yard
- nn. Sheet metal fabrication/processing
- oo. Shooting range (indoor)
- pp. Skating rink
- qq. Stadium/racetrack
- rr. Tattoo establishment
- ss. Tavern
- tt. Truck depot/terminal
- uu. Truck fueling station
- vv. Truck stop
- ww. Zoo

2. Permitted Uses. Any use otherwise permitted in an I2 General Industrial zoning district pursuant to the City of Fort Wayne Zoning Ordinance (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 and delivers 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.
5. Recording. Buyer or Seller shall record this Commitment with the Allen County Recorder.
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 persons signing this Commitment in a representative capacity on behalf of Declarant warrant and represent 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. 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.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed as of the day and year set forth below.

Seller

Wildwood Partnership

By: _____

Name: _____

Its: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, personally appeared _____, the _____ of Wildwood Partnership, and acknowledged the execution of the foregoing Commitment as a voluntary act for the purposes stated therein.

Witness my hand and Notarial Seal this _____ day of _____, 2025

My Commission Expires: _____

Resident of: _____

Commission Number: _____

Signature of Notary Public

Printed Name of Notary Public

Buyer

Timothy R. Pancake

Timothy R. Pancake

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Timothy R. Pancake and acknowledged the execution of the foregoing Commitment as his voluntary act for the purposes stated therein.

Witness my hand and Notarial Seal this _____ day of _____, 2025

My Commission Expires: _____
Resident of: _____
Commission Number: _____

Signature of Notary Public

Printed Name of Notary Public

This Instrument prepared by Brandon J. Almas, Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, IN 46802-2263.

I affirm under the penalties of perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Brandon J. Almas.

When recorded mail to: Brandon J. Almas, Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

EXHIBIT A

Legal Description of the Real Estate

Part of the Southwest Quarter of Section 4, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, based on an original survey by Nolan R. Mark, Indiana Professional Surveyor Number 21900003 of Miller Land Surveying, Inc., Survey No. 19065139, dated September 25, 2019, and being more particularly described as follows:

Commencing 3/4" Steel Rebar marking the Southwest corner of said Southwest Quarter; thence North 89 degrees 35 minutes 52 seconds East (Indiana Geospatial Coordinate System of Allen County bearing and basis of bearings to follow), a distance of 1625.02 feet along the South line of said Southwest Quarter and within the right-of-way of Illinois Road; thence North 00 degrees 16 minutes 09 seconds West, a distance of 30.00 feet to a 5/8" Steel Rebar found flush at the North right-of-way line of Illinois Road and being the POINT OF BEGINNING of the herein described tract; thence continuing North 00 degrees 16 minutes 09 seconds West, a distance of 374.36 feet along the East line of an existing 0.967 acre tract of land as described in Document Number 2013056877 in the Office of the Recorder of Allen County, Indiana to a point on the Southerly right-of-way line of the CSX Railroad, said point being referenced by a 5/8" Steel Bar found 0.54 feet West and 0.2 feet below grade; thence South 72 degrees 01 minutes and 54 seconds East, a distance of 478.82 feet along said Southerly right-of-way line to a 5/8" Steel Rebar found flush at the West line of an existing 0.93 acre tract of land as described in Document Number 2017067346 in said Office of the Recorder; thence South 00 degrees 19 minutes 03 seconds East, a distance of 223.45 feet along said West line to a 1/2" Steel Square Rebar found flush on the North right-of-way line of Illinois Road; thence South 89 degrees 35 minutes 52 seconds West, a distance of 454.96 feet along said North right-of-way line to the Point of Beginning. Containing 3.121 acres, more or less. Subject to easements of record.

FACT SHEET

Case #REZ-2025-0034 Bill # Z-25-06-13 Project Start: May 2025

APPLICANT: Timothy R. Pancake
REQUEST: To rezone from I1/Limited Industrial to I2/General Industrial to permit a landscape contracting service
LOCATION: 3300 Block of Illinois Rd (Immediately east of 3404 Illinois Rd) (Section 4 of Wayne Township)
LAND AREA: 3.121 acres
PRESENT ZONING: I1/Limited Industrial
PROPOSED ZONING: I2/General Industrial
COUNCIL DISTRICT: 5 – Geoff Paddock
SPONSOR: Fort Wayne Plan Commission

July 14, 2025 Public Hearing

- Two people spoke in support, but with concerns.
- One letter was received in opposition.
- Dr. Scott Myers was absent.

July 21, 2025 Business Meeting

Plan Commission Recommendation: DO PASS, with a Written Commitment

A motion was made by Ryan Neumeister and seconded by Paul Sauerteig, to return the ordinance with a Do Pass recommendation, with a Written Commitment, to Common Council for their final decision.

6-2 MOTION PASSED

- Karen Richards and Rachel Tobin-Smith voted Nay.
- Dr. Scott Myers was absent.

Fact Sheet Prepared by:
Michelle Wood, Senior Land Use Planner
July 31, 2025

PROJECT SUMMARY

The applicant is requesting to rezone the parcel from I1/Limited Industrial to I2/General Industrial and to approve a primary development plan for a landscape contracting business. In addition to the landscape business, the applicant also provides seasonal home decorating. The site is located on the north side of Illinois Road, north of the triangle of Rockhill Park between Illinois and West Jefferson. This section of Illinois Road has had commercial or industrial activity since the 1970's. The subject parcel has not been developed other than an access road and a detention basin. The property directly to the north is a rail line. South of the property is the Illinois Road spur, 100 feet of parkland (on average), 5 lanes of West Jefferson Boulevard, then the Wildwood Park Addition. Industrial and commercial uses are adjacent to the east and west, including a paint retailer, auto body repair, tire sales and auto repair, pool & patio sales and service, and a dog grooming service.

The development plan consists of a 6,000 square foot building with paved parking, and storage and plant holding yard. Parking and access are located on the southwest corner of the site near the existing access road. The plan also included areas of existing detention along the north and east side of the site as well as the southwest corner. Fencing is proposed around the gravel area and the plant holding area. A solid fence is proposed along the east, west, and southeast. The rest of the fencing will be chain link adjacent to the existing detention ponds and railroad.

This proposal meets all zoning ordinance standards and comes with a voluntary written commitment to restrict certain uses in the I2/General Industrial district. In addition to a landscape contracting business, the applicant also provides seasonal home decorating.

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:
LUD1 – 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 Community Commercial generalized land use category.
- Adjacent properties are categorized as Community Commercial to the east and west.

Overall Land Use Related Action Steps

- **LUD Goal 1** Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.

Compatibility Matrix

- **This proposed use is permitted in I2/General Industrial zoning district which is considered compatible with Community Commercial.**

Other Applicable Plans: None

PUBLIC HEARING SUMMARY:

Presenter: Brandon Almas, representing the applicant, presented the request as outlined above.

Public Comments:

Carmen McGee (3537 Saginaw Dr): Supports project; rezoning is problem; property values, lights.

John Hoffman (5000 Washington Rd N): Supports project; rezoning is problem – should be specific to business.

Closing: Brandon Almas stated they understand the concerns. Many of the uses are also allowed in Commercial zoning districts. Sign is to be on side of building, will not be big, and not be internally illuminated.

The applicant worked with the Wildwood Park neighborhood in the month leading up to the hearing on a voluntary written commitment that prohibits over 120 uses in the I2/General Industrial zoning classification. The I2 uses to remain available to future property owners are:

- Biomedical/orthopedic equipment
- Canvas product fabrication
- Contractor (construction, excavation, landscape)
- Furniture refinishing/repair
- Greenhouse (retail)
- Greenhouse (wholesale)
- Heating service
- Landscape contracting service
- Maintenance or repair facility
- Plant nursery
- Plumbing sales
- Plumbing service
- Product research and development
- Sign fabricating
- Tree Service
- Window repair

FORT WAYNE PLAN COMMISSION

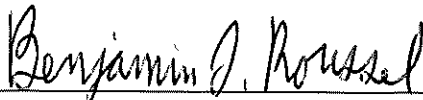
Findings of Fact • July 2025

PROPOSAL:	Rezoning Petition REZ-2025-0034 – Cornerstone Landscape Group
APPLICANT:	Timothy Pancake
REQUEST:	To rezone property from I1/Limited Industrial to I2/General Industrial
LOCATION:	3500 block of Illinois Road, northeast of its intersection with W Jefferson Blvd (Section 4 of Wayne Township)
LAND AREA:	3.121 acres
PRESENT ZONING:	I1/Limited Industrial
PROPOSED ZONING:	I2/General Industrial

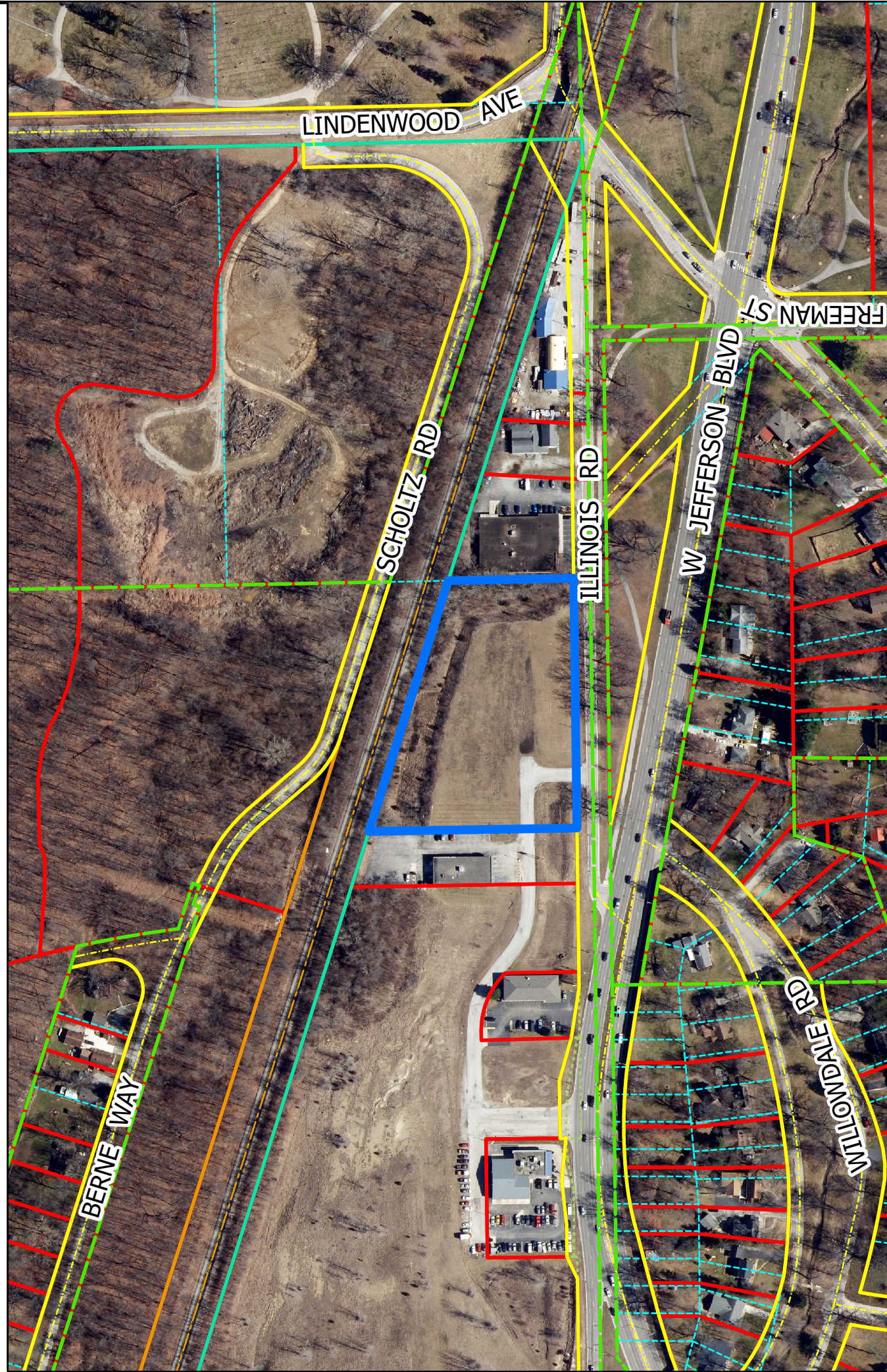
The Plan Commission recommends that Rezoning Petition REZ-2025-0034 be returned to Council, with a “Do Pass” recommendation and a Written Commitment, after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The rezoning petition will provide development in an area that has been under developed. The I2/General Industrial zoning will provide the opportunity to develop the site while the proposed written commitment will limit the impact on surrounding areas.
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 adjacent parcels are zoned industrial and developed commercially with a railroad to the north. Land to the south consists of 6 lanes of right-of-way and a small parcel owned by the city.
3. Approval is consistent with the preservation of property values in the area. This proposal will allow reinvestment in the area underutilized and undeveloped, but adjacent to developed commercial property. The new zoning gives the property owner flexibility to invest in the property.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The site is served by adequate infrastructure including access roads leading to West Jefferson Boulevard and Huguenard. The development will be thoroughly reviewed by the appropriate agencies to ensure the development meets all applicable standards.

These findings approved by the Fort Wayne Plan Commission on July 21, 2025.



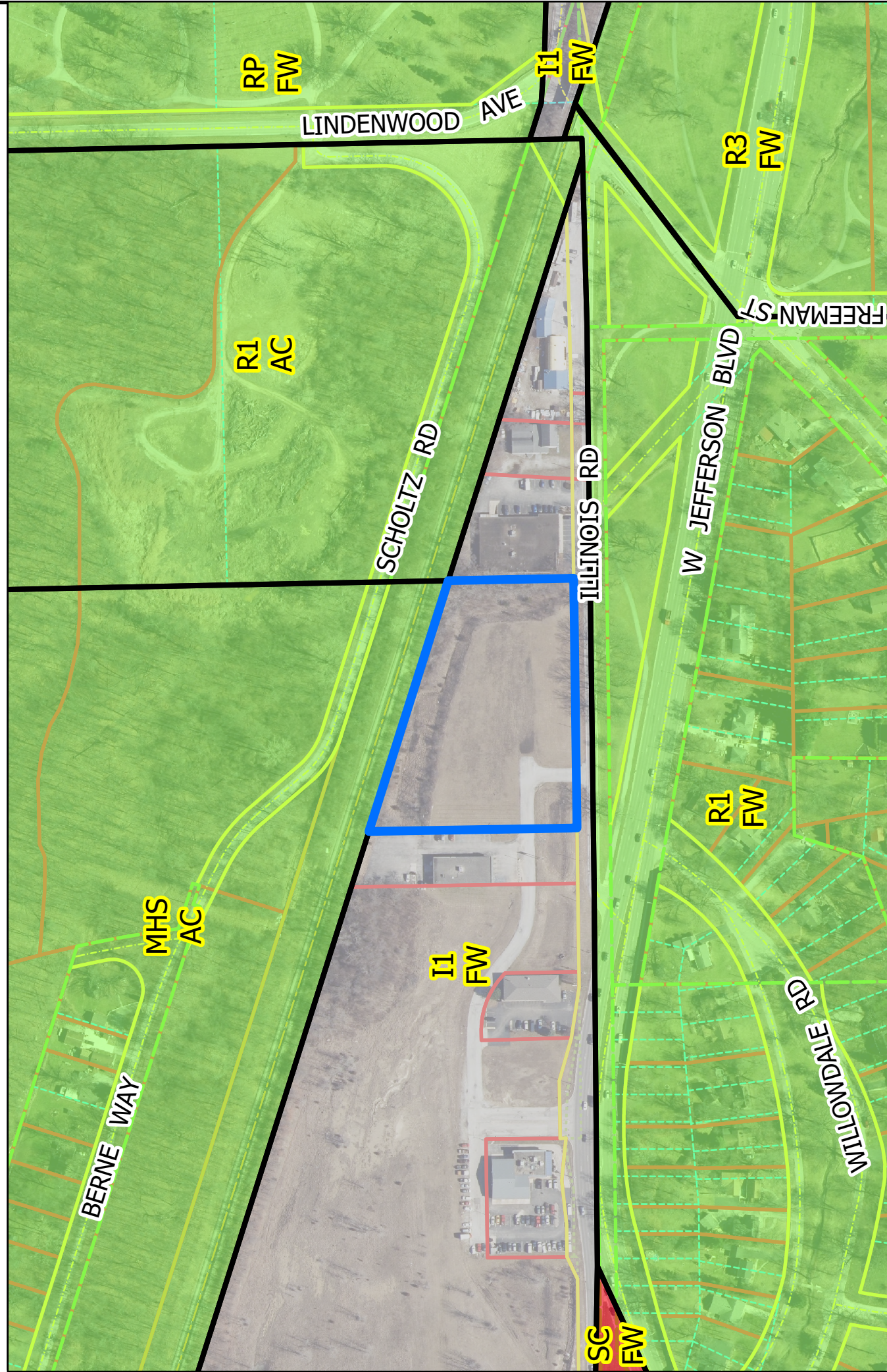
Benjamin J. Roussel
Executive Director
Secretary to the Commission



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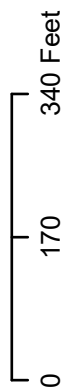
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 6/5/2025





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 State Plane Coordinate System, Indiana East
 Photos and Contours: Spring 2009
 Date: 6/5/2025





CORNERSTONE
LANDSCAPE GROUP

430 HAYDEN STREET FORT WAYNE, INDIANA
PH. 260.425.9923



CLIENT:
Cornerstone Landscape Group
620 Hayden Street
Fort Wayne, IN 46802

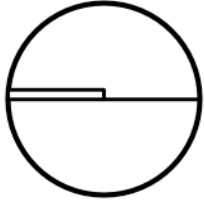
DRAWING:
WILDWOOD PROPERTY
Preliminary Site Layout

REVISIONS:
7/8/25
Set back fence and gravel edge 10' from
west property line.

SHEET: 1 OF: 1
DATE: MAY 2025
DRAWN BY: TRP/PCG

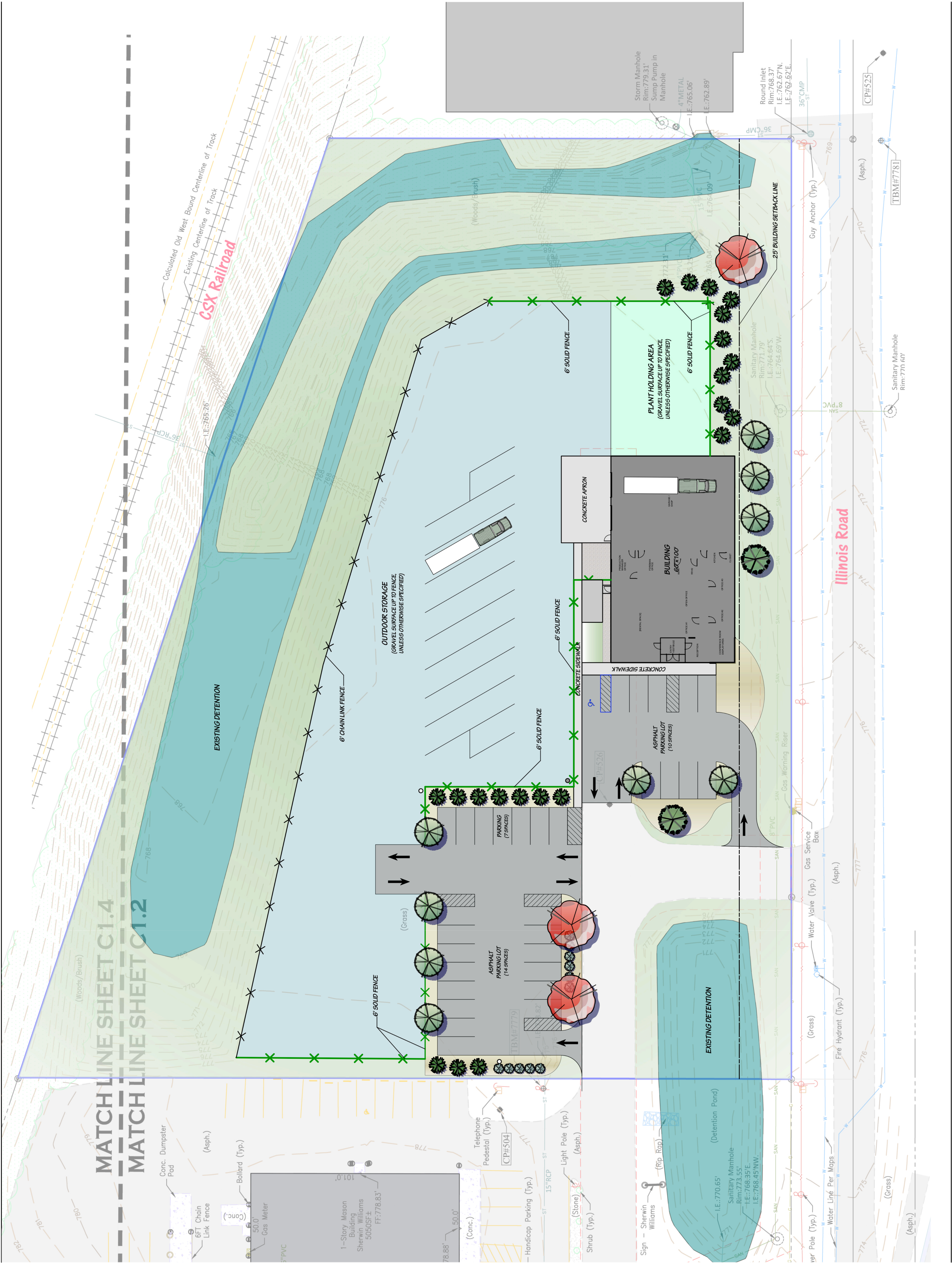
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NORTH
SCALE: 1" = 20'

CORNERSTONE-LANDSCAPE.COM



WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this ____ day of _____, 2025 by Timothy R. Pancake (the "Buyer"), and Wildwood Partnership (the "Seller") (the Buyer and Seller, collectively, the "Declarant").

WITNESSETH:

WHEREAS, Seller is the owner of approximately 3.121 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, Buyer submitted a rezoning petition with respect to the Real Estate to rezone the Real Estate from an I1 zoning district to an I2 zoning district, bearing number REZ-2024-0034 (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 and City Council.

NOW, THEREFORE, in consideration of the above and foregoing recitals, Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the Real Estate and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

1. Prohibited Uses. Subject to the terms and conditions herein contained, the following uses shall be prohibited upon the Real Estate:

1. Agricultural equipment sales
2. Agricultural equipment service
3. Agricultural supply sales
4. Air conditioning service
5. Animal grooming (outdoor)
6. Animal hospital (outdoor)
7. Animal kennel (outdoor)
8. Animal obedience school (outdoor)
9. Animal slaughter house (indoor)
10. Arena
11. Assembly facility for/manufacturing of:
 - a. Adhesive/glue

- b. Agricultural implements
 - c. Aircraft
 - d. Animal feed
 - e. Appliances
 - f. Automobiles
 - g. Bicycles
 - h. Boats
 - i. Carbon steel pipe and tubing
 - j. Computers
 - k. Concrete and concrete products
 - l. Electronics
 - m. Insulation
 - n. Manufactured homes
 - o. Modular buildings
 - p. Motorcycles
 - q. Motors
 - r. Paper/paper products
 - s. Recreational vehicles
 - t. Spas
 - u. Stainless steel
 - v. Steel
 - w. Tile
 - x. Tires
 - y. Valves
- 12. Assembly of finished products
 - 13. Athletic field
 - 14. Auction hall
 - 15. Automobile accessory store (outdoor)
 - 16. Automobile auction
 - 17. Automobile body shop
 - 18. Automobile detailing or trim shop
 - 19. Automobile maintenance (quick service)
 - 20. Automobile rental (outdoor)
 - 21. Automobile repair
 - 22. Automobile restoration
 - 23. Automobile rustproofing
 - 24. Automobile sales (outdoor)
 - 25. Automobile washing facility
 - 26. Batting cages
 - 27. Betting or other gambling facility

28. Boat sales
29. Bottling facility
30. Brewery
31. Ceramic product fabrication
32. Check cashing
33. Compounding of
 - a. Chemicals
 - b. Cleaning Supplies
34. Country club
35. Distillery
36. Engine repair
37. Equipment service
38. Exhibit hall
39. Exterminator
40. Feed store
41. Fireworks sales (outdoor)
42. Flea market (outdoor)
43. Foundry
44. Garden equipment supply
45. Go-kart facility
46. Golf course, miniature
47. Golf driving range
48. Growing/processing/raising of natural products
49. Gun sales
50. Home improvement store
51. Hydroponics
52. Junk yard (indoor)
53. Lathe/screw machine products
54. Magnet wire facility
55. Manufactured home sales
56. Metal cutting
57. Metal extrusion
58. Metal fabricating
59. Metal molding
60. Motor vehicle auction
61. Motor vehicle rental
62. Motor vehicle repair
63. Motor vehicle sales
64. Packaging facility
65. Pawn shop

- 66. Pest control
- 67. Plastic extrusion
- 68. Plastic molding
- 69. Processing facility for:
 - a. Animals (indoor: includes skins, hides, or reduction of animal matter)
 - b. Animal products (indoor)
 - c. Lumber
 - d. Metal (anodizing, buffing, galvanizing, plating, polishing)
 - e. Raw Materials
 - f. Timber
- 70. Propane facility
- 71. Propane sales
- 72. Recycling processing facility
- 73. Refractory
- 74. Refurbishing facility
- 75. Riding stable
- 76. Sales yard for:
 - a. Building materials
 - b. Lumber
 - c. Sand, gravel, stone
- 77. Salvage yard (indoor)
- 78. Seasonal sales
- 79. Sheet metal fabrication
- 80. Sheet metal processing
- 81. Shooting range (indoor)
- 82. Stadium/racetrack
- 83. Storage shed sales
- 84. Taxi service
- 85. Taxidermist
- 86. Tire sales
- 87. Towing service
- 88. Trade show facility
- 89. Truck depot/terminal
- 90. Truck fueling station
- 91. Truck stop
- 92. Watercraft sales
- 93. Winery

2. Permitted Uses. Any use otherwise permitted in an I2 zoning district pursuant to the zoning 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. 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. 36-7-7-1015(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. Buyer shall, at Buyer'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. Last Deed 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 850026762.
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.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the undersigned has caused this Commitment to be executed as of the day and year set forth below.

Seller

Wildwood Partnership

By: Peter Bobeck
Name: Peter Bobeck
Its: Managing Member

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Peter Bobeck the Managing Member of Wildwood Partnership, and acknowledged the execution of the foregoing Commitment as a voluntary act for the purposes stated therein.

Witness my hand and Notarial Seal this 20 day of August, 2025

My Commission Expires: _____
Resident of: _____
Commission Number: _____

Sheila Branning
Signature of Notary Public



Printed Name of Notary Public

Buyer

Timothy R. Pancake


Timothy R. Pancake

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Timothy R. Pancake and acknowledged the execution of the foregoing Commitment as his voluntary act for the purposes stated therein.

Witness my hand and Notarial Seal this 21st day of August, 2025

My Commission Expires: _____
Resident of: _____
Commission Number: _____



Official Seal
Michele M. Jandreau
Allen County
Commission Number 714315
Commission Expires June 12, 2026



Signature of Notary Public

Printed Name of Notary Public

This Instrument prepared by Brandon J. Almas, Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, IN 46802-2263.

I affirm under the penalties of perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Brandon J. Almas.

When recorded mail to: Brandon J. Almas, Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

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