

#REZ-2025-0060

BILL NO. Z-26-01-06

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. A11 (Sec. 14 of Aboite Township)

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

SECTION 1. That the area described as follows is hereby designated as I2/General

Industrial Zoning District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Legal Description

Part of the Southeast Quarter of Section 14, Township 31 North, Range 13 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the South Quarter corner of said Section 14, being marked by a cast iron monument; thence North 00 degrees 40 minutes 15 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the West line of said Southeast Quarter, a distance of 1022.53 feet to a #5 rebar; thence North 89 degrees 18 minutes 57 seconds East, on and along a line partially defined as a South line of The Lakes at Heather Ridge, as recorded in Plat Cabinet H, page 160, in the Office of said Recorder, a distance of 294.51 feet to a #5 rebar; thence South 63 degrees 45 minutes 41 seconds East, continuing on and along said South line, a distance of 195.33 feet to a #5 rebar; thence North 74 degrees 20 minutes 24 seconds East, continuing on and along said South line, a distance of 237.93 feet to the true point of beginning; thence North 74 degrees 20 minutes 24 seconds East, continuing on and along said South line, a distance of 91.72 feet to a #5 rebar; thence South 80 degrees 25 minutes 46 seconds East, continuing on and along said South line, a distance of 84.63 feet to a #5 rebar at the Southeast corner of said The Lakes at Heather Ridge, being a point on the West right-of-way line of Interstate Highway #69; thence Southerly, on and along said West right-of-way line as defined by the arc of a non-tangent circular curve to the left having a radius of 4006.53 feet, an arc distance of 677.98 feet, being subtended by a long chord having a length of 677.17 feet and a bearing of South 04 degrees 43 minutes 22 seconds West to a #5 rebar at the point of tangency; thence South 00 degrees 07 minutes 30 seconds East, continuing on and along said West right-of-way line, a distance of 199.31 feet to a #5 rebar at the point of intersection of said West right-of-way line with the North right-of-way line of Aboite Center Road; thence South 89 degrees 13 minutes 55 seconds West, on and along said North right-of-way line, a distance of 360.82 feet to a #5 rebar; thence South 62 degrees 43 minutes 41 seconds West, continuing on and along said North right-of-way line, a distance of 84.28 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 161.86 feet;

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thence North 30 degrees 53 minutes 26 seconds East, a distance of 585.16 feet; thence North 06 degrees 25 minutes 30 seconds East, a distance of 48.72 feet; thence North 11 degrees 02 minutes 36 seconds East, a distance of 69.84 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 125.98 feet to the true point of beginning, containing 5.536 acres of land, and subject to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. A11 (Sec. 14 of Aboite 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**

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**Department of Planning Services**

Title of Ordinance: Zoning Map Amendment  
Case Number: REZ-2025-0060  
Bill Number: Z-26-01-06  
Council District: 4 – Dr. Scott Myers

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Introduction Date: January 13, 2026

Plan Commission  
Public Hearing Date: January 12, 2026 (not heard by Council)

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

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Synopsis of Ordinance: To rezone 5.536 acres from AR/Low Intensity Residential to I2/General Industrial

Location: 8600 Blk Aboite Center Rd (Section 14 of Aboite Township)

Reason for Request: To permit a four-building commercial and storage facility

Applicant: Yellow Retirement, LLC

Property Owner: North Eastern Development Corp

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Related Petitions: Primary Development Plan – Aboite Center Mixed Use Development

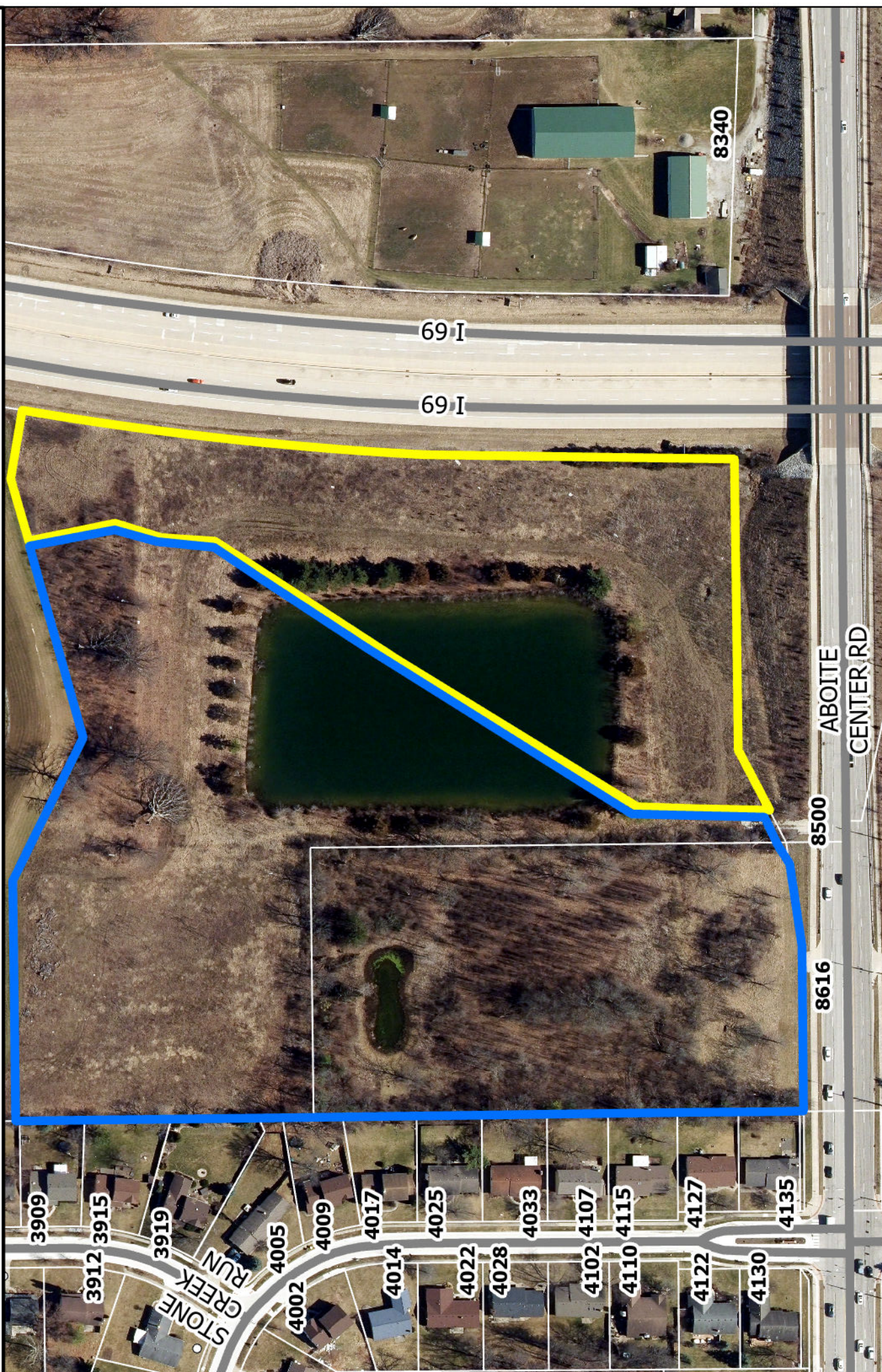
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Effect of Passage: Property will be rezoned to the I2/General Industrial zoning district, which would permit a commercial and storage facility.

Effect of Non-Passage: Property will remain zoned AR/Low Intensity Residential, which does not permit a commercial and storage facility. The site may continue with existing and non-conforming uses, and may be redeveloped with low intensity residential and agricultural uses.



Rezoning Petition REZ-2025-0059, REZ-2025-0060 and Primary Development Plan PDP-2025-0042 - Aboite Center Mixed Use Development



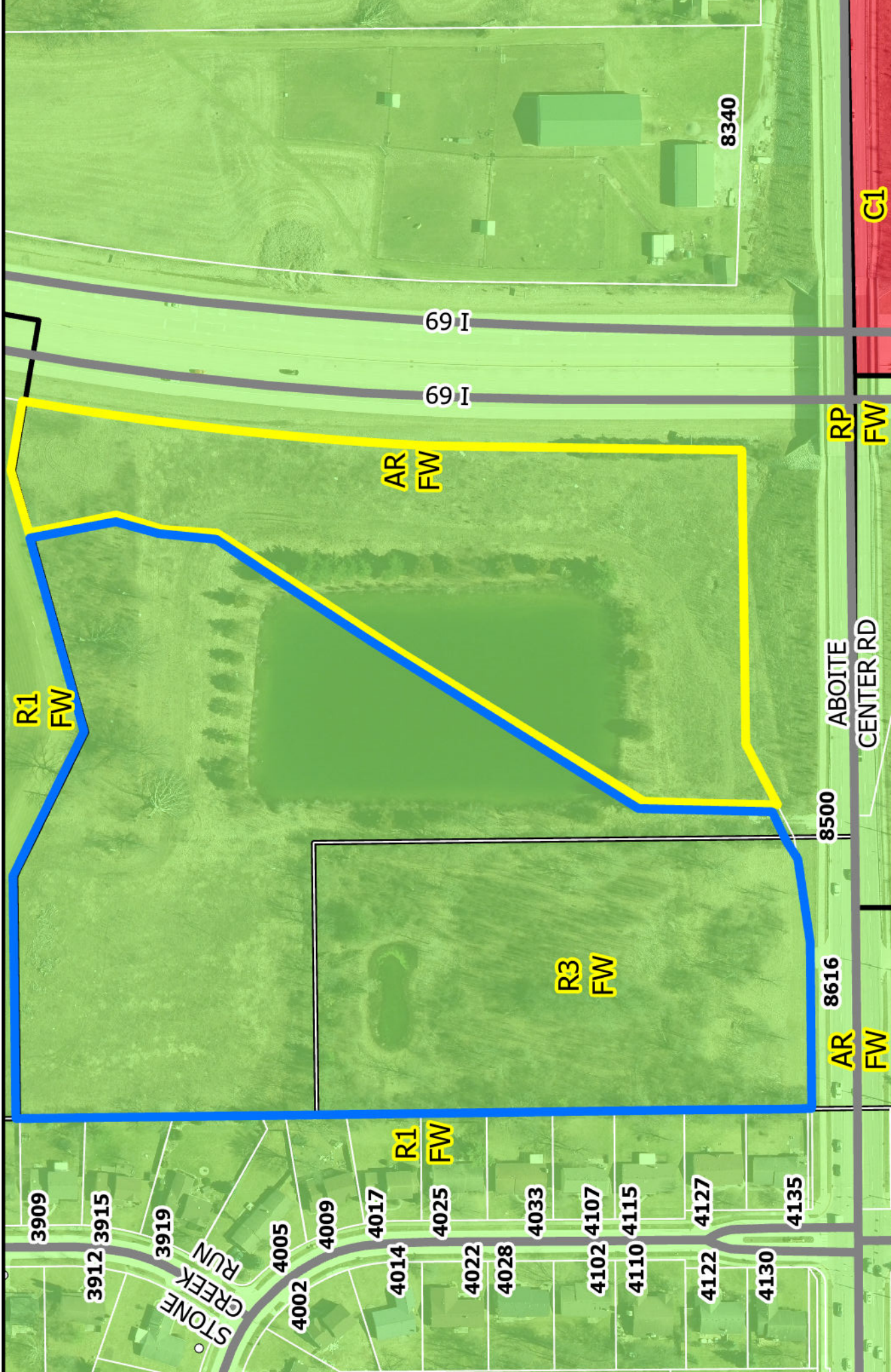
- Aboite Center Residential
- Aboite Center Industrial



Although street 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: 12.8.2025



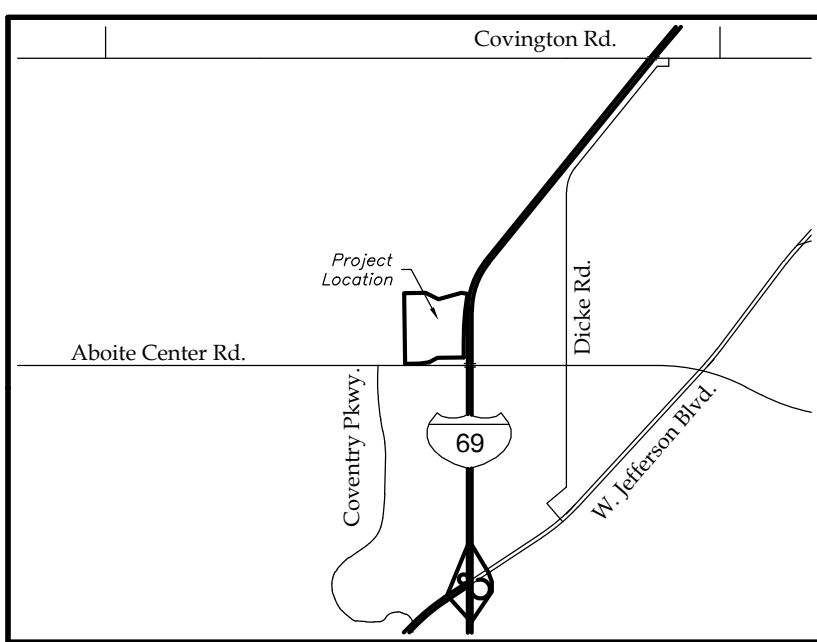
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- Aboite Center Residential
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Location Map

**OVERALL PLAN DESCRIPTION:**

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Primary Development Plan of:

# ABOITE CENTER ROAD MIXED USE DEVELOPMENT

Part of the Southeast Quarter of Section 14, Township 30 North, Range 11 East, Allen County, Indiana.

Developer:  
Yellow Retirement, LLC  
P.O. Box 11311  
Fort Wayne, IN 46857  
Tel: 260/493-3000

Surveyor:  
Sauer Land Surveying, Inc.  
7203 Engle Road  
Fort Wayne, IN 46804  
Tel: 260/469-3300



**Symbol Legend**

- Inlet
- Manhole
- Fire Hydrant
- Proposed Lake
- Proposed Street Light
- Proposed Sanitary Sewer
- Proposed Storm Sewer
- Proposed Water Lines
- Existing Sanitary Sewer
- Existing Storm Sewer
- Existing Water Lines

**Landscape Plantings Legend**

- |                         |  |            |
|-------------------------|--|------------|
| 14 Colorado Spruce      |  | 2" Caliper |
| 69 Honey Locust         |  | 2" caliper |
| 58 Arborvitae, American |  | 5' Height  |
| 30 Boxwood              |  | 2 @ 2 gal  |
| 69 Dwarf Fountain Grass |  | 1 Quart    |
| 69 Assorted Perennials  |  |            |



SCALE IN FEET:  
0 50 100  
Date: December 4, 2025

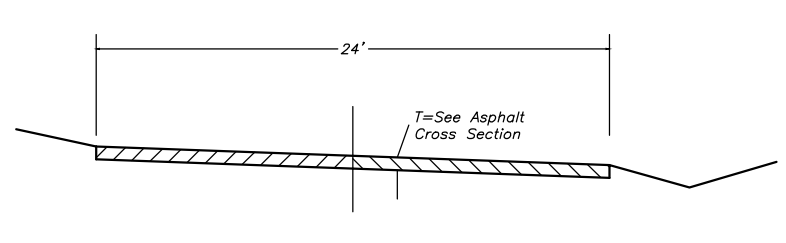
**Zoning Status:**  
The site is currently zoned AR & R3  
Proposed Zoning: R3 & I2

**Residential Site Density**  
10.6 units / acre

**Residential Building Summary**  
60 - 1 Story Townhomes  
61 - 2 Story Townhomes

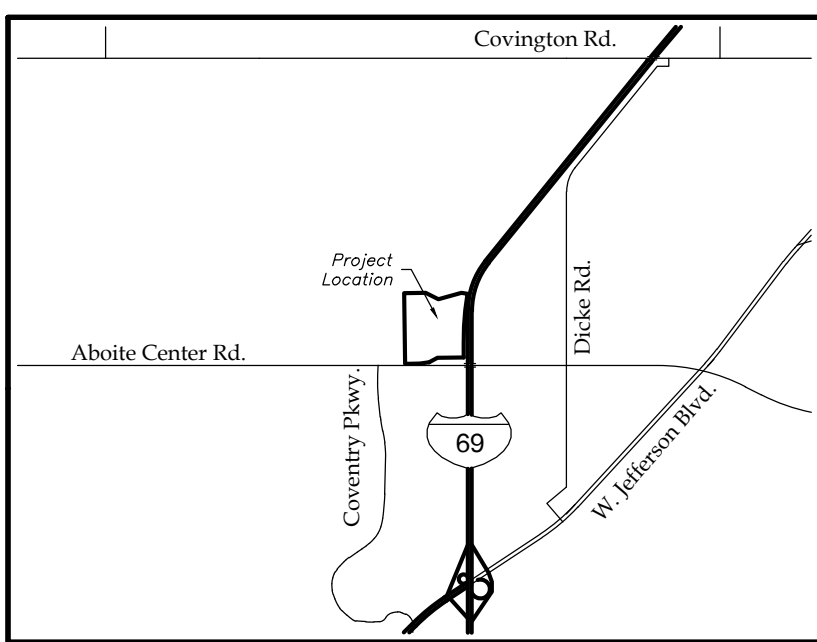
**Commercial Building Summary**  
4 Commercial Buildings  
1 Storage Unit Building

**Street Summary**  
24' pavement width on primary roadways  
12' pavement width on roadway along West line  
20' radii at all intersections



TYPICAL STREET CROSS-SECTION  
NOT TO SCALE

Note: All sidewalks though driveways shall be at a 1/8" per ft. cross-slope



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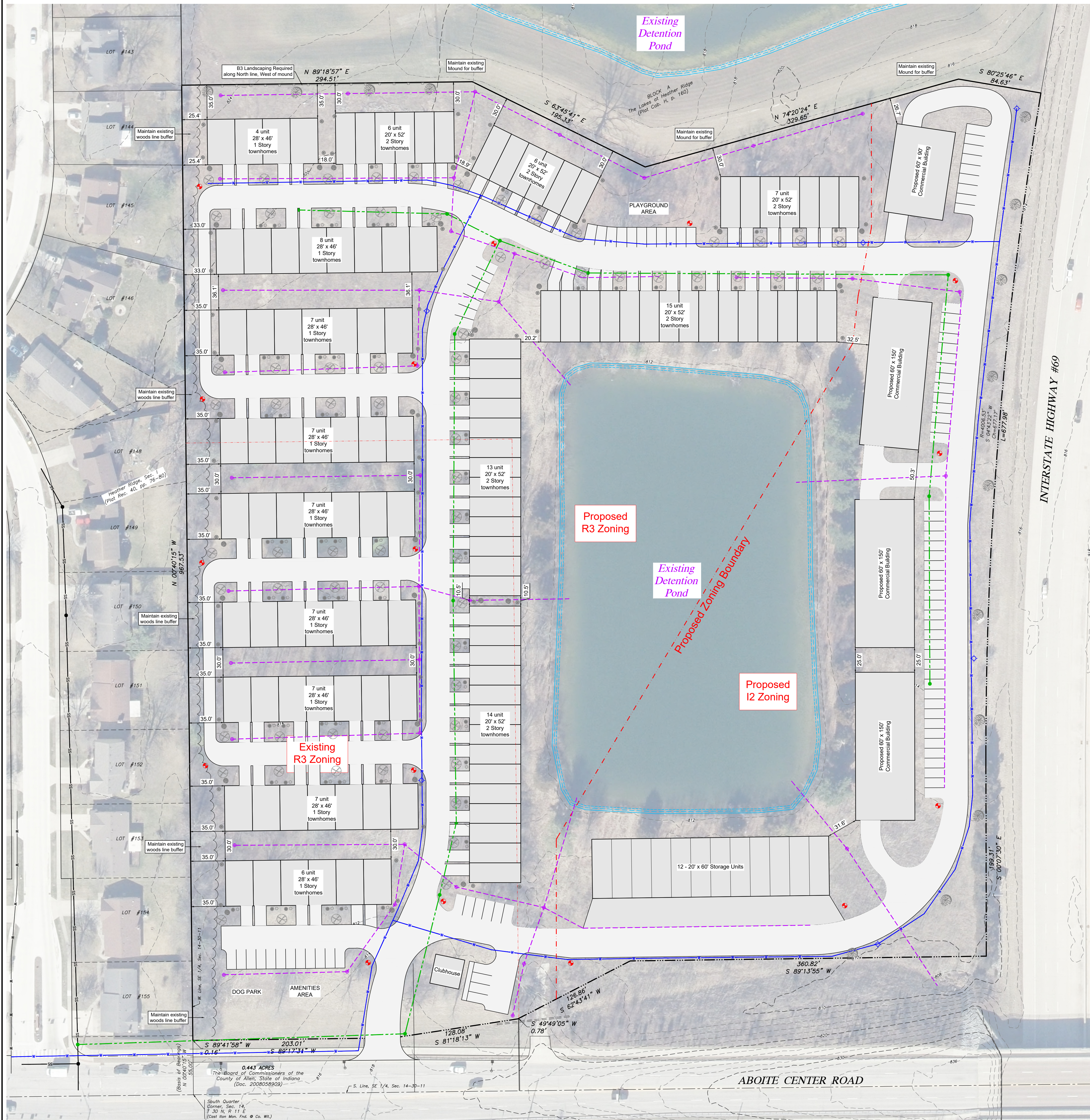
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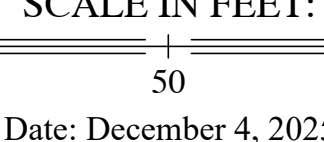
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Date: December 4, 2025

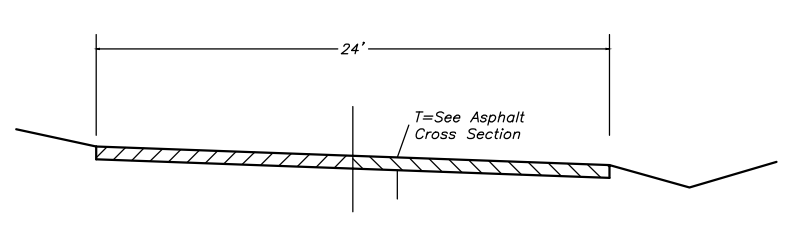
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61 - 2 Story Townhomes

**Commercial Building Summary**  
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1 Storage Unit Building

**Street Summary**  
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12' pavement width on roadway along West line  
20' radii at all intersections



TYPICAL STREET CROSS-SECTION

Note: All sidewalks though driveways shall be at a 1/8" per ft. cross-slope

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Yellow Retirement, LLC  
 Address P.O. Box 11311  
 City Fort Wayne State IN Zip 46857  
 Telephone 260-493-3000 E-mail jrparent@yellowretirement.com

**Contact Person**  
 Contact Person J.R. Parent  
 Address same  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_ E-mail \_\_\_\_\_

*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 8600 block Aboite Center Road  
 Present Zoning AR Proposed Zoning I2 Acreage to be rezoned 5.536 acres  
 Proposed density 0.9 units/acre units per acre  
 Township name Aboite Township section # 14  
 Purpose of rezoning (attach additional page if necessary) To permit development of 4 commercial buildings and enclosed storage unit facility  
 Sewer provider Aqua Indiana Water provider City of Fort Wayne

**Filing Requirements**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezoning Only

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 Allen County Plan Commission 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 I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

JOHN R PARENT II (printed name of applicant) John R Parent II (signature of applicant) 12/4/25 (date)  
 \_\_\_\_\_ (printed name of property owner) \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)  
Joseph L. Zehr (printed name of property owner) \_\_\_\_\_ (signature of property owner) 12/04/25 (date)  
 \_\_\_\_\_ (printed name of property owner) \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)

Received	Receipt No.	Hearing Date	Petition No.
12/4/25	148701	1/12/26	REZ-2025-0060

# FACT SHEET

Case #REZ-2025-0060 Bill # Z-26-01-06 Project Start: December 2026

PROPOSAL:	Rezoning Petition REZ-2025-0060 – Aboite Center Mixed Use Development
APPLICANT:	Yellow Retirement, LLC
REQUEST:	To rezone from AR/Low Intensity Residential to I2/General Industrial to permit a commercial and storage facility
LOCATION:	8600 Blk Aboite Center Rd (Section 14 of Aboite Township)
LAND AREA:	5.536 acres
PRESENT ZONING:	AR/Low Intensity Residential
PROPOSED ZONING:	I2/General Industrial
COUNCIL DISTRICT:	4 – Dr. Scott Myers
SPONSOR:	Fort Wayne Plan Commission

## January 12, 2026 Public Hearing

- One person spoke in support.
- Three residents gave comments.
- Amos Norman, Rachel Tobin-Smith, and Karen Richards were absent.

## January 26, 2026 Business Meeting

### Plan Commission Recommendation: DO PASS, with a Written Commitment

A motion was made by Scott Myers and seconded by Karen Richards to return the ordinance with a Do Pass, with a Written Commitment, recommendation to Common Council for their final decision.

### 7-0 MOTION PASSED

- Connie Has Zuber and Patrick Zaharako were absent.

Fact Sheet Prepared by:  
Karen Couture, Principal Land Use Planner  
April 1, 2026

## PROJECT SUMMARY

The applicant is requesting to rezone the site to R3/Multiple Family Residential and C3/General Commercial to construct a mixed-use development, including townhomes, commercial space and some indoor storage. The site sits on the north side of Aboite Center Road, adjacent to Interstate 69. It is also adjacent to Heather Ridge and Lakes of Heather Ridge subdivisions to the north and west. The site was once a homestead, but is currently undeveloped.

The same applicant successfully rezoned about 4.5 acres of the property in 2013 for Aboite Retirement but did not construct the project. This request would complete that project, with a more current layout and housing product, and expand the development to include the commercial component. Along the west and north ends of project are planned 15 residential buildings totaling 121 townhome units, with a clubhouse, dog park, and playground area. Along the south and east ends, adjacent to the interstate, are planned 4 commercial buildings and a bay of indoor storage units. A large existing pond separates the commercial and residential portions of the project. A loop road encircles the site, with sole access coming from Aboite Center Road. The plan appears to meet all requirements of the ordinance except potentially for the northern end where a 50-foot rear setback would be needed for a building 30 feet or higher. The applicant confirmed the height of the two-story buildings along that north end. There is extensive mounding along the north end as well, and the applicant intends to install fencing in locations where the mound does not sufficiently create a buffer. The west property line has an existing wooded buffer which the applicant intends to maintain rather than remove it to install a fence. The plan commission can approve these alternates as part of the primary development plan approval. A sidewalk is shown on within the right-of-way of Aboite Center road, as required; the applicant should confirm whether there is an internal pedestrian plan. The owner also agreed to a Written Commitment regarding outdoor storage.

## 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 could be applicable and supportive of this request:  
**LUD Policy 1** Support and promote a diversity of housing types within the applicable land use categories defined in this chapter.  
**LUD Policy 4** Nonresidential development which is adjacent to residential should be limited to lower intensity neighborhood commercial uses.

### Generalized Future Land Use Map

- The project site is located within the Mixed Residential and Suburban Neighborhood generalized land use categories.
- Adjacent properties are categorized as Suburban Neighborhood to the north and west, Mixed Residential to the south and Institutional to the east.

**Overall Land Use Related Action Steps**

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

**Compatibility Matrix**

- The proposed uses are considered compatible and potentially compatible with the Generalized Future Land Use categories of Mixed Residential and Suburban Residential. The land use map does not appear to account for the proximity of the interstate and its possible effect on new development on this property.

**Other Applicable Plans: None****PUBLIC HEARING SUMMARY:**

Presenter: JR Parent (applicant) presented the request as outlined above.

Public Comments:

Steve Smith (4107 Coventry Lane): Supports project; likes the buffer it will give with the highway; other existing developments well taken care of.

Holly Swihart (8701 Willow Grove Dr): Ok with project, but concerns of traffic.

Nick Grove (8810 Village Grove – Treasurer of Assn): Not opposed; wishes to keep natural landscaping.

Rebuttal: No closing comments.

**FORT WAYNE PLAN COMMISSION**  
**Findings of Fact • January 2026**

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PROPOSAL: Rezoning Petition REZ-2025-0060  
APPLICANT: Yellow Retirement, LLC  
REQUEST: Approve a rezone from AR and R3 to I2/General Industrial for a commercial business and storage facility  
LOCATION: 8600 Blk Aboite Center Rd (Section 14 of Aboite Township)  
LAND AREA: 16.98 acres

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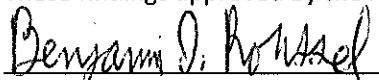
In preparing and considering proposals for rezoning, I.C. 36-7-4-603 states that the Plan Commission and legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The Plan Commission returns Rezoning Petition REZ-2025-0060 to Common Council with a recommendation of "Do Pass" with a written commitment after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the Comprehensive Plan and should not establish an undesirable precedent in the area. The Comprehensive Plan identifies the site as an Urban Infill Area. This portion of the proposed development is located along I-69 and can serve as a buffer for the planned multiple family development and existing single family subdivisions to the west.
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. This is mixed-use development boasts sound planning by stepping the commercial uses toward the interstate and using a written commitment to prohibit higher intensity industrial or commercial uses.
3. Approval is consistent with the preservation of property values in the area. Given its proximity to arterial roads, the interstate and existing development, a higher-intensity residential/commercial mixed-use is contemplated for this site.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The site is served by utilities and can demonstrate responsible infill development in unincorporated Allen County.

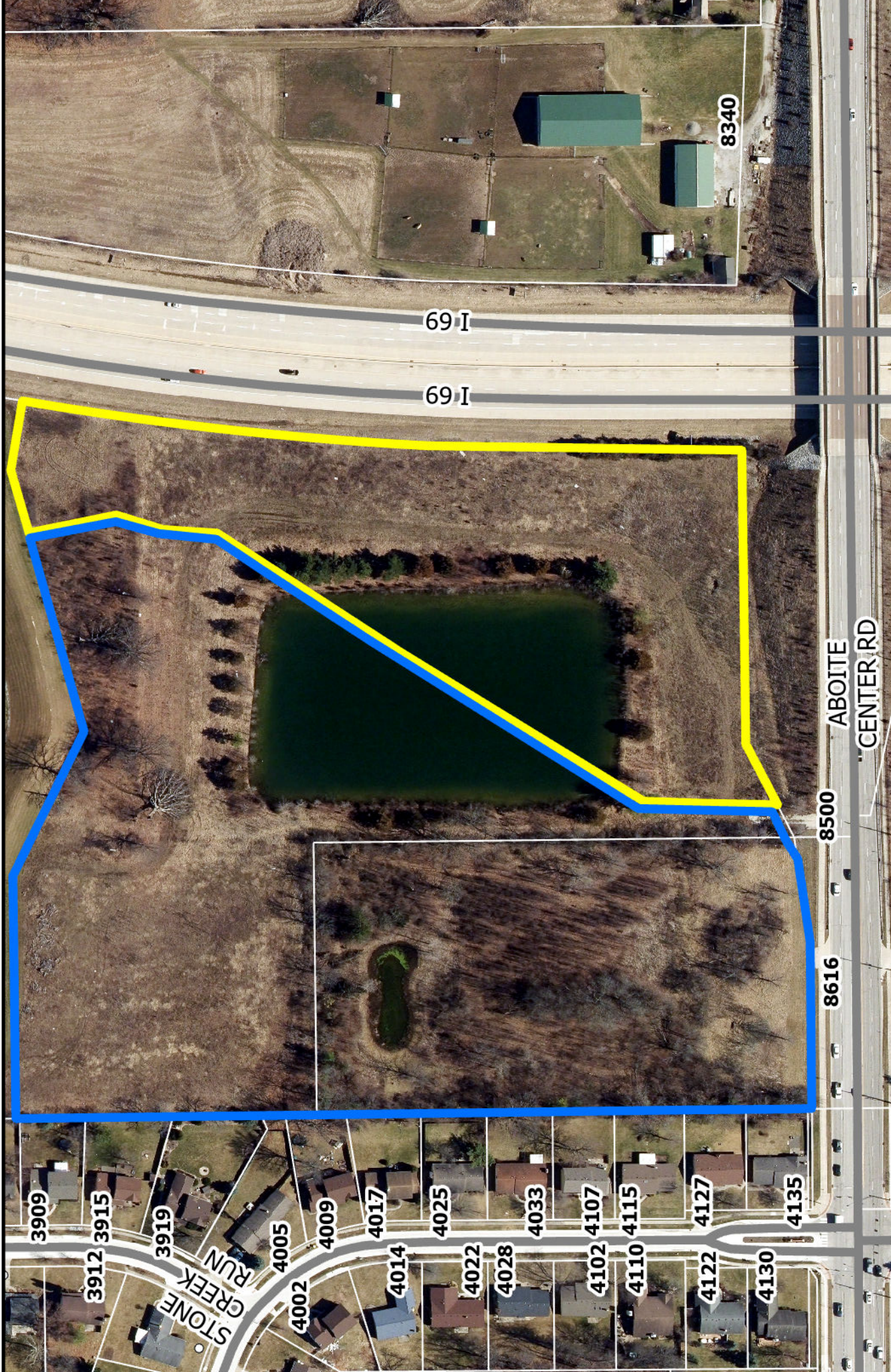
These findings approved by the Allen County Plan Commission on January 26, 2026.



Benjamin J. Roussel  
Executive Director  
Secretary to the Commission



Rezoning Petition REZ-2025-0059, REZ-2025-0060 and Primary Development Plan PDP-2025-0042 - Aboite Center Mixed Use Development



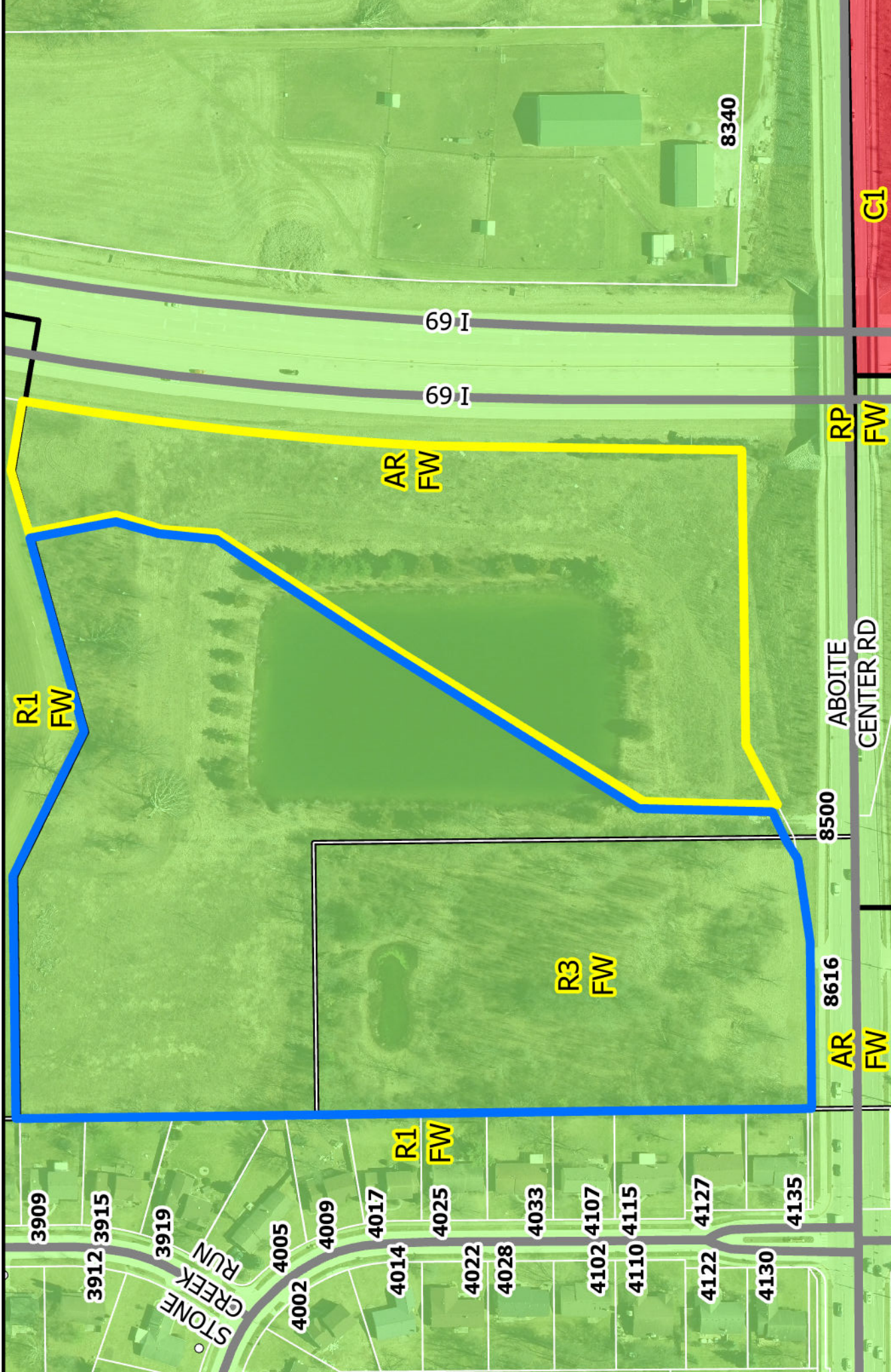
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 Photos and Contours: Spring 2009  
 Date: 12.8.2025



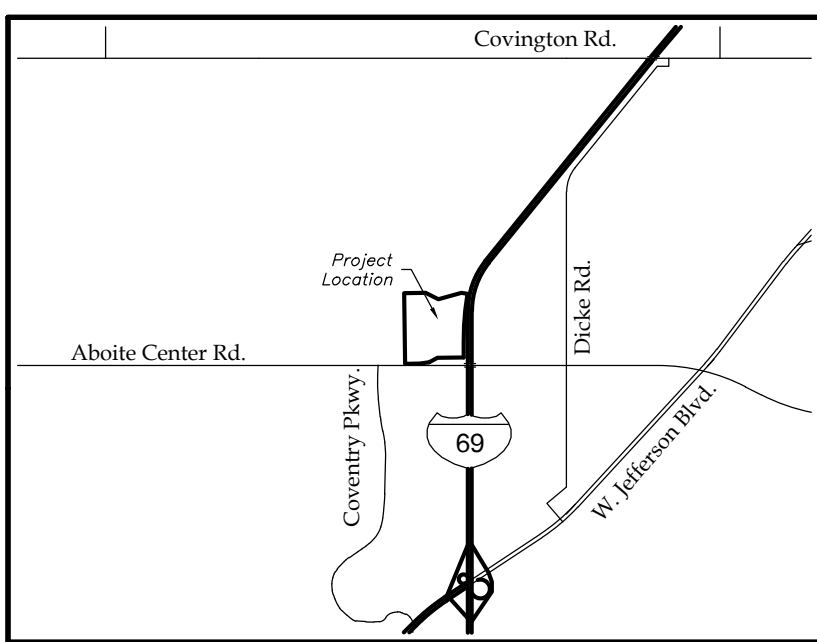
Rezoning Petition REZ-2025-0059, REZ-2025-0060 and Primary Development Plan PDP-2025-0042 - Aboite Center Mixed Use Development



- Aboite Center Residential
- Aboite Center Industrial



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  
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Location Map

**OVERALL PLAN DESCRIPTION:**

Part of the Southeast Quarter of Section 14, Township 31 North, Range 13 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the South Quarter corner of said Section 14, being marked by a cast iron monument; thence North 00 degrees 40 minutes 15 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the West line of said Southeast Quarter, a distance of 55.00 feet to a #5 rebar at the point of intersection of said West line with the North right-of-way line of Aboite Center Road as described in a deed to the Board of Commissioners of the County of Allen, State of Indiana, in Document Number 2008058909 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 00 degrees 40 minutes 15 seconds West, continuing on and along said West line, a distance of 967.53 feet to a #5 rebar; thence North 89 degrees 18 minutes 57 seconds East, on and along a line partially defined as a South line of The Lakes at Heather Ridge, as recorded in Plat Cabinet H, page 160, in the Office of said Recorder, a distance of 294.51 feet to a #5 rebar; thence South 63 degrees 45 minutes 41 seconds East, continuing on and along said South line, a distance of 195.33 feet to a #5 rebar; thence North 74 degrees 20 minutes 24 seconds East, continuing on and along said South line, a distance of 329.65 feet to a #5 rebar; thence South 80 degrees 25 minutes 46 seconds East, continuing on and along said South line, a distance of 84.63 feet to a #5 rebar at the Southeast corner of said The Lakes at Heather Ridge, being a point on the West right-of-way line of Interstate Highway #69; thence Southerly, on and along said West right-of-way line as defined by the arc of a non-tangent circular curve to the left having a radius of 4006.53 feet, an arc distance of 677.98 feet, being subtended by a long chord having a length of 677.17 feet and a bearing of South 04 degrees 43 minutes 22 seconds West to a #5 rebar at the point of tangency; thence South 00 degrees 07 minutes 30 seconds East, continuing on and along said West right-of-way line, a distance of 199.31 feet to a #5 rebar at the point of intersection of said West right-of-way line with the North right-of-way line of Aboite Center Road; thence South 89 degrees 13 minutes 55 seconds West, on and along said North right-of-way line, a distance of 360.82 feet to a #5 rebar; thence South 62 degrees 43 minutes 41 seconds West, continuing on and along said North right-of-way line, a distance of 126.86 feet to a #5 rebar; thence South 49 degrees 49 minutes 05 seconds West, continuing on and along said North right-of-way line, a distance of 0.78 feet to a #5 rebar; thence South 81 degrees 18 minutes 13 seconds West, continuing on and along said North right-of-way line, a distance of 128.08 feet to a #5 rebar; thence South 89 degrees 17 minutes 31 seconds West, continuing on and along said North right-of-way line, a distance of 203.01 feet; thence South 89 degrees 41 minutes 58 seconds West, continuing on and along said North right-of-way line, a distance of 0.16 feet to the true point of beginning, containing 16.976 acres of land, and subject to all easements of record.

Primary Development Plan of:

# ABOITE CENTER ROAD MIXED USE DEVELOPMENT

Part of the Southeast Quarter of Section 14, Township 30 North, Range 11 East, Allen County, Indiana.

Developer:  
Yellow Retirement, LLC  
P.O. Box 11311  
Fort Wayne, IN 46857  
Tel: 260/493-3000

Surveyor:  
Sauer Land Surveying, Inc.  
7203 Engle Road  
Fort Wayne, IN 46804  
Tel: 260/469-3300



**Symbol Legend**

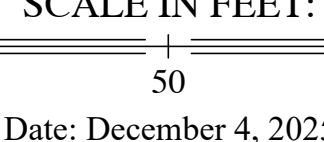
- Inlet
- Manhole
- Fire Hydrant
- Proposed Lake
- Proposed Street Light
- Proposed Sanitary Sewer
- Proposed Storm Sewer
- Proposed Water Lines
- Existing Sanitary Sewer
- Existing Storm Sewer
- Existing Water Lines

**Landscape Plantings Legend**

- |                         |  |            |
|-------------------------|--|------------|
| 14 Colorado Spruce      |  | 2" Caliper |
| 69 Honey Locust         |  | 2" Caliper |
| 58 Arborvitae, American |  | 5' Height  |
| 30 Boxwood              |  | 2 @ 2 gal  |
| 69 Dwarf Fountain Grass |  | 1 Quart    |
| 69 Assorted Perennials  |  | 1 Quart    |



SCALE IN FEET:



Date: December 4, 2025

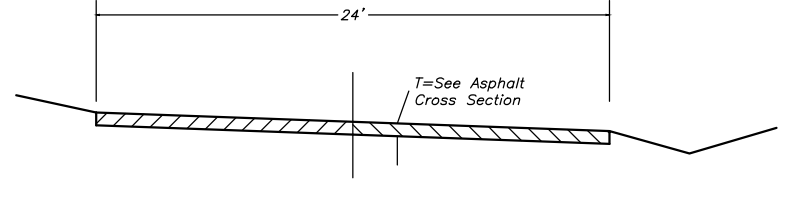
**Zoning Status:**  
The site is currently zoned AR & R3  
Proposed Zoning: R3 & I2

**Residential Site Density**  
10.6 units / acre

**Residential Building Summary**  
60 - 1 Story Townhomes  
61 - 2 Story Townhomes

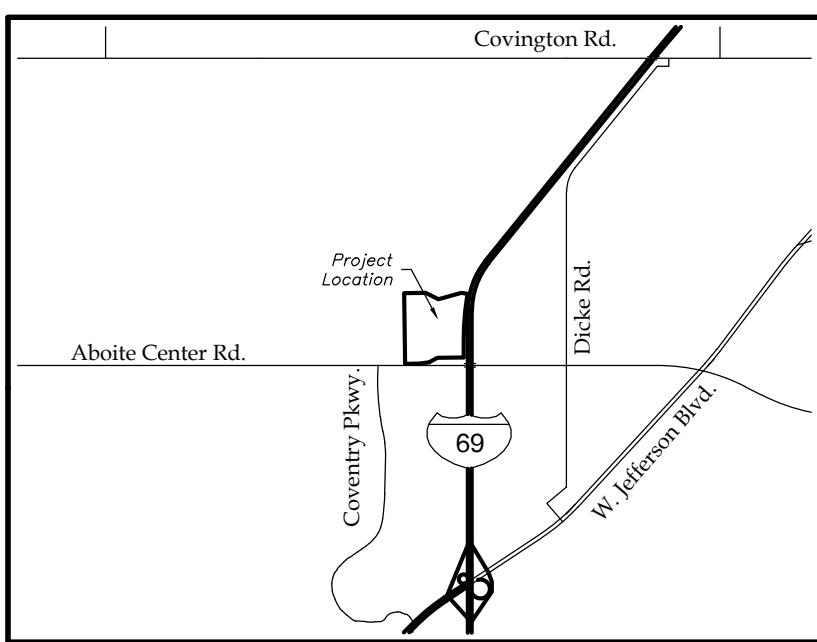
**Commercial Building Summary**  
4 Commercial Buildings  
1 Storage Unit Building

**Street Summary**  
24' pavement width on primary roadways  
12' pavement width on roadway along West line  
20' radii at all intersections



TYPICAL STREET CROSS-SECTION

Note: All sidewalks though driveways shall be at a 1/8" per ft. cross-slope



Location Map

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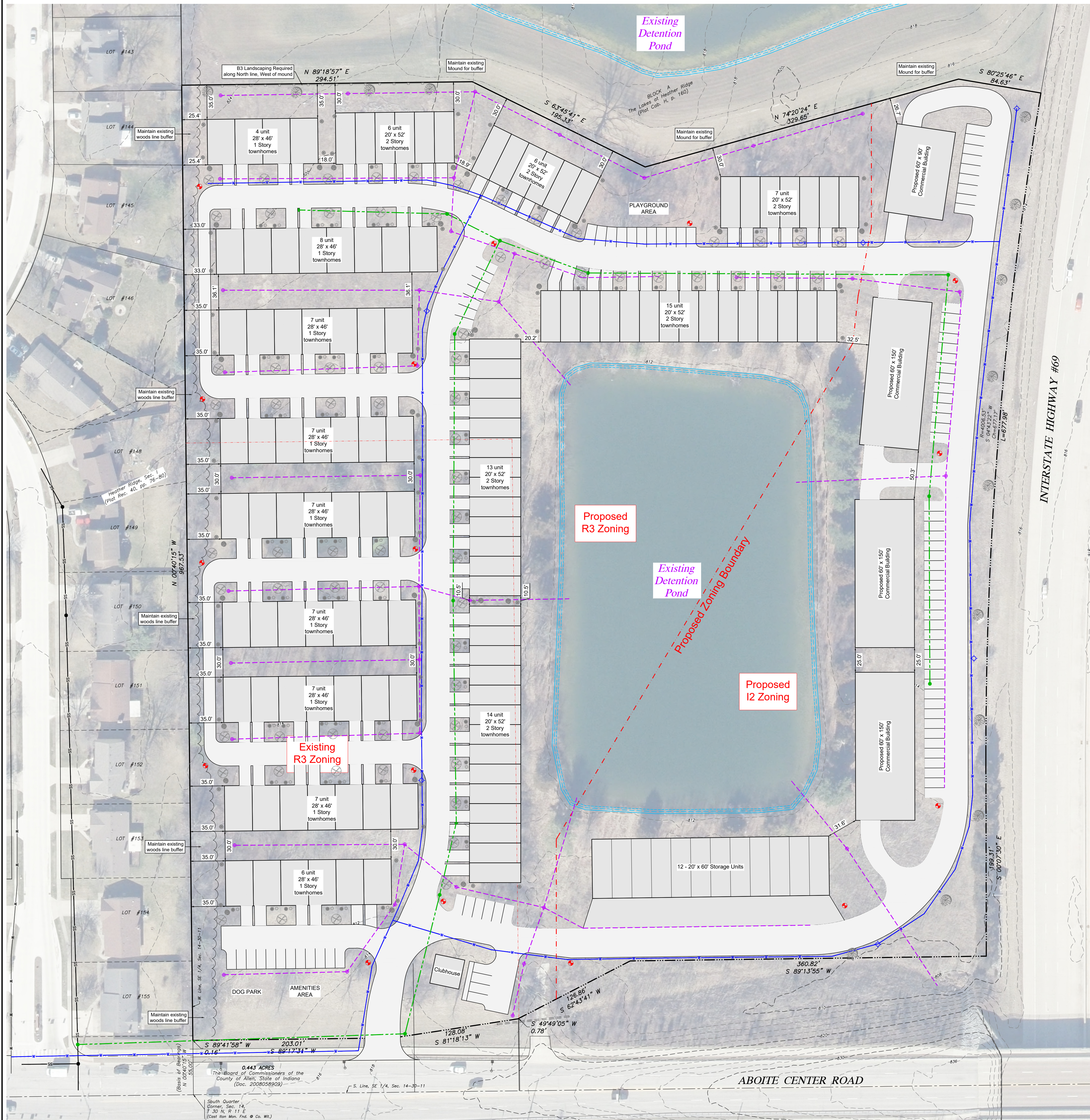
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Surveyor:  
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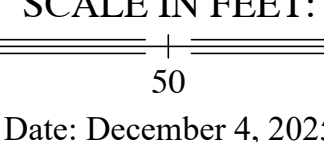
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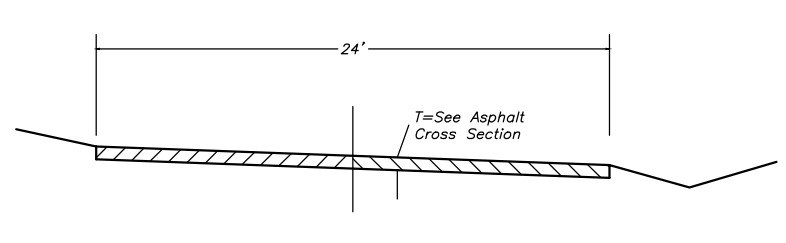
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61 - 2 Story Townhomes

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4 Commercial Buildings  
1 Storage Unit Building

**Street Summary**  
24' pavement width on primary roadways  
12' pavement width on roadway along West line  
20' radii at all intersections



TYPICAL STREET CROSS-SECTION  
NOT TO SCALE

Note: All sidewalks though driveways shall be at a 1/8" per ft. cross-slope

**Department of Planning Services  
Rezoning Petition Application**

**Applicant**  
 Applicant Yellow Retirement, LLC  
 Address P.O. Box 11311  
 City Fort Wayne State IN Zip 46857  
 Telephone 260-493-3000 E-mail jrparent@yellowretirement.com

**Contact Person**  
 Contact Person J.R. Parent  
 Address same  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_ E-mail \_\_\_\_\_

*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 8600 block Aboite Center Road  
 Present Zoning AR Proposed Zoning I2 Acreage to be rezoned 5.536 acres  
 Proposed density 0.9 units/acre units per acre  
 Township name Aboite Township section # 14  
 Purpose of rezoning (attach additional page if necessary) To permit development of 4 commercial buildings and enclosed storage unit facility  
 Sewer provider Aqua Indiana Water provider City of Fort Wayne

**Filing Requirements**  
*Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.*

- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezoning Only

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 Allen County Plan Commission 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 I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

JOHN R PARENT II (printed name of applicant) John R Parent II (signature of applicant) 12/4/25 (date)  
 \_\_\_\_\_ (printed name of property owner) \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)  
Joseph L. Zehr (printed name of property owner) \_\_\_\_\_ (signature of property owner) 12/04/25 (date)  
 \_\_\_\_\_ (printed name of property owner) \_\_\_\_\_ (signature of property owner) \_\_\_\_\_ (date)

Received	Receipt No.	Hearing Date	Petition No.
12/4/25	148701	1/12/26	REZ-2025-0060

# 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;

This parcel is designated and targeted as a preferred infill parcel prime for development as shown on the 2023, "All in Allen" Comprehensive Plan.

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

This site is a partially wooded field. The existing home that was here was removed nearly 15 years ago. The adjacent uses are all residential districts, with Heather Ridge being developed nearly 50 years ago.

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

This development is partially zoned residential and is adjacent to residential districts along the North and West side. The close proximity to Interstate 69 makes the East end suitable for commercial usage.

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

This development will have modern residential apartments adjacent to the existing Heather Ridge developments which will conserve and/or raise the values of the adjacent properties.

- (5) Responsible development and growth.

This shows responsible development and growth since this is an infill parcel located in a heavily populated area of the City of Fort Wayne, especially with its close proximity to Lutheran Hospital, Shopping, and Interstate 69.

### 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 27<sup>th</sup> day of January, 2026 by Yellow Retirement, LLC, (the "Declarant").

### WITNESSETH:

**WHEREAS**, Declarant is the owner of approximately 5.54 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 and R3/Multiple Family Residential zoning districts to an I2/General Industrial zoning district, bearing number REZ-2025-0060 (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. **Outdoor Uses:** Declarant agrees to prohibit outdoor storage of business materials on the property. All display, storage and business operations shall be conducted indoors.
2. **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.
3. **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.

4. 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.
5. 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.
6. 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) 2021015843.
7. 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.

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



Exhibit "A"

LEGAL DESCRIPTION OF REAL ESTATE

COMMERCIAL REZONING DESCRIPTION:

Part of the Southeast Quarter of Section 14, Township 31 North, Range 13 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the South Quarter corner of said Section 14, being marked by a cast iron monument; thence North 00 degrees 40 minutes 15 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the West line of said Southeast Quarter, a distance of 1022.53 feet to a #5 rebar; thence North 89 degrees 18 minutes 57 seconds East, on and along a line partially defined as a South line of The Lakes at Heather Ridge, as recorded in Plat Cabinet H, page 160, in the Office of said Recorder, a distance of 294.51 feet to a #5 rebar; thence South 63 degrees 45 minutes 41 seconds East, continuing on and along said South line, a distance of 195.33 feet to a #5 rebar; thence North 74 degrees 20 minutes 24 seconds East, continuing on and along said South line, a distance of 237.93 feet to the true point of beginning; thence North 74 degrees 20 minutes 24 seconds East, continuing on and along said South line, a distance of 91.72 feet to a #5 rebar; thence South 80 degrees 25 minutes 46 seconds East, continuing on and along said South line, a distance of 84.63 feet to a #5 rebar at the Southeast corner of said The Lakes at Heather Ridge, being a point on the West right-of-way line of Interstate Highway #69; thence Southerly, on and along said West right-of-way line as defined by the arc of a non-tangent circular curve to the left having a radius of 4006.53 feet, an arc distance of 677.98 feet, being subtended by a long chord having a length of 677.17 feet and a bearing of South 04 degrees 43 minutes 22 seconds West to a #5 rebar at the point of tangency; thence South 00 degrees 07 minutes 30 seconds East, continuing on and along said West right-of-way line, a distance of 199.31 feet to a #5 rebar at the point of intersection of said West right-of-way line with the North right-of-way line of Aboite Center Road; thence South 89 degrees 13 minutes 55 seconds West, on and along said North right-of-way line, a distance of 360.82 feet to a #5 rebar; thence South 62 degrees 43 minutes 41 seconds West, continuing on and along said North right-of-way line, a distance of 84.28 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 161.86 feet; thence North 30 degrees 53 minutes 26 seconds East, a distance of 585.16 feet; thence North 06 degrees 25 minutes 30 seconds East, a distance of 48.72 feet; thence North 11 degrees 02 minutes 36 seconds East, a distance of 69.84 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 125.98 feet to the true point of beginning, containing 5.536 acres of land, and subject to all easements of record.