

#REZ-2026-0010

BILL NO. Z-26-02-12

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

AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. G02 (Sec. 08 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 as C1/Professional Office and Personal Services Zoning District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Legal Description

This description, prepared by Justin W. Hoffman, Indiana Professional Surveyor, License Number LS21000228 and employed by Brooks Construction Company, Inc., was created as part of Job No. 2573-1000-0034, on February 3, 2026 being a description of the overall boundary of the tracts of land conveyed to Midwest America Federal Credit Union, by Document Numbers 970022776 & 970022777. All recorded documents in this description being recorded in the Office of the Recorder of Allen County, Indiana:

Lots 30B and 31B in the plat Westwood Extended Addition Amended, according to the plat thereof, recorded in Plat Book 11, page 103, together with a part of LaGro Reserve in Section 8, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of LaGro Reserve, being marked by a Harrison marker, thence South 89 degrees 10 minutes 08 seconds West (geodetic bearing based on NAD83 2011 East, and basis for all bearings in this description), a distance of 2151.93 feet to the intersection of the South line of said LaGro Reserve and the East boundary line of said Westwood plat, being marked by a Mag Nail; thence North 00 degrees 24 minutes 02 seconds West, on and along said East boundary line, a distance of 971.57 feet to the Northwest corner of a 2.18 acre tract of land conveyed to Tamara L. Rehm & Karen C. Murua by Document Number 2022006382, being marked by a 1/2-inch diameter rebar, said point being the Point of Beginning; thence South 00 degrees 24 minutes 02 seconds East, on and along said East line, also being on and along the East line of Lot 30B in said Westwood plat, a distance of 64.78 feet to the Southeast corner of said Lot 30B, being referenced by a 5/8-inch diameter rebar 0.1 feet North and 0.8 feet East of said corner; thence Southwesterly on and along a non-tangential curve to the left, an arc distance of 83.38 feet to the Southwest corner of said Lot 30B, being marked by a 1.25-inch pipe, said curve having a radius of 441.25 feet, a chord bearing of South 78 degrees 39 minutes 34 seconds West and a chord distance of 83.26 feet; thence North 01 degrees 34 minutes 41 seconds West, on and along the West line of said Lot 30B, a distance of 170.42 feet to the Northwest corner of said Lot 30B, also being the Southwest corner of Lot 31B, and being marked by a 5/8-inch diameter rebar with an identification cap stamped "Russell"; thence North 01 degrees 23 minutes 22 seconds West, a distance of 143.55 feet to the Southwest corner of a 0.025 acre tract of land conveyed to the City of Fort Wayne, by Document Number 960041111, being marked by a 5/8-inch diameter rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence North 50 degrees 30 minutes 43 seconds East, on and along the Southeasterly line of said 0.025 acre tract, a distance of 113.02 feet to the Northeast corner of said Lot 31B, also being the Southwest corner of a 0.031 acre tract conveyed to the City of Fort Wayne, by Document Number 960041114, being marked by a 5/8-

1 inch diameter rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence North  
2 50 degrees 30 minutes 43 seconds East, on and along the Southeasterly line of said 0.031 acre tract, a  
3 distance of 126.28 feet to the Southeast corner of said 0.031 acre tract, also being the Southwest  
4 corner of a 0.027 acre tract of land conveyed to the City of Fort Wayne by Document Number  
5 960037439, also being on the West line of a 1.77 acre tract of land conveyed to Diamond Holdings, LLC,  
6 by Document Number 202050227, being marked by a 5/8-inch diameter rebar with an identification  
7 cap stamped "TAPP"; thence South 01 degrees 39 minutes 14 seconds East, on and along the West line  
8 of said 1.7 acre tract, a distance of 109.69 feet to an angle point, being marked by a 5/8-inch diameter  
9 rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence South 27 degrees 23  
10 minutes 35 seconds East, continuing on and along the West line of said 1.77 acre tract, a distance of  
11 257.50 feet to the Southwest corner of said 1.77 acre tract, being marked by a 3/4-inch pipe; thence  
12 South 50 degrees 19 minutes 30 seconds West, on and along the Northerly lines of a 1.31 acre tract of  
13 land conveyed to Steven H. and Connie P. Hazelrigg, by Document Number 2023047877, and a 1.89  
14 acre tract of land conveyed to Robert and Judith Shugart, by Document Number 930066096, a distance  
15 of 92.64 feet to an angle point in the North line of said 1.89 acre tract, being marked by a 5/8-inch  
16 diameter rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence North 85  
17 degrees 05 minutes 00 seconds West, on and along the Northerly lines of said 1.89 acre tract, and a  
18 1.19 acre tract of land conveyed to Joshua P. and Lynette D. Fager, by Document Number 2024022449,  
19 and said 2.18 acre tract of land, a distance of 146.20 feet to the Point of Beginning, containing 1.886  
20 acres of land, more or less, being subject to and/or together with all easements and rights-of-way of  
21 record.

22 and the symbols of the City of Fort Wayne Zoning Map No. G02 (Sec. 08 of Wayne Township), as  
23 established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is  
24 hereby changed accordingly.

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

29 SECTION 3. That this Ordinance shall be in full force and effect from and after its  
30 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-2026-0010  
Bill Number: Z-26-02-12  
Council District: 4 – Scott Myers

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Introduction Date: February 24, 2026

Plan Commission  
Public Hearing Date: March 9, 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 1.886 acres from RP/Planned Residential to C1/Professional Office and Personal Services

Location: 4331 W Jefferson Blvd (Section 8 of Wayne Township)

Reason for Request: To align zoning with the use

Applicant: Midwest America Federal Credit Union

Property Owner: Midwest America Federal Credit Union

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Related Petitions: None

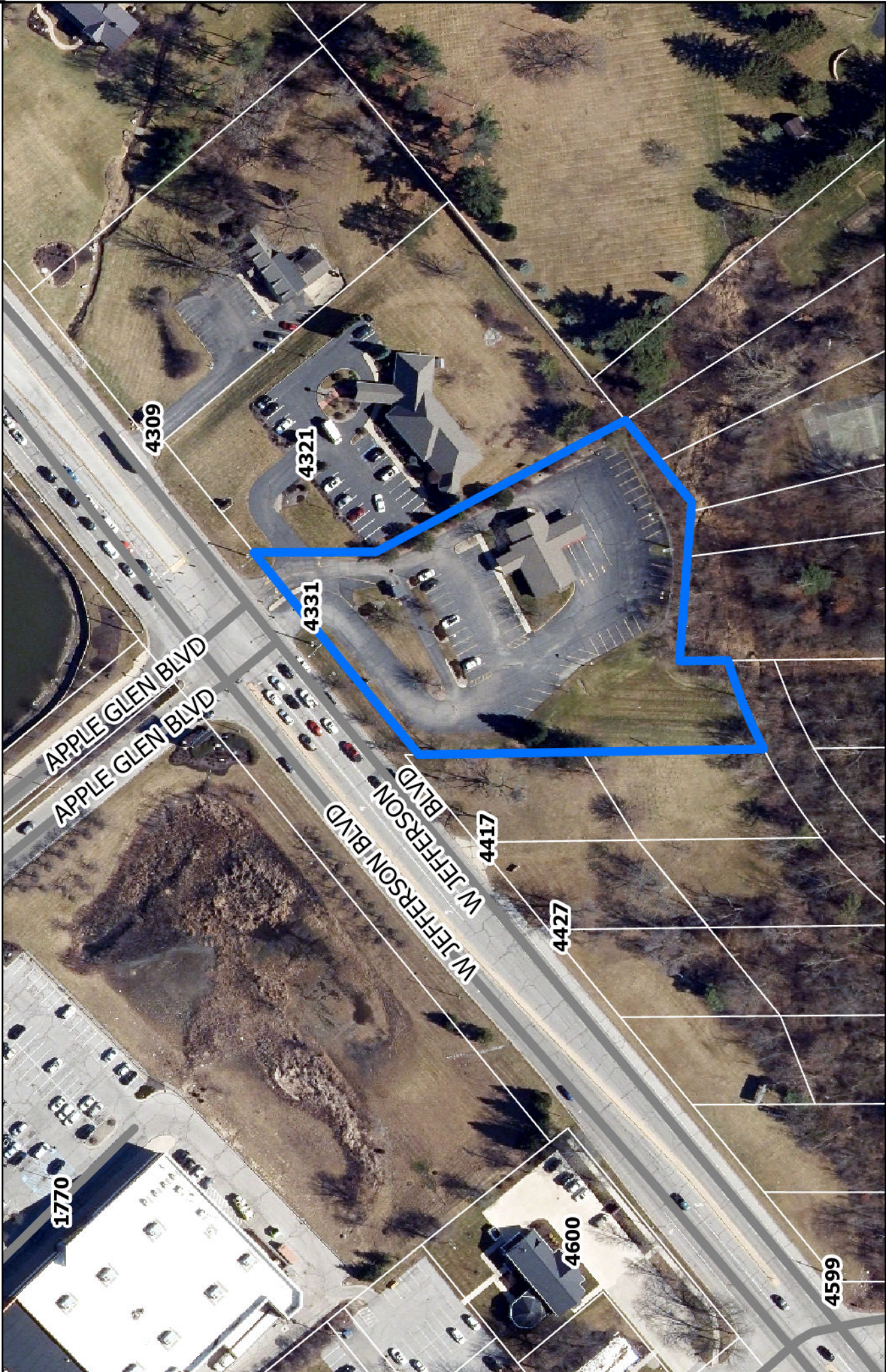
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Effect of Passage: Property will be rezoned to the C1/Professional Office and Personal Services to align the zoning with the current use.

Effect of Non-Passage: Property will remain zoned RP/Planned Residential, which does not permit the current use. It may be redeveloped with mixed residential uses.



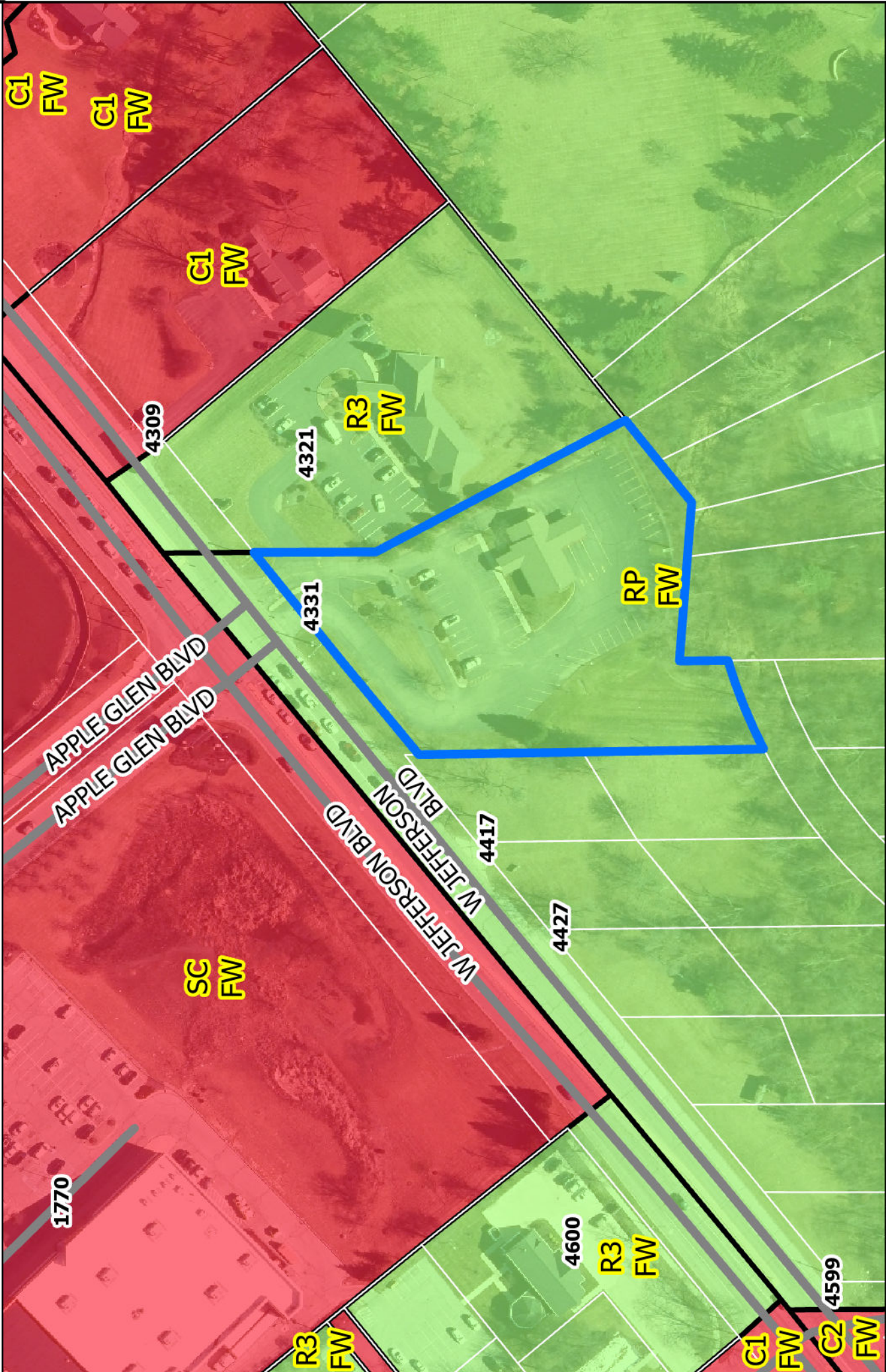
Rezoning Petition REZ-2026-0010 - Midwest America FCU - 4331 W Jefferson Blvd



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Rezoning Petition REZ-2026-0010 - Midwest America FCU - 4331 W Jefferson Blvd



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Overall Boundary Description:

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being marked by a 5/8-inch diameter rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence North 85 degrees 05 minutes 00 seconds West, on and along the Northerly lines of said 1.89 acre tract, and a 1.19 acre tract of land conveyed to Joshua P. and Lynette D. Fager, by Document Number 2024022449, and said 2.18 acre tract of land, a distance of 146.20 feet to the Point of Beginning, containing 1.886 acres of land, more or less, being subject to and/or together with all easements and rights-of-way of record.



**DPS Plan Commission  
Rezoning Petition Application**

**Applicant**

Applicant Name: MidWest America Federal Credit Union c/o Becky Swing  
 Address: 1104 Medical Park Drive City: Fort Wayne State: IN Zip: 46825  
 Email (type or print): bswing@mwafcu.org Phone: 260-609-7014

**Property Ownership**  Same as applicant

Owner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Email (type or print): \_\_\_\_\_ Phone: \_\_\_\_\_

**Primary Contact Person**  Same as applicant

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

Primary Contact: Brooks Construction Company, Inc. c/o Justin Hoffman  
 Address: 6525 Ardmore Avenue City: Fort Wayne State: IN Zip: 46809  
 Email (type or print): jwhoffman@Brooks1st.com Phone: 260-478-1890

**Planning Jurisdiction**

- Unincorporated Allen County       Town of Grabill       Town of Monroeville  
 City of Fort Wayne       Town of Huntertown       City of Woodburn

**Property Information**

Development Address or PIN #: 4331 W. Jefferson Boulevard, Fort Wayne, IN 46804  
 Present Zoning: RP Proposed Zoning: C1 Acreage to be rezoned: \_\_\_\_\_  
 Purpose of rezoning (attach additional page if necessary): To align zoning with existing use and to allow a garage accessory building to be constructed  
 Township Name: Wayne Township Section Number: 8  
 Sewer Provider: City of Fort Wayne Water Provider: City of Fort Wayne

**Filing Requirements**

- Filing fee \$1250.00 or \$350.00 for downzoning an existing SFR use to R1 Zoning  
 Application signed by property owner(s)  
 Boundary/ Utility Survey showing area to be rezoned  
 Legal Description of parcel to be rezoned (Please provide in separate word document)  
 Rezoning Criteria (please complete attached document)

**Acknowledgements and Signatures**

- I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the applicable Zoning Ordinance as well as all procedures and policies of the Fort Wayne and Allen County Plan Commissions as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge.
- In addition, I/We hereby authorize and consent to the on-site inspection and sign posting on the property subject to this zoning application by the Department of Planning Services for the purposes of verifying the information in this application and for purposes of determining compliance with the applicable zoning ordinance.

Becky Swing \_\_\_\_\_ Becky Swing \_\_\_\_\_ 1/28/2006  
 printed name of applicant signature of applicant date

\_\_\_\_\_  
 printed name of property owner signature of property owner date

STAFF USE ONLY			
Received	Receipt Number	Hearing Date	Petition Number
2/3	113429		



## 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 petition supports the Comprehensive Plan by formalizing an existing and established use, along with allowing an accessory improvement.

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

The site is currently developed and used as a banking facility. The proposed zoning aligns with the site's current use.

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

The most desirable use of the property is to continue its use as a banking facility, which the proposed zoning allows.

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

The primary use of the property will not be changed due to the rezoning, thereby maintaining its current value.

- (5) Responsible development and growth.

This request allows for an efficient infill and reinvestment of a currently developed site.

### COMPLETE FILING TO INCLUDE:

- Filing Fee
- Complete application signed by property owner\*
- Legal description (in Word document format)\*
- Boundary/Utility Survey\*
- Rezoning Criteria \*
- Written Commitment (if applicable)\*

*\*All documents may be digital*



## FACT SHEET

Case # REZ-2026-0010 Bill # Z-26-02-12 Project Start: February 2026

PROPOSAL: Rezoning Petition REZ-2026-0010 – MidWest America Federal Credit Union  
APPLICANT: MidWest America Federal Credit Union  
REQUEST: To rezone property from RP/Planned Residential to C1/Professional Office and Personal Services to align zoning with the current use.  
LOCATION: 4331 W Jefferson Blvd (Section 8 of Wayne Township)  
LAND AREA: 1.886 acres  
PRESENT ZONING: RP/Planned Residential  
PROPOSED ZONING: C1/Professional Office and Personal Services  
COUNCIL DISTRICT: 4 – Scott Myers

### **March 9, 2026 Public Hearing**

- One person spoke in support.
- One person spoke and submitted a letter in opposition.
- Rachel Tobin-Smith and Karen Richards were absent.

### **March 16, 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 recommendation, with a Written Commitment, to Common Council for their final decision.

#### **6-0 MOTION PASSED**

- Paul Sauerteig, Rick Briley, and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:  
Karen Couture, Principal Land Use Planner  
March 20, 2026

## PROJECT SUMMARY

The applicant is petitioning to rezone the 1.89 acre parcel at 4331 West Jefferson Boulevard. The Credit Union has been on the property since the late 1990s and prior to that, the land was farmland/homestead. The immediate adjacent property to the north is zoned SC/Shopping Center housing Jefferson Pointe Mall and Apple Glen Shopping Center. The property directly east is zoned R3/Multiple Family Residential where Bradley Gough Jewelers is operating with a variance. Properties to the west and south are zoned RP/Planned Residential, with the west parcel sitting vacant, and the south parcels being wooded areas on the back end of residential homes. Midwest America Federal Credit Union was granted a Special Use Variance to operate at this location in 1997. The requested rezoning of this property to C1/Professional Office and Personal Services would bring the longstanding use of the real estate as a bank/credit union into compliance with the terms and conditions of the Ordinance. It will also allow for investing in the property and an easier permitting process. This request does not contemplate any change in the current use of the property. The request meets the goals and policies of the Comprehensive Plan as outlined below. Many businesses along the south side of West Jefferson Boulevard were originally approved with Board of Zoning Appeals approval, only to be rezoned at a later date to reflect the appropriate zoning district – C1/Professional Office and Personal Services – a district considered compatible with adjacent residential properties and can serve as a buffer between the neighborhood and more intensive commercial activity within the shopping centers to the north.

### **COMPREHENSIVE PLAN REVIEW**

#### **Future Growth and Development Map, Goals, and Strategies**

The project site is located within the Urban Infill Area.

- The following Goals and Strategies would be applicable:  
**LUD1** - Encourage compatible infill development and redevelopment in the Urban Infill and Priority Investment Areas.  
**LUD 1.1** -Explore new zoning classifications, updated development regulations, and other tools to encourage compatible infill development and redevelopment

#### **Overall Land Use Policies**

- The following Land Use Policies would be applicable and supportive of this request:  
**LUD Policy 4**- Nonresidential Development which is adjacent to residential neighborhoods should be limited to lower intensity neighborhood commercial uses.

#### **Generalized Future Land Use Map**

- The project site is located within the Mixed Suburban Commercial Corridor generalized land use category.
- Primary Land Uses in this category are Entertainment, Low to Moderate-Intensity Business, Service, and Retail, Multiple-Family Residential, Professional Office and Personal Services, Single-Family Attached and Detached Residential, and Two-Family Residential.
- Some Secondary Land Uses are Civic and Cultural Facilities, Religious Institutions, and Schools.
- Adjacent properties to the north are Regional Commercial, Mixed Suburban Commercial Corridor to the east and west, and Suburban Neighborhood to the south.

#### **Land Use Related Action Steps**

Staff determined the following Action Step would be applicable and supportive of this proposal:

- **HN.1.1.2.** Encourage smart growth development practices to support efficient use of land and resources.

**Compatibility Matrix**

- This proposed rezoning to C1/Professional Office and Personal Services is considered compatible with the Mixed Suburban Commercial Corridor land use category.

**Other Applicable Plans:** None

**PUBLIC HEARING SUMMARY:**

Presenter: Justin Hoffman (representing the applicant) and Joe Carroll (VP) presented the request as outlined above.

Public Comments:

Kyle Gough (4211 Clubview Dr): Support – owns adjacent property; wants to rezone to C1 in the future.

Kirtis Christensen (4120 N Washington Rd): Opposed – thought previous agreement stated all properties were under BZA approvals. Not opposed to building addition.

Rebuttal: Justin Hoffman stated they will talk to leadership about a Written Commitment.

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

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PROPOSAL: Rezoning Petition-2026-0010 – 4331 West Jefferson Boulevard  
APPLICANT: Midwest America Federal Credit Union  
LOCATION: Rezone from RP to C1 to align the zoning with the existing use  
REQUEST: 4331 West Jefferson Boulevard  
LAND AREA: 1.89 acres  
PRESENT ZONING: RP/Planned Residential  
PROPOSED ZONING: C1/Professional Office and Personal Services

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The Plan Commission recommends that Rezoning Petition REZ-2026-0010 be returned to Council, with a “Do Pass” recommendation, with a Written Commitment, after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan and should not establish an undesirable precedent in the area. The rezoning would bring the longstanding use of the property as a bank into compliance with the terms and conditions of the Ordinance.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The applicant intends to continue the use as a bank, which would not create any additional burden on the surrounding area.
3. Approval is consistent with the preservation of property values in the area. The uniform zoning should allow more consistent development, now and in the future.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. The site is served by public utilities and no additional burden on infrastructure is planned.
5. An approved Written Commitment will be executed and provided to staff prior to Council action on the rezoning.

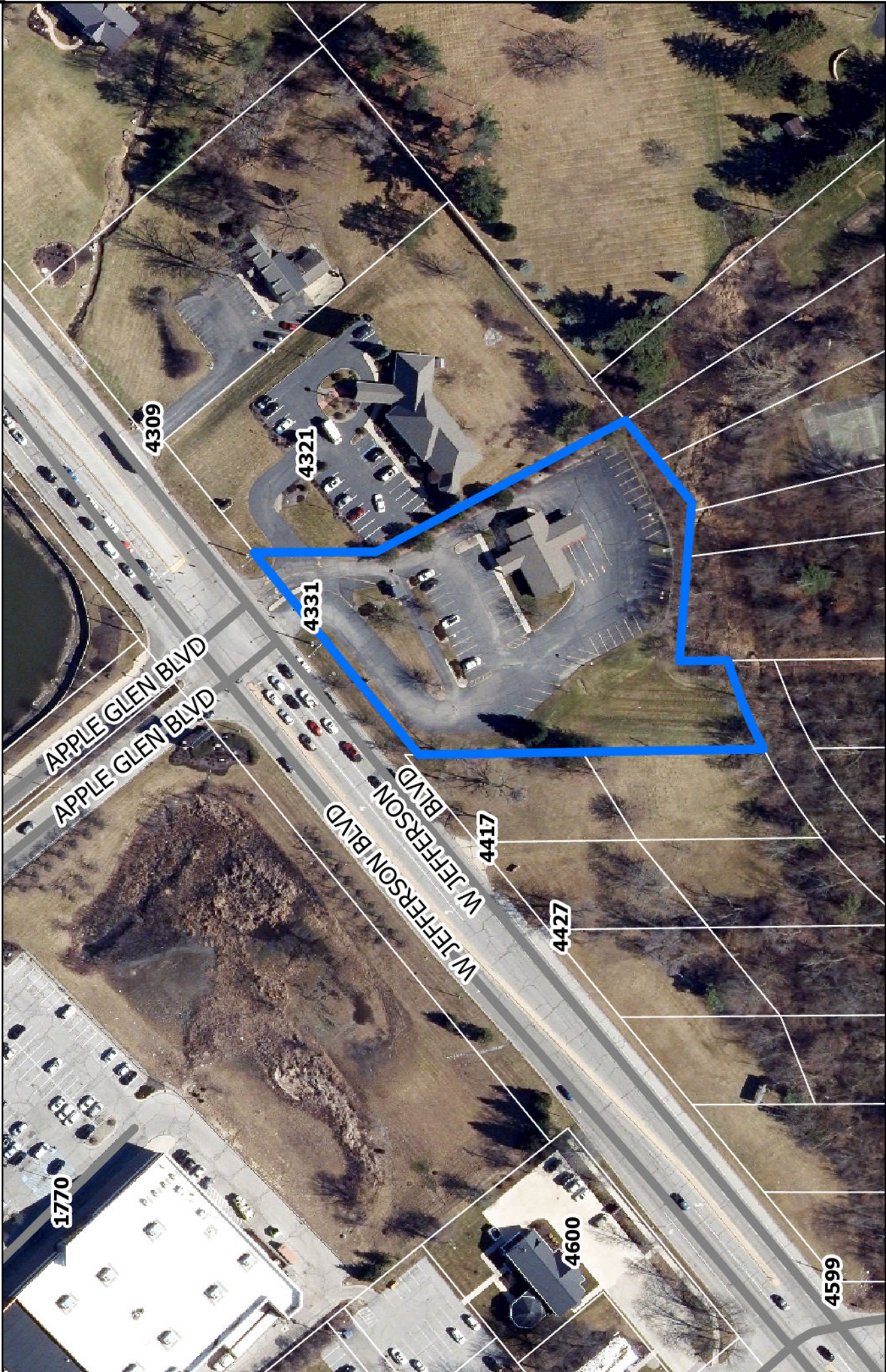
These findings were approved by the Fort Wayne Plan Commission on March 16, 2026.



Benjamin J. Roussel  
Executive Director  
Secretary to the Commission



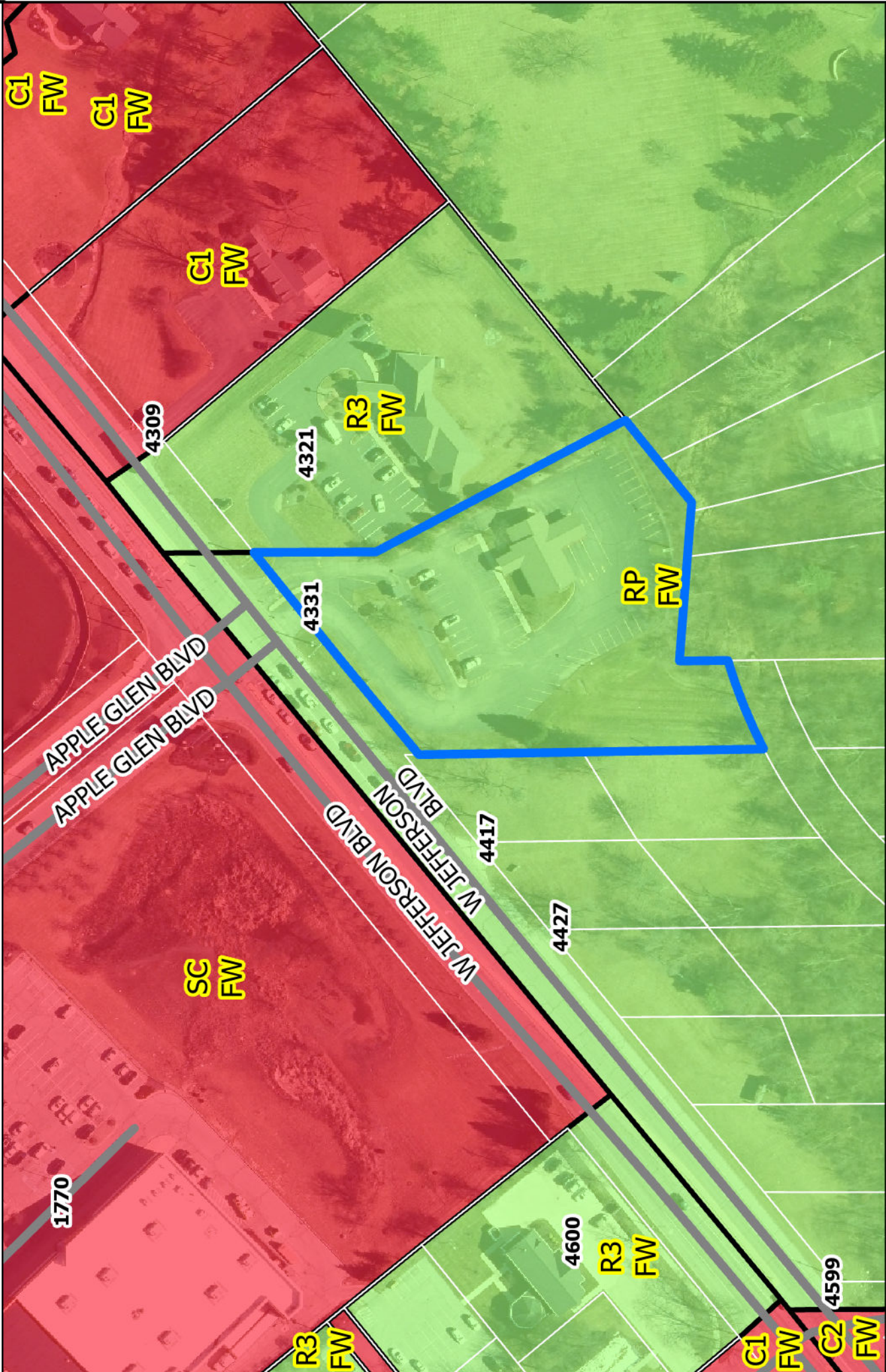
Rezoning Petition REZ-2026-0010 - Midwest America FCU - 4331 W Jefferson Blvd



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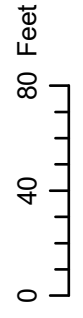
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Rezoning Petition REZ-2026-0010 - Midwest American Federal Credit Union



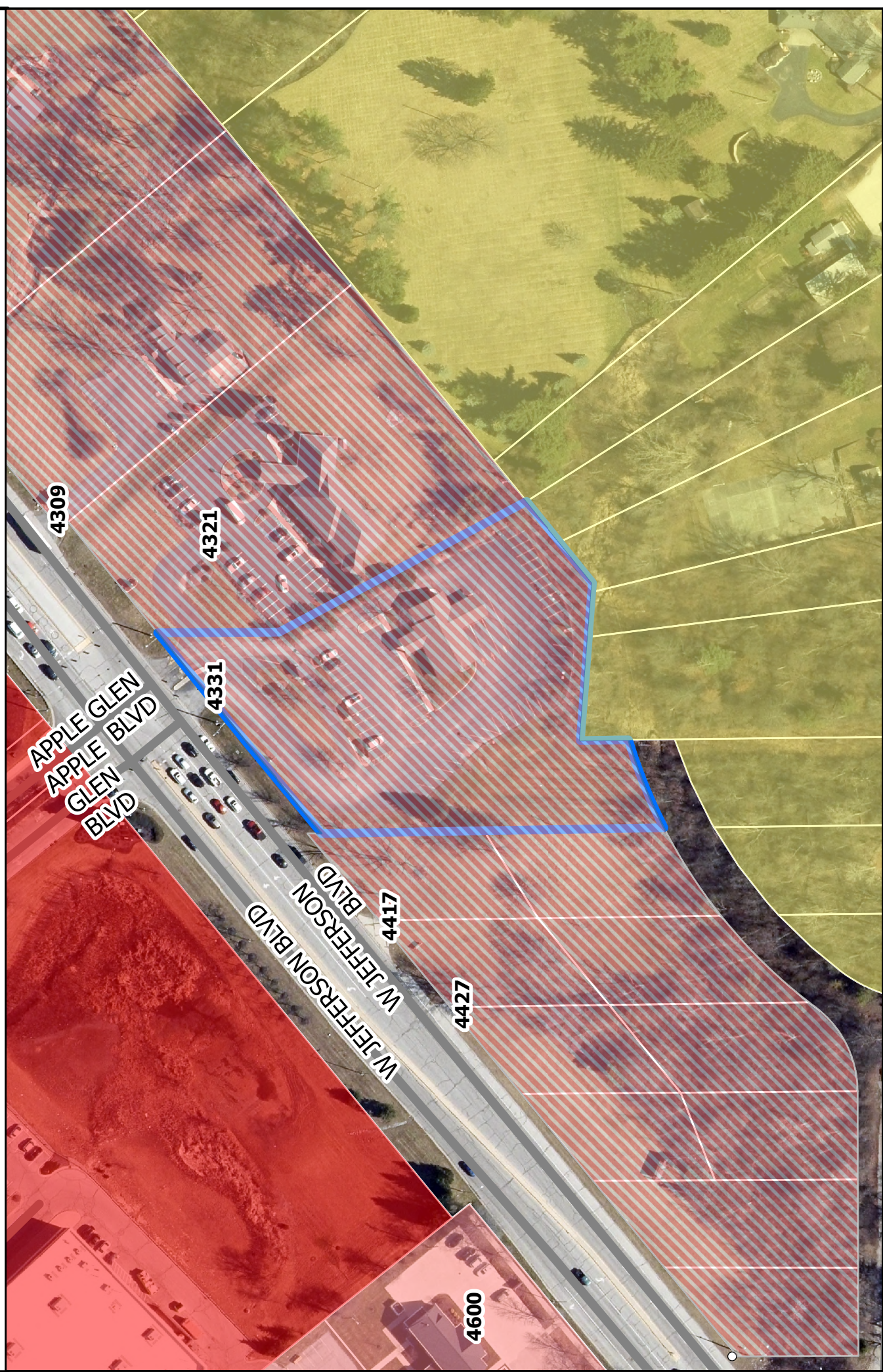
Legend

Urban Infill Area



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Rezoning Petition REZ-2026-0010 - Midwest American Federal Credit Union



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### Legend

- Mixed Suburban Commercial Corridor
- Suburban Neighborhood
- Regional Commercial





## WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this 13 day of March, 2026 by Becky Gwyn, an MWAFCU (the "Declarant").

WITNESSETH:

**WHEREAS**, Declarant is the owner of approximately 1.89 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 and Primary Development Plan petition with respect to the Real Estate to rezone the Real Estate from RP/Planned Residential zoning district to a C1/Professional Office and Personal Services zoning district, bearing numbers REZ-2026-0010 (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) Adult care center
- 2) Adult care home
- 3) Advertising
- 4) Answering service
- 5) Appraiser
- 6) Assisted living facility
- 7) Auction service

- 8) Audio-visual studio
- 9) Bankruptcy service
- 10) Bed and breakfast
- 11) Blood bank
- 12) Blood or plasma donor facility
- 13) Boarding/lodging house
- 14) Broker
- 15) Business training
- 16) Campus housing
- 17) Catalog showroom
- 18) Child care center
- 19) Clinic
- 20) Collection agency
- 21) Community garden
- 22) Correctional services facility
- 23) Credit service
- 24) Customer service facility
- 25) Data processing facility
- 26) Data storage facility
- 27) Dating service
- 28) Dormitory
- 29) Driving instruction
- 30) Employment agency
- 31) Fraternity house
- 32) Funeral home
- 33) Group residential facility, FHAA (large)
- 34) Group residential facility, FHAA (small)
- 35) Gymnastics instruction
- 36) Health club
- 37) Homeless/emergency shelter
- 38) Hospital
- 39) Model unit
- 40) Multiple family complex
- 41) Multiple family dwelling
- 42) Music instruction

- 43) Music studio
- 44) Nursing home
- 45) Park or recreation area
- 46) Parking area (off-site)
- 47) Public transportation facility
- 48) Recording facility
- 49) Radio station
- 50) Rehabilitation facility
- 51) Religious institution/school field
- 52) Residential facility for homeless individuals
- 53) Retirement facility
- 54) Security service
- 55) Social service agency
- 56) Sorority house
- 57) Tanning salon
- 58) Television station
- 59) Townhouse complex
- 60) Treatment center
- 61) Veterinary clinic
- 62) Wind energy conversion system (micro)
- 63) Zoo

2. Permitted Uses. Any use otherwise permitted in a C1/Professional Office and Personal Service zoning district pursuant to the Ordinance which is not expressly prohibited pursuant to Section 1 above shall be a permitted use upon the Real Estate.

3. Other Commitments:

4. Permits. No permits shall be issued under the zoning ordinance by the Zoning Administrator, or any successor agency having zoning jurisdiction over the Real Estate, until this Commitment is recorded with the Allen County Recorder. The Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

5. Binding Effect, Modification, and Termination. This Commitment shall run with the Real Estate, and shall be binding upon the Declarant and each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless this Commitment is modified or terminated. The recitals are incorporated herein by reference and are expressly made a part of this Commitment. This Commitment may be modified or

terminated only by a decision of the Plan Commission, following a public hearing held by the Plan Commission wherein notice has been given as provided by the Plan Commission's rules of procedure. The Plan Commission shall have the discretion whether to approve or deny any proposed modification or termination of this Commitment. This Commitment may be modified or terminated by the Plan Commission making findings of fact that the proposed modification or termination is required because: (a) there is a substantial change in circumstances from the time of the original Commitment; (b) the proposed modification or termination is in substantial compliance with the Comprehensive Plan; (c) the proposed modification or termination is consistent with the Plan Commission's prior approval; and (d) the application of the terms of the original Commitment would cause an unnecessary hardship absent the modification or termination. Further, pursuant to I.C. 36-7-4-1015(b)(4), this Commitment shall automatically terminate if: (i) the zoning district or classification applicable to the Real Estate is changed; or (ii) if the land use to which this Commitment relates is changed.

6. Recording. Declarant or Applicant shall, at Declarant's or Applicant's expense, record this Commitment with the Allen County Recorder and shall provide two copies of the recorded Commitment to the Zoning Administrator.
7. Enforcement. Any violation of this Commitment shall be deemed a violation of the zoning ordinance in effect at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Plan Commission or any enforcement official designated in the zoning ordinance, or any successor agency having zoning jurisdiction over the Real Estate. Pursuant to I.C. §36-7-4-1015, the Plan Commission or any enforcement official designated in the zoning ordinance, shall be entitled to all legal and equitable remedies available, including specific performance and injunctive relief, for any violation of this Commitment. The enforcement rights of the Plan Commission or any enforcement official designated in the zoning ordinance are cumulative, not exclusive. This Commitment may be enforced by any successor commission or enforcement official having zoning jurisdiction over the Real Estate.

-optional-

8. Authority to Sign. The person signing this Commitment in a representative capacity on behalf of Declarant warrants and represents that: (a) the person has the actual authority and power to so sign, and to bind the respective entity to the provisions of this Commitment; and (b) all corporate or other entity action necessary for the making of this Commitment has been duly taken.
9. 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) \_\_\_\_\_  
\_\_\_\_\_.
10. 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.

11. Governing Law. This Commitment, including the restrictions and covenants hereunder, shall be governed by the laws of the State of Indiana.
12. Effective Date. The effective date ("Effective Date") of this Commitment shall be the date of its recordation with the Office of the Recorder of Allen County, Indiana.

"DECLARANT"

Midwest America FCU  
1104 medical Park Drive

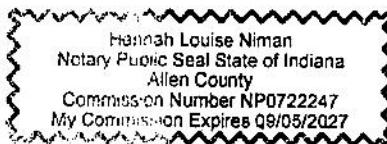
By: Becky Swing  
Printed Name: Becky Swing  
Title: COO

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF ALLEN        )

Before me, the undersigned, a Notary Public, in and for said County and State, this 13<sup>th</sup> day of March, 2026, personally appeared Becky Swing and acknowledged the execution of the foregoing. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Hannah Louise Niman  
Notary Public

My Commission Expires: 09/05/2027  
My County of Residence: Allen



THIS INSTRUMENT prepared by: Name and address

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

When Recorded, mail to: Name/Firm and address

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF REAL ESTATE**

Overall Boundary Description:

This description, prepared by Justin W. Hoffman, Indiana Professional Surveyor, License Number LS21000228 and employed by Brooks Construction Company, Inc., was created as part of Job No. 2573-1000-0034, on February 3, 2026 being a description of the overall boundary of the tracts of land conveyed to Midwest America Federal Credit Union, by Document Numbers 970022776 & 970022777. All recorded documents in this description being recorded in the Office of the Recorder of Allen County, Indiana:

Lots 30B and 31B in the plat Westwood Extended Addition Amended, according to the plat thereof, recorded in Plat Book 11, page 103, together with a part of LaGro Reserve in Section 8, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of LaGro Reserve, being marked by a Harrison marker, thence South 89 degrees 10 minutes 08 seconds West (geodetic bearing based on NAD83 2011 East, and basis for all bearings in this description), a distance of 2151.93 feet to the intersection of the South line of said LaGro Reserve and the East boundary line of said Westwood plat, being marked by a Mag Nail; thence North 00 degrees 24 minutes 02 seconds West, on and along said East boundary line, a distance of 971.57 feet to the Northwest corner of a 2.18 acre tract of land conveyed to Tamara L. Rehm & Karen C. Murua by Document Number 2022006382, being marked by a 1/2-inch diameter rebar, said point being the Point of Beginning; thence South 00 degrees 24 minutes 02 seconds East, on and along said East line, also being on and along the East line of Lot 30B in said Westwood plat, a distance of 64.78 feet to the Southeast corner of said Lot 30B, being referenced by a 5/8-inch diameter rebar 0.1 feet North and 0.8 feet East of said corner; thence Southwesterly on and along a non-tangential curve to the left, an arc distance of 83.38 feet to the Southwest corner of said Lot 30B, being marked by a 1.25-inch pipe, said curve having a radius of 441.25 feet, a chord bearing of South 78 degrees 39 minutes 34 seconds West and a chord distance of 83.26 feet; thence North 01 degrees 34 minutes 41 seconds West, on and along the West line of said Lot 30B, a distance of 170.42 feet to the Northwest corner of said Lot 30B, also being the Southwest corner of Lot 31B, and being marked by a 5/8-inch diameter rebar with an identification cap stamped "Russell"; thence North 01 degrees 23 minutes 22 seconds West, a distance of 143.55 feet to the Southwest corner of a 0.025 acre tract of land conveyed to the City of Fort Wayne, by Document Number 960041111, being marked by a 5/8-inch diameter rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence North 50 degrees 30 minutes 43 seconds East, on and along the Southeasterly line of said 0.025 acre tract, a distance of 113.02 feet to the Northeast corner of said Lot 31B, also being the Southwest corner of a 0.031 acre tract conveyed to the City of Fort Wayne, by Document Number 960041114, being marked by a 5/8-inch diameter rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence North 50 degrees 30 minutes 43 seconds East, on and along the Southeasterly line of said 0.031 acre tract, a distance of 126.28 feet to the Southeast corner of said 0.031 acre tract, also being the Southwest corner of a 0.027 acre tract of land conveyed to the City of Fort Wayne by Document Number 960037439, also being on the West line of a 1.77 acre tract of land conveyed to Diamond Holdings, LLC, by Document Number 202050227, being marked by a 5/8-inch diameter rebar with an identification cap stamped "TAPP"; thence South 01 degrees 39 minutes 14 seconds East, on and along the West line of said 1.7 acre tract, a distance of 109.69 feet to an angle point, being marked by a 5/8-inch diameter rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence South 27 degrees 23 minutes 35 seconds East, continuing on and along the West line of said 1.77 acre tract, a distance of 257.50 feet to the Southwest corner of said 1.77 acre tract, being marked by a 3/4-inch pipe; thence South 50 degrees 19 minutes 30 seconds West, on and along the Northerly lines of a 1.31 acre tract of land conveyed to Steven H. and Connie P. Hazelrigg, by Document Number 2023047877, and a 1.89 acre tract of land conveyed to Robert and Judith Shugart, by Document Number 930066096, a distance of 92.64 feet to an angle point in the North line of said 1.89 acre tract,

being marked by a 5/8-inch diameter rebar with an identification cap stamped "BROOKS 1ST FIRM #0143" set; thence North 85 degrees 05 minutes 00 seconds West, on and along the Northerly lines of said 1.89 acre tract, and a 1.19 acre tract of land conveyed to Joshua P. and Lynette D. Fager, by Document Number 2024022449, and said 2.18 acre tract of land, a distance of 146.20 feet to the Point of Beginning, containing 1.886 acres of land, more or less, being subject to and/or together with all easements and rights-of-way of record.