

#REZ-2026-0021

BILL NO. Z-26-04-14

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. Q62 (Sec. 35 of Perry 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 C3/General
Commercial Zoning District under the terms of Chapter 157 Title XV of the Code of the City of
Fort Wayne, Indiana:

Legal Description

PARCEL I:

Part of the Southwest Quarter of Section 35, Township 32 North, Range 12 East of the Second Principal Meridian, Perry Township in Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence North 88 degrees 05 minutes 27 seconds East (GPS grid bearing and basis of bearings to follow), a distance of 2070.20 feet (Deed) along the South line of said Southwest Quarter and within the right-of-way of Dupont Road; thence North 00 degrees 40 minutes 03 seconds West, a distance of 50.00 feet (Deed) to the South line of an existing 0.005 acre tract described in Document Number 94-040498 in the Office of the Recorder of Allen County, Indiana; thence North 82 degrees 30 minutes 09 seconds East, a distance of 24.42 feet (24.50 feet Deed) along said South line to the East line of said 0.005 acre tract; thence North 04 degrees 24 minutes 56 seconds West, a distance of 6.76 feet (6.67 feet Deed) along said East line to a 5/8" rebar with a "D&A" identification cap found on the West line of an existing tract described in Document Number 86-022890 in the Office of the Recorder of Allen County, Indiana, said point also being the POINT of BEGINNING of the herein described tract; thence continuing North 04 degrees 24 minutes 56 seconds West, a distance of 94.17 feet (Deed) along said West line to a Mag Nail with a "D&A" identification ring found; thence North 00 degrees 30 minutes 14 seconds West, a distance of 36.50 (Deed) feet along said West line to a Mag Nail with a "D&A" identification ring found; thence North 17 degrees 05 minutes 11 seconds East, a distance of 62.73 feet (Deed) along said West line to the West line of an existing tract described in Document Number 87-057761 in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 40 minutes 23 seconds West, a distance of 54.54 feet (Deed) along said West line to a 5/8" steel rebar with a "CEC" identification cap found on the South line of an existing 1.871 acre tract described in Document Number 2016019727 in the Office of the Recorder of Allen County, Indiana; thence North 89 degrees 19 minutes 52 seconds East, a distance of 93.05 feet (Deed) along said South line to a 5/8" steel rebar with a "CEC" identification cap found; thence South 45 degrees 02 minutes 16 seconds East, a distance of 256.96 feet (257.06 feet Deed) along said South line to a 5/8" steel rebar with a "CEC" identification cap found on the North line of an existing 0.481 acre tract described in Document Number 94-061424 in the Office of the Recorder of Allen County, Indiana; thence South 54 degrees 48 minutes 49 seconds West, a distance of 26.90 feet (Deed) along said North line to a 5/8" steel rebar with a "C&D" identification cap found; thence South 73 degrees 25 minutes 03 seconds West, a distance of 154.24 feet (Deed) along said North line to the South line of said Document Number 86-022890, said point being referenced by a right-of-way fence post found 0.2 feet South; thence South 87 degrees 33 minutes 19 seconds West, a distance of 38.70 feet (Deed) along said South line to a 5/8" steel rebar found on the North line of an existing 0.006 acre tract described in Document Number 94-061424 in the Office of the Recorder of Allen County, Indiana; thence South 87

degrees 33 minutes 19 seconds West, a distance of 76.69 feet (76.31 feet Deed) along said North line to the Point of Beginning. Said in survey to contain 1.101 acres, more or less. Subject to easements of Record.

PARCEL II:

A non-exclusive easement for Ingress and Egress over the land described and shown in that certain Grant of Ingress and Egress for the benefit of insured real estate dated March 9, 1995, recorded April 12, 1995, in Instrument No. 95-014811, and amended by Instruments Numbered 95-046131, 95-046498 and 960026383.

PARCEL III:

A non-exclusive easement for Ingress and Egress and parking over that land described and shown in that certain Easement Agreement for Ingress, Egress, and Parking for the benefit of the insured real estate dated January 27, 1999, recorded April 9, 1999, in Instrument No. 990023137.

PARCEL IV:

A non-exclusive easement for ingress and egress over the land described and shown in that certain Easement Agreement dated June 30, 1986, recorded July 1, 1986, in Instrument No. 86-022891.

and the symbols of the City of Fort Wayne Zoning Map No. Q62 (Sec. 35 of Perry Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Malak Heiny, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2026-0021
Bill Number: Z-26-04-14
Council District: 2 – Russ Jehl

Introduction Date: April 28, 2026

Plan Commission
Public Hearing Date: May 11, 2026 (not heard by Council)

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

Synopsis of Ordinance: To rezone 1.101 acres from C2/Limited Commercial to C3/General Commercial

Location: 2929 E Dupont Rd (Section 35 of Perry Township)

Reason for Request: To permit automobile sales

Applicant: Travis Dice

Property Owner: J & J Realty Co

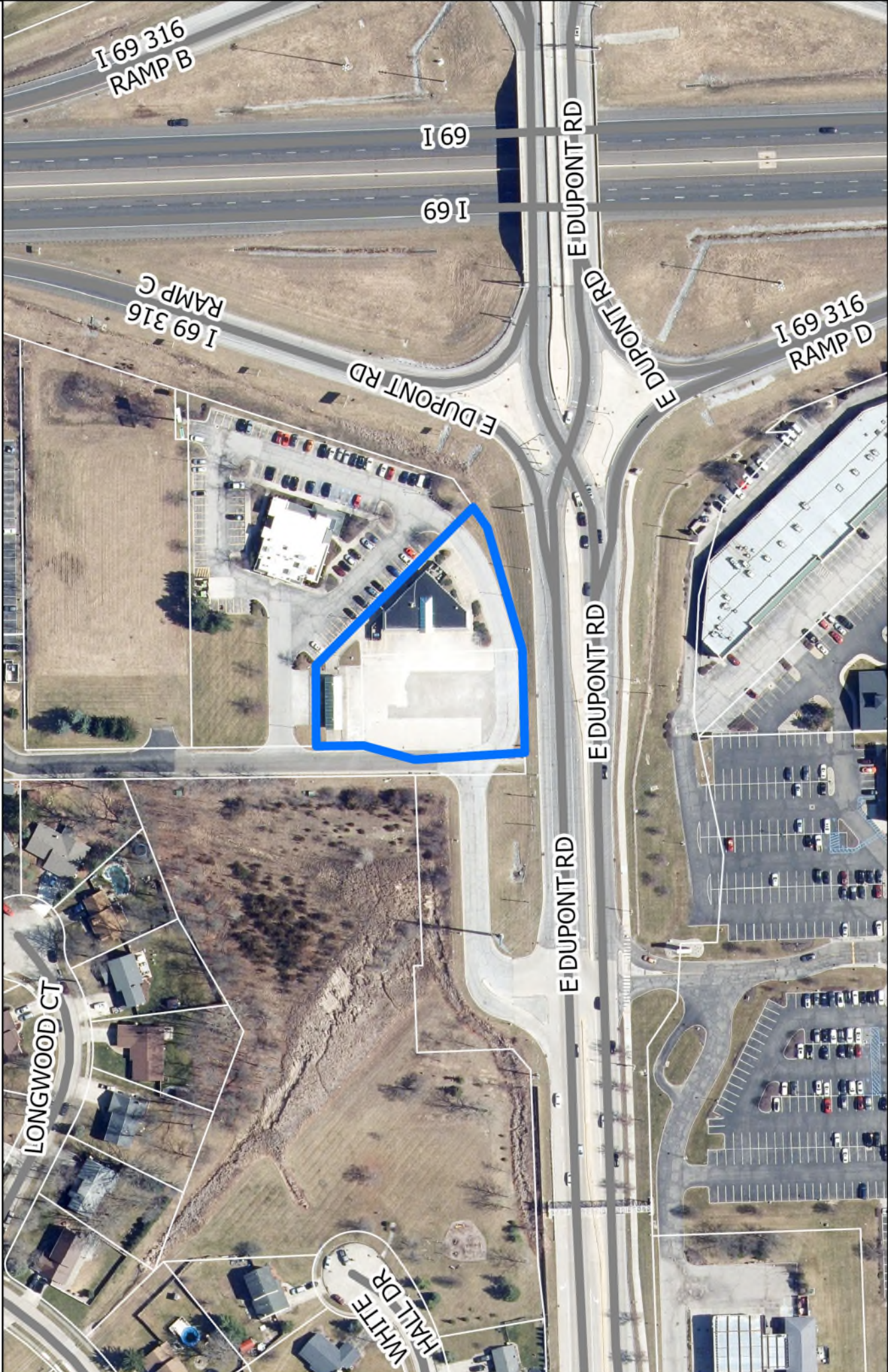
Related Petitions: None

Effect of Passage: Property will be rezoned to the C3/General Commercial to permit automobile sales.

Effect of Non-Passage: Property will remain zoned C2/Limited Commercial, which does not permit automobile sales. It may be redeveloped with moderate intensity business, community, office, personal service, and limited retail uses, as well as and some residential uses.



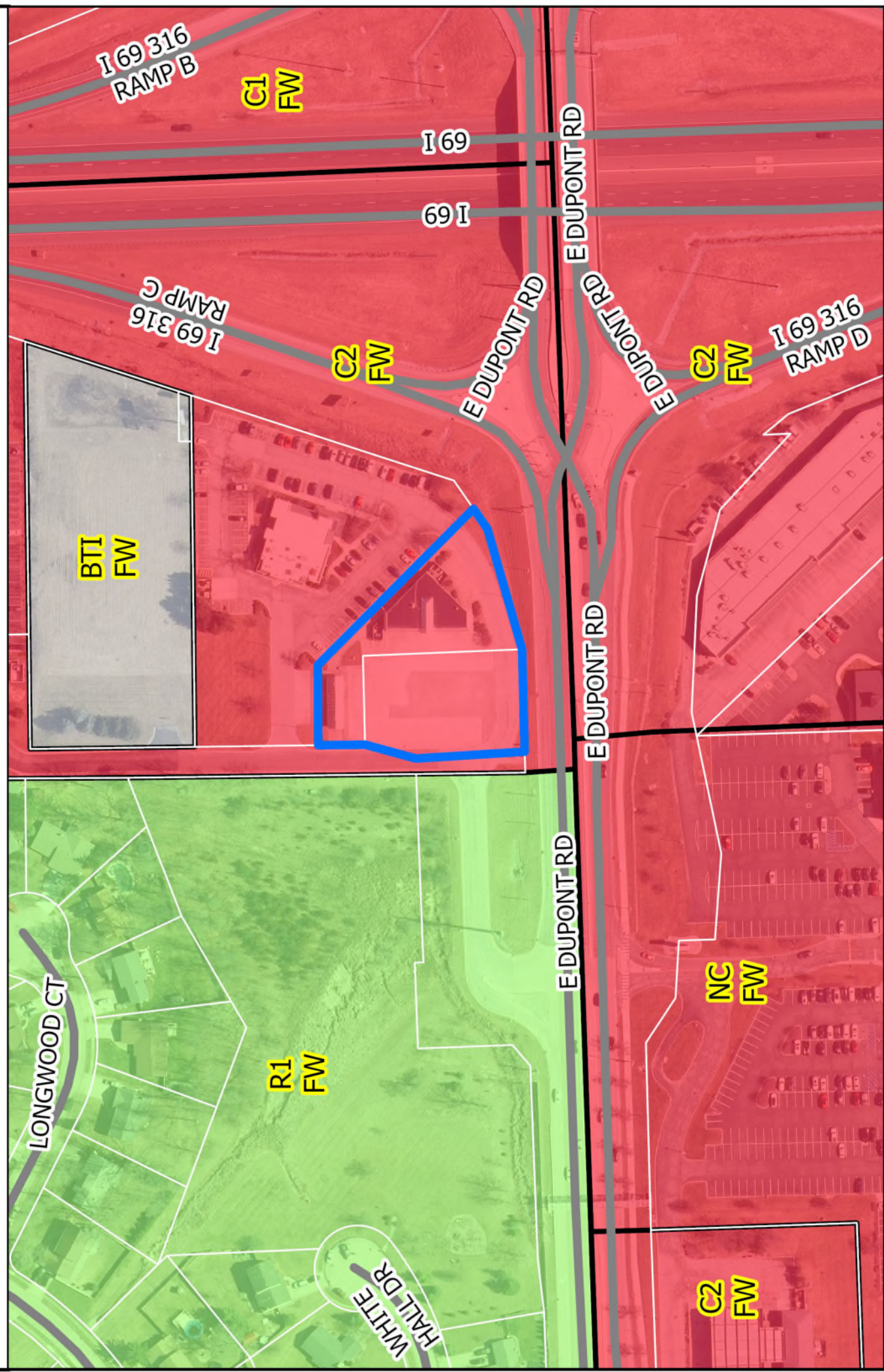
Rezoning Petition REZ-2026-0021 -Dice Automotive



Although every accuracy standard has 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.
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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 4.14.2026



Rezoning Petition REZ-2026-0021 -Dice Automotive



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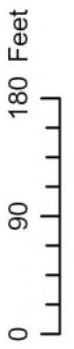
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Rezoning Petition REZ-2026-0021 -Dice Automotive



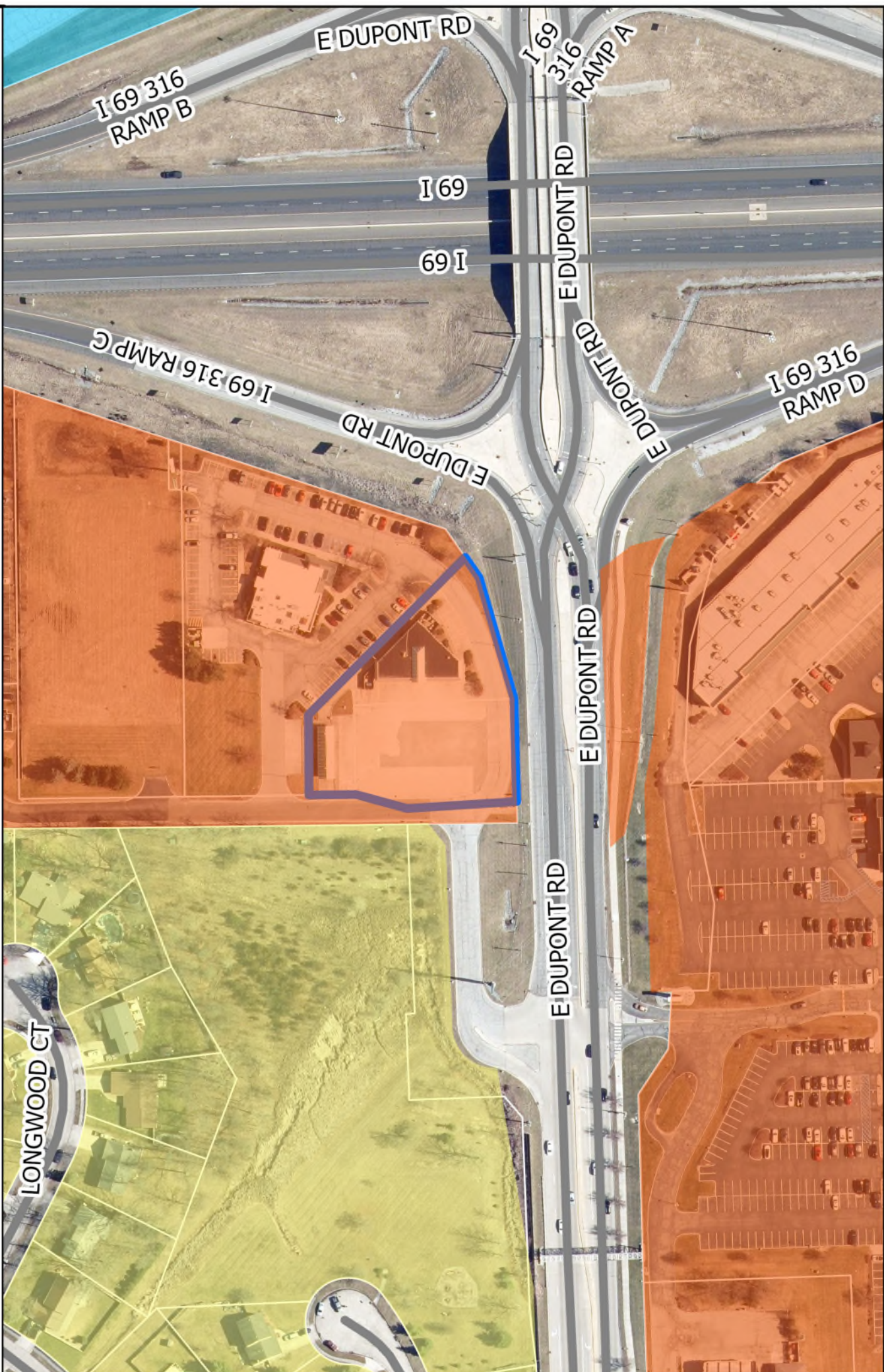
Urban Infill Area



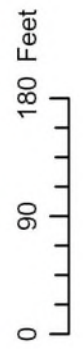
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Rezoning Petition REZ-2026-0021 -Dice Automotive



- Community Commercial
- Institutional
- Suburban Neighborhood



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Legal Description of Real Estate

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PARCEL IV:

A non-exclusive easement for ingress and egress over the land described and shown in that certain Easement Agreement dated June 30, 1986, recorded July 1, 1986, in Instrument No. 86-022891.

Written Commitment

THIS WRITTEN COMMITMENT (“**Commitment**”) is made this _____ day of _____, 2026 by Dice Automotive LLC (the “**Applicant**”), and J & J Realty Co. (the “**Property Owner**”) (the Applicant and the Property Owner, collectively, the “**Declarant**”) under the following circumstances:

WHEREAS, Property Owner is the owner of approximately 1.101 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, Applicant has entered into written agreements with the Property Owner pursuant to which Applicant has contracted to lease the Real Estate from the Property Owner for purposes of operating an automobile sales lot, with said lease including an option to purchase the Real Estate in favor of the Applicant; and

WHEREAS, Declarant has submitted a Rezoning Petition with the City of Fort Wayne Plan Commission (the “**Plan Commission**”), bearing number _____ (the “**Petition**”) with respect to the Real Estate; and

WHEREAS, pursuant to the Petition, Declarant has requested the Real Estate be rezoned from its existing C-2 (Limited Commercial) designation to a C-3 (General Commercial) zoning designation pursuant to the City of Fort Wayne Zoning Ordinance (the “**Ordinance**”) which permits development upon the Real Estate of certain automobile-related uses; and

WHEREAS, Declarant has, in conjunction with the Petition, submitted this Commitment to the Plan Commission, voluntarily, pursuant to section 157.503 of the Ordinance and Indiana Code 36-7-4-1015, for the purpose of limiting certain off-site impacts and certain uses arising from development upon the Real Estate.

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 a portion of the Real Estate.

1. Hours of Operation. Declarant acknowledges and represents that the Applicant intends to maintain and operate an automobile sales lot (the “**Auto-Lot**”) on the Real Estate. Therefore, Declarant hereby commits that the Auto-Lot on the Real Estate shall operate only between the hours of 7:00 am., and 9:00 pm, and at no other times.
2. Outdoor Public Address System. No outdoor public address system, loudspeaker, amplified voice, or similar exterior sound-amplification device shall be installed, operated, or used at or on the Real Estate. All announcements, communications, and

operational activities of the Auto-Lot shall be conducted without the use of any such systems.

3. Flags, Banners, & Similar Features. No flags, banners, pennants, streamers, inflatables, or similar attention-attracting devices shall be installed, displayed, or used at or on the Real Estate.
4. Use Limitations. Subject to the terms and conditions herein contained, only those certain uses described as Specific Permitted Uses for a C-2 zoning district in Section 157.213 of the Ordinance and those certain uses described as Specific Permitted Uses for a C-3 zoning district in Section 157.216 of the Ordinance listed below shall be permitted on the Real Estate:
 1. Automobile accessory store;
 2. Automobile auction;
 3. Automobile maintenance (quick service);
 4. Automobile repair;
 5. Automobile restoration;
 6. Automobile sales;
 7. Motor vehicle repair; and
 8. Motor vehicle sales.
5. Permits. No permits shall be issued under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. Declarant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.
6. Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its/their successors and assigns as owners of the Real Estate.
7. Enforcement Rights. The City of Fort Wayne Zoning Administrator (the “**Zoning Administrator**”) and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall

have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive.

Any violation of this Commitment shall be deemed a violation of the 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 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 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 Ordinance are cumulative, not exclusive.

8. Amendment or Termination. This Commitment may be amended or terminated upon application by any person who owns the Real Estate, or any portion thereof, but only with the prior written approval of the Plan Commission, pursuant to IC 36-7-4-1015 and after conducting a public hearing in accordance with its Rules of Procedure to consider the amendment or termination. After conducting its public hearing, the Plan Commission shall have the sole and absolute discretion whether to modify or terminate this Commitment.
9. Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of the City of Fort Wayne and the Plan Commission.
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 restrictions or covenants 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. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

13. 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

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

“APPLICANT”

Dice Automotive LLC.

BY: _____

PRINTED NAME: _____

TITLE: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2026, personally appeared _____, the _____ of Dice Automotive LLC and acknowledged the execution of the foregoing.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

_____, Notary Public

My Commission Expires: _____

My County of Residence: _____

“PROPERTY OWNER”

J & J REALTY CO.

BY: _____
PRINTED NAME: _____
TITLE: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2026, personally appeared _____, the _____ of J & J Realty Co., and acknowledged the execution of the foregoing.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

_____, Notary Public

My Commission Expires: _____

My County of Residence: _____

THIS INSTRUMENT prepared by Joshua C. Neal, Esq., Barrett McNagny LLP, 215 East Berry Street, Fort Wayne, Indiana 46802.

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. Joshua C. Neal

Exhibit A

Description of the Real Estate

PARCEL I:

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DICE AUTOMOTIVE LLC

BY: _____
PRINTED NAME: TRAVIS DICE
TITLE: OWNER
DATE: APRIL 6, 2016

J & J REALTY CO.

BY: _____
PRINTED NAME: _____
TITLE: _____
DATE: _____

April 7, 2026

Via Hand Delivery

City of Fort Wayne - Allen County
Department of Planning Services
Attn: Michelle Wood, Senior Land Use Planner
200 East Berry Street, Suite 150
Fort Wayne, IN 46802

Re: Dice Automotive LLC // Rezoning Petition Application

Dear Michelle:

On behalf of Dice Automotive LLC ("**Dice**"), please find attached, for your consideration, a complete Rezoning Petition Application package for the property located at 2929 E Dupont Road, Fort Wayne, IN 46825.

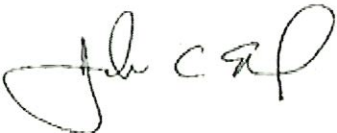
Enclosed are the following:

1. A Rezoning Petition Application, signed by the property owner, Jon R. Lassus on behalf of J & J Realty Co
2. An ALTA/NSPS survey of the subject property
3. A separate legal description of the subject property
4. Exhibit A, which contains responses to the narrative portions of the application
5. Exhibit B, which contains the signature of the applicant, Travis Dice;
6. A draft of a written commitment for the subject property, for your review and consideration; and
7. A check for the filing fee of \$1,250.00

Thank you in advance for your and your staff's attention to the enclosed materials. Should you have any questions, please do not hesitate to contact the undersigned.

Very Truly Yours,

BARRETT McNAGNY LLP



Joshua C. Neal

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 Exhibit A

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

See Exhibit A

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

See Exhibit A

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

See Exhibit A

- (5) Responsible development and growth.

See 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

Purpose of rezoning:

The purpose of this rezoning request is to rezone the subject property from C-2 (Limited Commercial) to C-3 (General Commercial) to permit the operation of an outdoor automobile sales lot. The subject property consists of two contiguous parcels that function together as a single site, and both parcels are included in this request.

The Rezoning Petition Satisfies the:

1. Comprehensive Plan:

The proposed rezoning satisfies and is consistent with the All-In Allen Comprehensive Plan. The subject property is located within an Urban Infill Area, and it is directly adjacent to areas designated on the Plan as Targeted Growth Areas, both of which encourage the continued use, reinvestment, and redevelopment of existing commercial sites. This rezoning will facilitate the reuse of a previously developed commercial property that has remained largely underutilized since the removal of the former gas station. Reestablishing active commercial use at the site aligns with the Plan's goals of promoting infill development and efficient use of existing infrastructure.

Additionally, the Plan's Generalized Future Land Use Map designates the subject area as Community Commercial, which areas are intended to accommodate medium to large clusters of commercial businesses providing "a mix of day-to-day necessities as well as destination-oriented and specialized goods and services." The Plan goes on to specifically list "automobile-related uses" as appropriate for these areas and note that these areas are intended to be located in higher traffic areas. The subject property is located along a heavily traveled commercial corridor near the I-69 interchange, and it is surrounded by established commercial development.

2. Current conditions and the character of current structures and uses in the district:

The subject property is located within and adjacent to some of the busiest commercial corridors in Fort Wayne which are characterized by a wide range of retail, service, and automobile-oriented uses. The site itself is a previously developed commercial property, formerly occupied by a gas station, convenience store, and car wash. The fueling canopy has been removed, but the property retains substantial paved areas and existing commercial improvements that are largely unused. The former convenience store building remains in use as a retail showroom, but the paved lot has remained vacant since the removal of the former gas station. This rezoning would allow the existing structures and improvements at the site to be used for their full potential.

Surrounding properties reflect a mixture of commercial zoning districts, including C-1, C-2, C-3, C-4, and NC, all of which are developed with a variety of retail businesses, restaurants, service providers, and even hotels. While residential zoning exists in the broader area to the west, the

subject property is not directly adjacent to those areas, and the nearby residential properties are separated from the subject property by a heavily wooded area.

3. The most desirable use for which the land in the district is adapted:

The subject property is located along a major commercial corridor near the I-69 interchange and has long been developed and used for intensive commercial purposes, including a gas station, convenience store, and car wash. The existing layout and infrastructure at the site make the property well suited for general commercial use, including automobile sales. Therefore, rezoning the site to C-3 would permit a use that takes advantage of the site's existing qualities while maintaining consistency with its historical uses.

As the Comprehensive Plan describes, this area is intended to accommodate commercial businesses and service providers, including automobile-related uses. The proposed automobile sales lot represents a logical reuse of the site, particularly the large paved area that has remained underutilized since the removal of the former gas station. The use fits the site's existing conditions and does not require major new development. Instead, allowing this use supports reinvestment by placing the property into a commercial use for which it is already well suited.

4. The conservation of property values throughout the jurisdiction:

The subject property is surrounded by considerable and established commercial development. Such development includes retail stores, restaurants, hotels, automobile-related uses, and more. The broader area has long been accustomed to high traffic volumes and intensive commercial activity. The proposed automobile sales use is consistent with these existing conditions and is not expected to cause any material change in traffic patterns or site activity beyond what the area already experiences.

The property previously operated as a gas station and convenience store—uses that typically generate even more traffic and commercial activity than an automobile sales lot. As a result, any impacts associated with commercial development in this area would have occurred long ago and are already reflected in surrounding property values. In fact, reactivating this existing (but currently underutilized) commercial property is not only consistent with the intentions for the area, but it will also serve to reinforce the thriving commercial character of the area and preserve nearby property values.

5. Responsible development and growth:

This rezoning constitutes responsible development and growth by encouraging the reuse of an existing, previously developed commercial property within a active commercial corridor. The site is already served by public infrastructure, has existing access to arterial roadways, and has historically supported commercial uses even more intensive than the one now being proposed. Rezoning the property to C-3 allows it to be placed back into productive use without expanding commercial development into unintended areas.

Moreover, the property has remained largely undeveloped and underutilized for several years. Allowing a use that is consistent with the surrounding commercial area promotes responsible growth by revitalizing an existing site to support economic activity in the area. For these reasons, the requested rezoning represents responsible development and growth in a demonstrably commercial area.