#REZ-2026-0044

BILL NO. Z-26-09-23

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. Z30 (Sec 24 of Saint Joseph Township)

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

SECTION 1. That the area described as follows is hereby designated a 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

COMMENCING AT THE SW CORNER OF THE SE QUARTER, OF THE SW QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY INDIANA, BEING A 1" REBAR (FOUND) IN A MONUMENT BOX 2" BELOW GRADE, ALSO BEING LOCATED IN THE INTERSECTION OF MAYSVILLE ROAD AND STELLHORN ROAD (PUBLIC R/W, WIDTH VARIES), THENCE WITH THE SOUTH LINE OF THE SE QUARTER, OF THE SW QUARTER, OF SECTION 24-31-13 AND STELLHORN ROAD N85° 14' 19" E 102.48' TO A PK NAIL AND DISK (FOUND) ID GOULOFF-JORDAN LEVEL TO SURFACE, THENCE LEAVING SAID SECTION LINE N 4° 46' 48" W 25.01' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE IN THE NORTH R/W LINE OF STELLHORN ROAD AND THE EAST R/W LINE OF MAYSVILLE ROAD, BEING THE SOUTH WEST CORNER OF 9817 STELLHORN ROAD LLC PROPERTY RECORDED IN DOC. 2025049811, THENCE WITH THE EAST R/W LINE OF MAYSVILLE ROAD AND THE WEST LINE OF 9817 STELLHORN ROAD LLC AS FOLLOWS: N 48° 47' 00" W 55.68' TO A 5/8" IRON PIN (FOUND) ID 2500017 LEVEL TO SURFACE, THENCE N 2° 47' 08" W 81.94' TO A 5/8" IRON PIN (FOUND) ID 2500017 LEVEL TO SURFACE, BEING THE SW CORNER OF THE RANDALL G. BRUICK AND WENDY R. BRUICK PROPERTY RECORDED IN (DOC. 86-008833), AND THE NW CORNER OF THE 9817 STELLHORN ROAD LLC PROPERTY RECORDED IN DOC. 2025049811, THENCE CONTINUING WITH THE EAST LINE OF MAYSVILLE ROAD AND THE WEST LINE OF THE BRUICK PROPERTY AS FOLLOWS: N 2° 20' 23" W 152.35' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, THENCE LEAVING THE EAST LINE OF MAYSVILLE ROAD WITH THE NORTH LINE OF THE BRUICK PROPERTY AND THE SOUTH OF WHITE-EXNER ENTERPRISES LLC(DOC 203056579), N 85° 13' 20" E 511.02' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, BEING THE SOUTHEAST CORNER OF WHITE-EXNER ENTERPRISES LLC PROPERTY AND THE WEST LINE OF Lm&A ENTERPRISES LLC/ GRIMMER FAMILY PROPERTY RECORDED

IN DOC. 980010865 ,THENCE WITH THE WEST LINE OF THE Lm&A ENTERPRISES LLC/ GRIMMER FAMILY PROPERTY AND TERRY A. HINES AND MARTIAL L. HINES PROPERTY RECORDED IN DOC. 93-009238 AS FOLLOWS: S 2° 53' 40" E 152.34' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, BEING THE SE CORNER OF THE RANDALL G. AND WENDY R. BRUICK PROPERTY ALSO IN THE WEST LINE OF THE HINES PROPERTY. THENCE CONTINUING WITH THE WEST LINE OF THE HINES PROPERTY S 2° 28' 23" E 122.14' TO A 5/8" IRON PIN (FOUND) ID FIRM 0025 2" BELOW GRADE, BEING THE SW CORNER OF THE HINES PROPERTY IN THE NORTH R/W LINE OF STELLHORN ROAD, ALSO BEING THE SOUTHEAST CORNER OF 9855 STELLHORN ROAD, TRISTON E. AND DAWN M. BOYLES PROPERTY RECORDED IN DOC 2023010371 THENCE WITH THE NORTH R/W LINE OF STELLHORN ROAD AS FOLLOWS: S 85° 13' 08" W 260.35' TO A 5/8" IRON PIN (FOUND) ID 2950017 LEVEL TO GRADE BEING THE SOUTHEAST CORNER OF 9817 STELLHORN ROAD LLC PROPERTY AND THE SOUTHWEST CORNER OF THE BOYLES PROPERTY, THENCE S 85° 16' 00" W 211.40' TO THE POINT OF BEGINNING CONTAINING 3.205 ACRES ±

and the symbols of the City of Fort Wayne Zoning Map No. Z30 (Sec 24 of Saint Joseph 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-2026-0044
Bill Number:	Z-26-09-23
Council District:	1 – Paul Ensley

Introduction Date:	September 22, 2026
Plan Commission Public Hearing Date:	October 12, 2026 (not heard by Council)
Next Council Action:	Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance:	To rezone approximately 3.20 acres from R1/Single Family Residential to C3/General Commercial
Location:	9817 Stellhorn Rd (Sec 24 of Saint Joseph Township)
Reason for Request:	To permit a gas station and convenience store
Applicant:	Brightwork Real Estate LLC
Property Owner:	9817 Stellhorn Road LLC, Tristan Boyes, Dawn Boyes, Randal Bruick

Related Petitions:	Primary Development Plan PDP-2026-0022 – Gas Station/C-Store

Effect of Passage:	Property will be rezoned to the C3/General Commercial zoning district, which would permit for a gas station and convenience store.
Effect of Non-Passage:	Property will remain zoned R1/Single Family Residential, which would not permit a gas station and convenience store. The site may continue with existing or non-conforming uses, and may be redeveloped with similar Single Family Residential uses.

Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 - Gas Station/C-Store

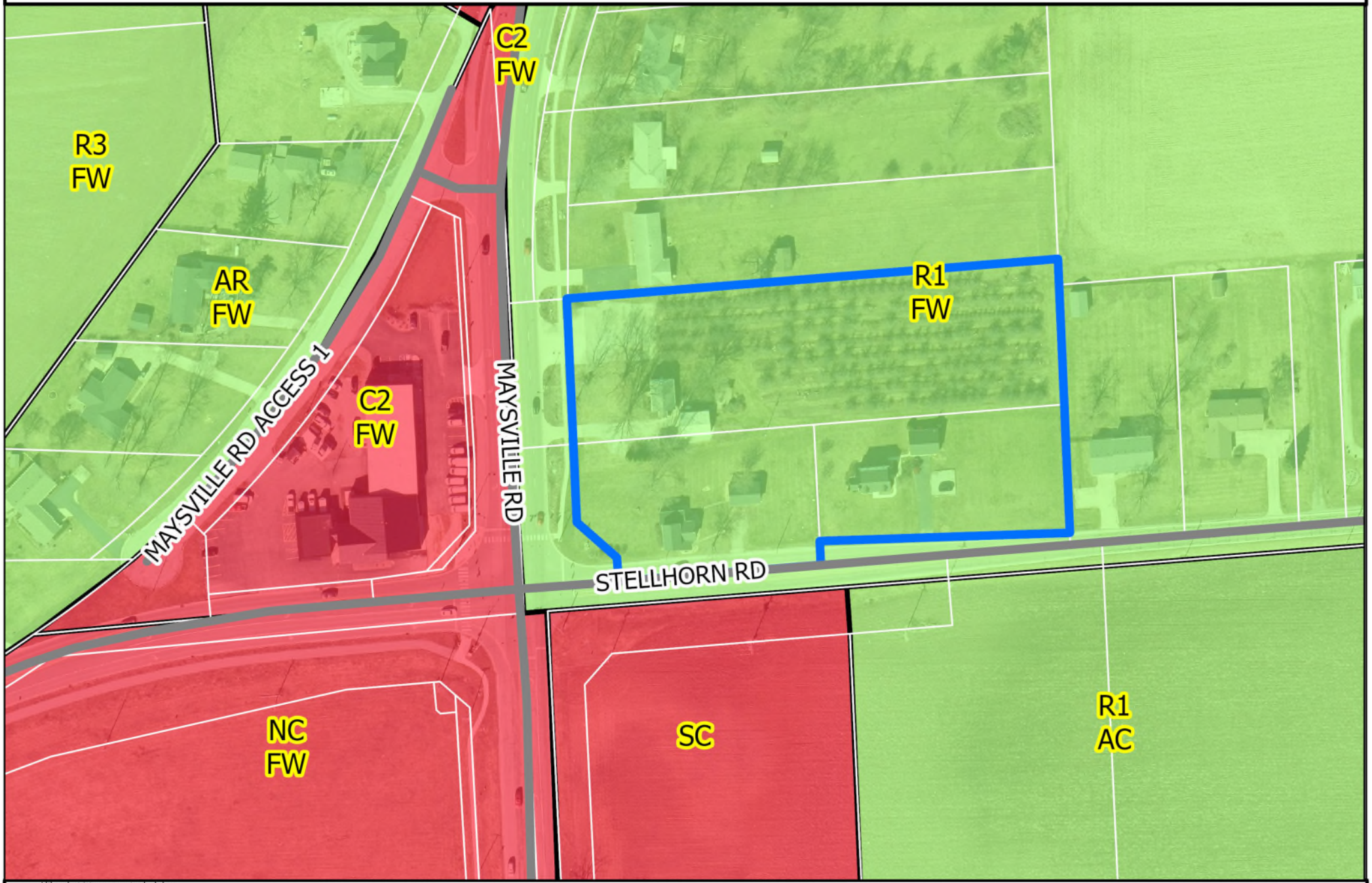


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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 9/8/2026

0 80 160 Feet

N

Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 - Gas Station/C-Store



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0 80 160 Feet

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Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 - Gas Station/C-Store



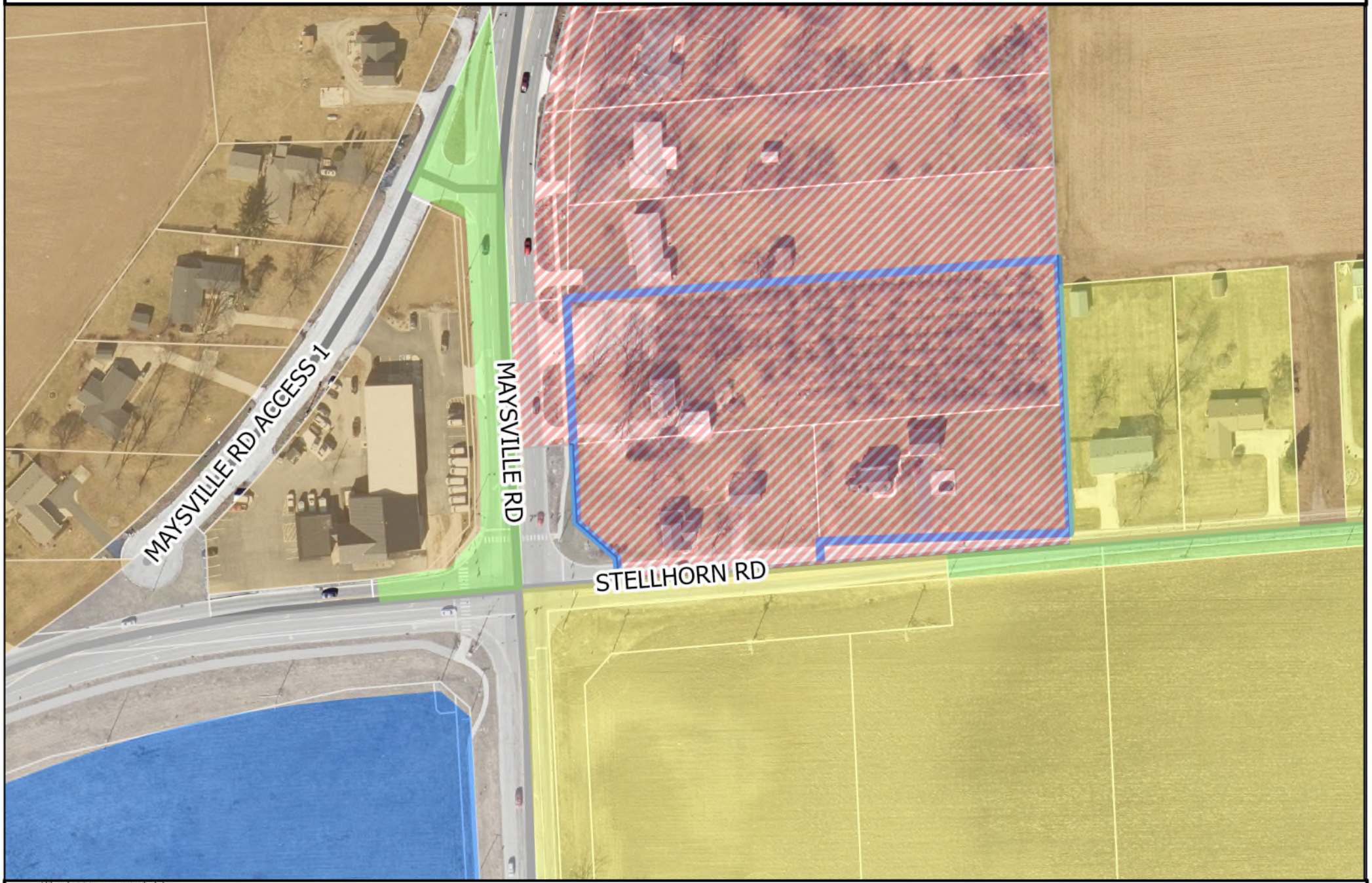
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0 80 160 Feet

Targeted Growth Area
Urban Infill Area

N

Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 - Gas Station/C-Store

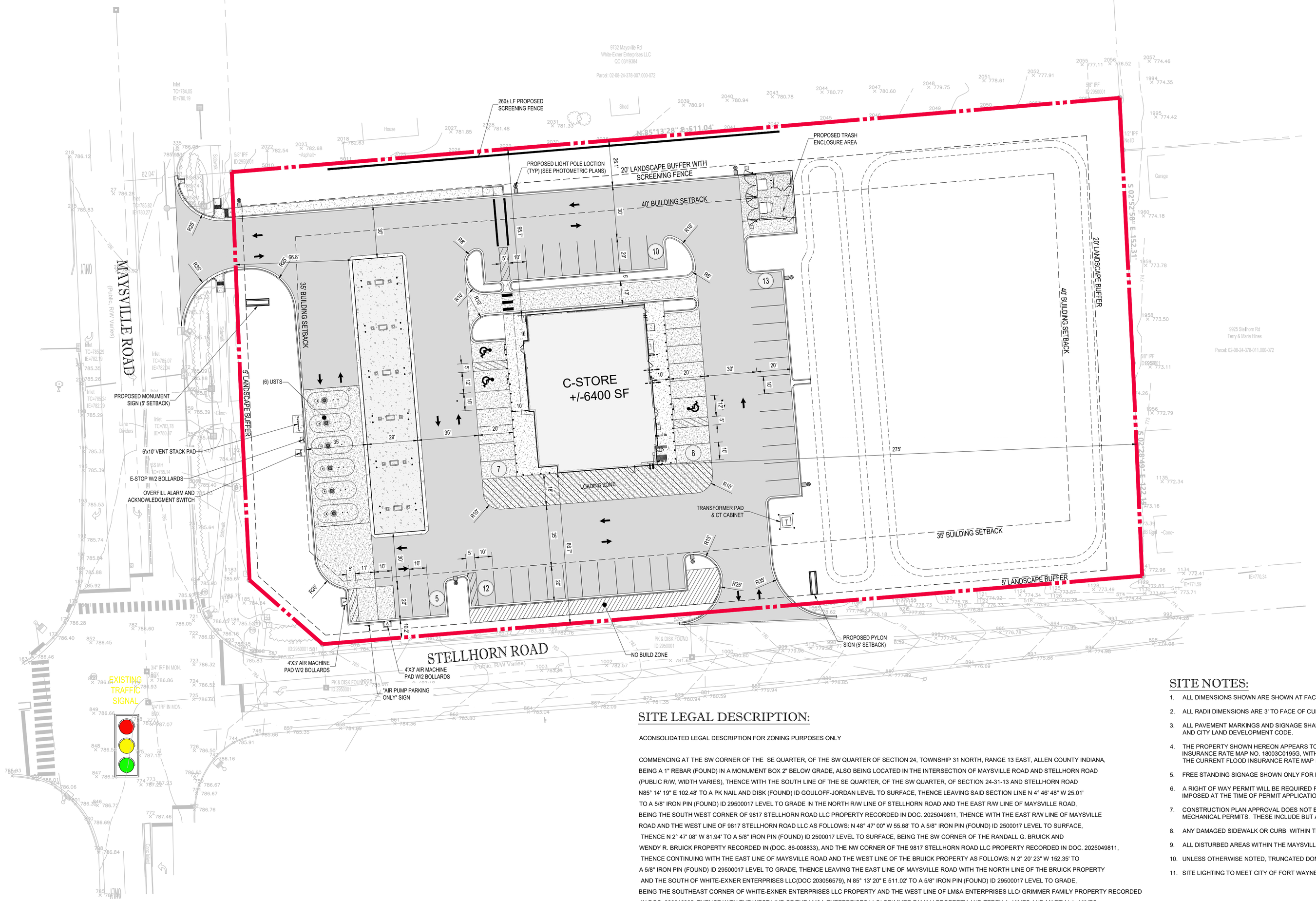


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Photos and Contours: Spring 2009
Date: 9/8/2026

0 80 160 Feet

- Business and Office Park
- Mixed Residential
- Mixed Suburban Commercial Corridor
- Rural Agricultural
- Suburban Neighborhood
- <all other values>

N



LEGEND

TYPICAL NOTE TEXT	NOTE
ONSITE PROPERTY LINE / R.O.W. LINE	
PROPOSED LANDSCAPE BUFFER	
PROPOSED BUILDING SETBACK	
CANOPY OUTLINE	
PROP. PARKING COUNT	5
PROP. SIGN	
PROP. DETECTABLE WARNING SURFACE	
PROP. BUILDING COVERAGE	
PROP. BUILDING OUTLINE	
PROPOSED 4" CONCRETE SIDEWALK	
PROPOSED ASPHALT PAVEMENT	
PROPOSED 6" STANDARD CONCRETE PAVING	
PROPOSED 8" HEAVY DUTY CONCRETE PAVING	
PROPOSED DIRECTIONAL ARROW	
PROPOSED LIGHT POLE LOCATION	

SITE DATA TABLE

SITE ADDRESS	MAYSVILLE RD & STELLHORN RD, FORT WAYNE IN
JURISDICTION	CITY OF FORT WAYNE
SITE AREA	+/- 3.20 AC
BUILDING	+/- 6400 SF
CANOPY TYPE	STRAIGHT 6
CURRENT ZONING	R1
PROPOSED ZONING	C-3 (RESTRICTED TO C-2 USES WITH FUEL)
OVERLAY DISTRICT	NO
ALLOWED USE	YES - CONVENIENCE STORE WITH FUEL
SUP OR CUP	NO
FRONT SETBACK (ROW)	35'
SIDE SETBACK	40' ADJ RES
REAR SETBACK	40' ADJ RES
FLOOR AREA RATIO	N/A
TOTAL PARKING	55 SPACES

SITE LEGAL DESCRIPTION:

ACONSOLIDATED LEGAL DESCRIPTION FOR ZONING PURPOSES ONLY

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THIS PROPERTY BEING DESCRIBED IS RECORDED IN ALLEN COUNTY INDIANA PER RECORD DOCUMENTS:
TRISTAN E. BOYLES & DAWN M. BOYLES DOC. 2023010371
RANDALL G. BRUICK & WENDY R. BRUICK DOC 86-008833
9817 STELLHORN ROAD LLC DOC. 2025049811

SITE NOTES:

1. ALL DIMENSIONS SHOWN ARE SHOWN AT FACE OF CURB, UNLESS OTHERWISE NOTED. B/C INDICATES DIMENSION IS TO BACK OF CURB.
2. ALL RADII DIMENSIONS ARE 3' TO FACE OF CURB UNLESS OTHERWISE NOTED.
3. ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE "CITY OF FORT WAYNE, ENGINEERING DRAWINGS," LATEST EDITION; AND CITY LAND DEVELOPMENT CODE.
4. THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 18003C0195D, WITH AN EFFECTIVE DATE OF AUGUST 3, 2009, IN THE CITY OF FT WAYNE, STATE OF INDIANA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
5. FREE STANDING SIGNAGE SHOWN ONLY FOR REPRESENTATIONAL PURPOSES, AND SHALL BE PERMITTED SEPARATELY.
6. A RIGHT OF WAY PERMIT WILL BE REQUIRED FOR ALL WORK WITHIN THE PUBLIC RIGHT OF WAY. SPECIFIC STIPULATIONS OR CONDITIONS WILL BE IMPOSED AT THE TIME OF PERMIT APPLICATION.
7. CONSTRUCTION PLAN APPROVAL DOES NOT EXEMPT THE CONTRACTOR FROM OBTAINING THE REQUIRED BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL PERMITS. THESE INCLUDE BUT ARE NOT LIMITED TO ANY STRUCTURE, SIGN, WALL, ENCLOSURE OR SCREENING, ETC
8. ANY DAMAGED SIDEWALK OR CURB WITHIN THE MAYSVILLE STREET R.O.W. SHALL BE REMOVED AND REPLACED.
9. ALL DISTURBED AREAS WITHIN THE MAYSVILLE AND STELLHORN ROAD R.O.W. WILL BE SODDED.
10. UNLESS OTHERWISE NOTED, TRUNCATED DOMES SHALL BE RED IN COLOR.
11. SITE LIGHTING TO MEET CITY OF FORT WAYNE STANDARDS, MAX MOUNTING HEIGHT OF 25' ADJACENT TO RESIDENTIAL

ADA ACCESSIBILITY NOTES:

1. ALL HANDICAPPED PARKING SPACES AND ACCESS AISLES ADJACENT TO THE HANDICAP PARKING SPACES SHALL HAVE A MAXIMUM OF 2% SLOPE IN ALL DIRECTIONS (THIS INCLUDES RUNNING SLOPE AND CROSS SLOPE).
2. AN ACCESSIBLE ROUTE FROM THE PUBLIC STREET OR SIDEWALK TO ALL BUILDING ENTRANCES MUST BE PROVIDED. THIS ACCESSIBLE ROUTE SHALL BE A MINIMUM OF 60" WIDE. THE RUNNING SLOPE OF AN ACCESSIBLE ROUTE SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%.
3. SLOPES EXCEEDING 5% BUT LESS THAN 8% WILL REQUIRE A RAMP AND MUST CONFORM TO THE REQUIREMENTS FOR RAMP DESIGN (HANDRAILS, CURBS, LANDINGS). NO RAMP SHALL EXCEED AN 8% RUNNING SLOPE OR 2% CROSS SLOPE.
4. IN THE CASE THAT A NEW SIDEWALK WILL BE CONSTRUCTED IN THE RW OF A SITE THE RUNNING SLOPE OF THE SIDEWALK SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%. THIS STANDARD APPLIES TO CROSS WALKS IN THE DRIVEWAY AS WELL AND WILL REQUIRE SPECIAL ATTENTION DURING STAKING TO MAKE SURE THE 2% CROSS SLOPE IS MET IN THE CROSS WALK.
5. IT WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO ENSURE THAT THE HANDICAP PARKING SPACES, ACCESSIBLE ROUTES, AND SIDEWALKS/CROSSWALKS ARE CONSTRUCTED TO MEET ADA REQUIREMENTS.
6. ANY REQUIREMENTS LISTED ABOVE THAT CAN NOT BE MET SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. ANYTHING NOT BUILT TO THE ABOVE STANDARDS WILL REQUIRE REMOVAL AND REPLACEMENT OF THE NON COMPLIANT AREAS AT THE GENERAL CONTRACTORS COST.

TRIPOINTE
18703 CHAVILLE ROAD
LUTZ, FL 33558
Phone: (813) 690-3759
BUSINESS CERT. OF AUTH. No. 37992

KNOW WHAT'S BELOW ALWAYS CALL 811 **BEFORE YOU DIG**
It's fast. It's free. It's the law.

N
W E
S
30 15 7.5 0 30
1"= 30'

REVISIONS

REV	DATE	COMMENT	BY

PROJECT No.: 2026013
DRAWN BY: JGL
CHECKED BY: JGL
DATE: 08/29/2026
SCALE: AS SHOWN

PERMIT SET

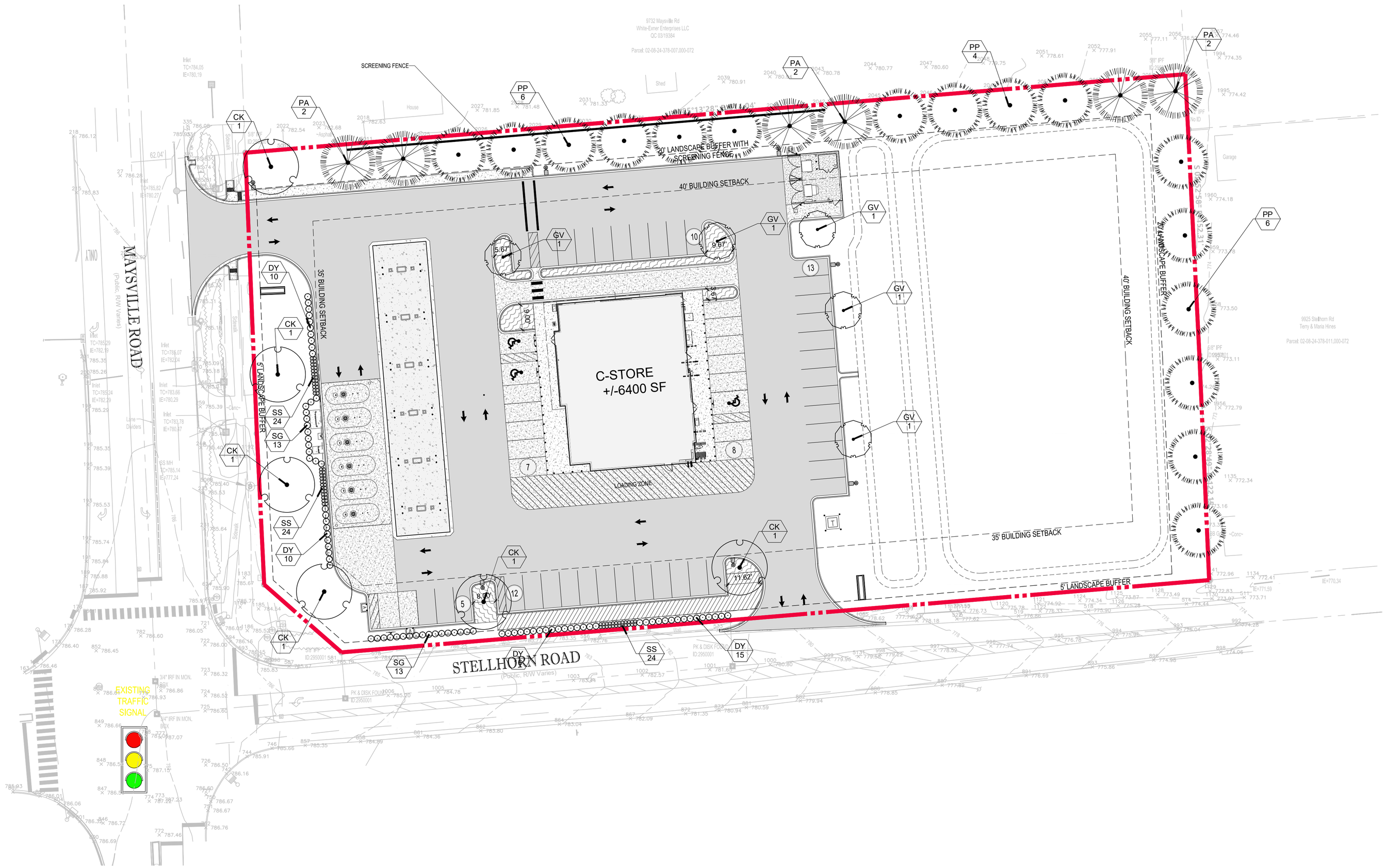
PROJECT:
C-STORE
FOR
BRIGHTWORK

LOCATION OF SITE
9720 MAYSVILLE ROAD
FT. WAYNE, IN 46815

brightwork real estate

SHEET TITLE:
SITE LAYOUT PLAN

SHEET NUMBER:
C3.0



GENERAL LANDSCAPE NOTES

1. ALL TOPSOIL SHALL BE A MINIMUM 4" IN ALL SOD AREAS AND 10"- 12" IN TREE, SHRUB AND GROUND COVER BEDS, INCLUDING PARKING LOT ISLAND BEDS, AND IT SHALL BE APPROVED BY A CONSTRUCTION REPRESENTATIVE, PRIOR TO INSTALLATION. PLANTING BEHIND PERIMETER CURBING IS TO BE LOCATED A MINIMUM OF 5' BEHIND THE CURB LINE.
2. ALL LANDSCAPE AND GRASS AREAS ARE TO BE HAND RAKED AND LEFT CLEAR OF ALL STONES, ROCK, CONSTRUCTION DEBRIS AND ANY UNSUITABLE MATERIALS.
3. ALL LANDSCAPE AND GRASS AREAS ARE TO BE IRRIGATED BY AUTOMATIC SPRINKLER SYSTEM. (SEE IRRIGATION SPECIFICATION.)
4. LANDSCAPE CONTRACTOR WILL LOCATE ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION AND PLANTING INSTALLATION.
5. ALL AREAS TO BE LANDSCAPED OR COVERED WITH STONE MUST BE TREATED WITH A PRE-EMERGENCE HERBICIDE (SURFLAN, DACTAL OR APPROVED EQUAL) IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE REGULATIONS AND THE MANUFACTURER'S INSTRUCTIONS.
6. MULCH BEDS ARE TO BE DELINEATED WITH HAND OR MACHINE DUG SHOVEL EDGING.
7. RIVER ROCK BEDS ARE TO BE DELINEATED WITH 5 ½" ALUMINUM LANDSCAPE EDGING, STAKED AT 3' INTERVALS. ALUMINUM EDGING IS TO BE CLEANLINE 3/16" X 5 ½" X 16' BY PERMALOC, (800-356-9660,//WWW.PERMALOC.COM) FOLLOW MANUFACTURERS INSTALLATION DIRECTIONS INCLUDED AT THE END OF THIS SECTION.
8. LANDSCAPE CONTRACTOR TO SUPPLY AND INSTALL A PERVIOUS WEED BARRIER (DEWITT, DUPONT OR APPROVED EQUAL) IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS WITHIN ALL LANDSCAPES, INCLUDING STONE AND MULCH BEDS. ALL WEED BARRIER WILL BE OVERLAPPED A MINIMUM OF 6"AT ALL AT PLANT LOCATIONS. BARRIER SHOULD BE CUT IN AN "X" PATTERN SO TO ACCOMMODATE ROOT BALL AND REPLACED AFTER PLANT HAS BEEN INSTALLED.
9. WEED BARRIER SHALL NOT BE VISIBLE IN AREAS DESIGNATED FOR STONE MULCH. WHEN STONE IS CALLED FOR ADJACENT TO CURB OR SIDEWALKS, IT SHALL BE FEATHERED DOWN TO CURB LEVEL FROM A DISTANCE 24" FROM THE CURB.
10. ALL PROPOSED LANDSCAPING TO BE NURSERY GROWN, TYPICAL OF THEIR SPECIES OR VARIETY; THEY ARE TO HAVE NORMAL VIGOROUS ROOT SYSTEMS, FREE FROM DEFECTS AND INFECTIONS AND IN ACCORDANCE WITH ANSI Z60.1
11. ALL PROPOSED PLANTINGS SHOULD BE INSTALLED PER STANDARDS OF THE "AMERICAN ASSOCIATION OF NURSERYMEN" AND STATE NURSERY LANDSCAPE ASSOCIATIONS WITH REGARD TO PLANTING, PIT SIZE, BACKFILL MIXTURE, STAKING AND GUYING.
12. ALL PLANTING CONTAINERS AND BASKETS SHALL BE REMOVED DURING PLANTING. ALL PLANTS SHALL BE SET PLUMB AND POSITIONED TO BEST ADVANTAGE. ALL BURLAP, TWINE AND WIRE BASKETS SHALL BE REMOVED FROM THE TOP HALF OF THE ROOT BALL AND BACKFILL IN 6 INCH LAYERS AND COMPACT BACKFILL TO ELIMINATE VOIDS. CONTRACTOR SHALL PROVIDE A FOURINCH HIGH EARTHEN WATERING SAUCER ALONG THE PERIMETER OF EACH PLANTING PIT. CONTRACTOR SHALL WATER NEWLY PLANTED VEGETATION PRIOR TO MULCHING PLANTING PIT. ALL VOIDS SHALL BE FILLED AND SETTLING MITIGATED AS REQUIRED. ALUMINUM EDGING SHALL BE INSTALLED AROUND ALL PLANTING AREAS TO DELINEATE BETWEEN DIFFERENT LANDSCAPE MATERIALS.
13. AFTER INITIAL WATERING AND PRIOR TO MULCHING, CONTRACTOR SHALL APPLY HERBICIDES AND PRE-EMERGENT HERBICIDES AS REQUIRED TO ELIMINATE ANY WEED SEEDS OR PLANTS PRESENT ON ROOT BALL.
14. ALL PLANTING BEDS AND PITS EXCEPT FOR LANDSCAPE ISLANDS ADJACENT TO THE BUILDING AND DESIGNATED AREA AT THE FUEL VENT STACKS, SHALL BE MULCHED WITH DOUBLE GROUND HARDWOOD MULCH AT A MINIMUM DEPTH OF 3". LANDSCAPE ISLANDS ADJACENT TO TANK MAT SHALL BE MULCHED WITH 1"-3" RIVER STONE" MULCH TO AT LEAST A DISTANCE OF 5' FROM THE TANK MAT AND VENT STACK. FOR LANDSCAPES ADJACENT TO BUILDING, CONTACT THE PROJECT ENGINEER.

GENERAL IRRIGATION NOTES:

1. ONE HUNDRED (100) PERCENT AUTOMATIC IRRIGATION SYSTEMS SHALL BE REQUIRED. THIS SITE WILL UTILIZE WELL WATER.
2. EXISTING PLANT COMMUNITIES AND ECOSYSTEMS MAINTAINED IN A NATURAL STATE DO NOT GENERALLY REQUIRE SUPPLEMENTAL IRRIGATION.
3. RAIN OR MOISTURE SENSING SHUT-OFF DEVICES SHALL BE INSTALLED WITH ANY IRRIGATION SYSTEM. DRIP OR MICROJET IRRIGATION SHALL BE USED WHERE POSSIBLE. LOW TRAJECTORY SPRAY NOZZLES ARE ENCOURAGED.
4. ALL IRRIGATION SYSTEMS SHALL USE THE LOWEST QUALITY WATER AVAILABLE WHICH ADEQUATELY AND SAFELY MEETS THE WATER NEEDS OF THE SYSTEM. STORMWATER REUSE, RECLAIMED WATER AND GRAY WATER IRRIGATION SYSTEMS SHALL BE USED WHERE FEASIBLE. SHALLOW WELLS AND WET RETENTION/DETENTION PONDS SHALL ALSO BE USED AS AN ALTERNATIVE TO POTABLE WATER.
5. AN IRRIGATION PLAN SHALL BE PROVIDED SHOWING THE LOCATION OF THE WATER SOURCE AND SIZE OF WELL (IF APPLICABLE), BACKFLOW PREVENTER (IF APPLICABLE), THE LOCATION OF IRRIGATION HEADS, DRIP LINES, WATER LINES OR OTHER ITEMS THAT WILL SHOW THAT ONE HUNDRED (100) PERCENT AUTOMATIC IRRIGATION IS SERVING ALL REQUIRED LANDSCAPE AREAS ON THE PLAN.

GENERAL INSTALLATION NOTES:

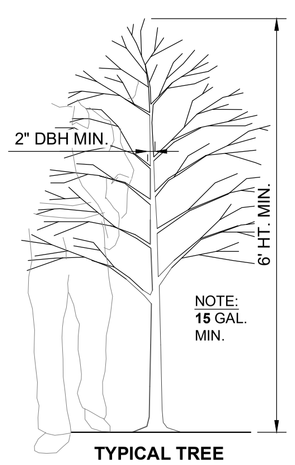
1. INSTALLATION SHALL BE COMPLETE AT THE TIME OF FINAL INSPECTION, EXCEPT AS PROVIDED OTHERWISE.
2. PROPERTY OWNER SHALL MAINTAIN LANDSCAPING AND SCREENING FOR THE LIFE OF THE PROJECT.
3. REQUIRED PLANT MATERIALS WHICH ARE REMOVED OR DIE SHALL BE REPLACED WITHIN THIRTY (30) DAYS.
4. UNDERSTORY GROWTH AND THE NATURAL FUNCTION OF THE AREA SHALL BE MAINTAINED.
5. INSTALLATION SHALL BE IN A SOUND, PROFESSIONAL MANNER.
6. REQUIRED LANDSCAPING SHALL BE MAINTAINED AND PRUNED IN A MANNER THAT PRESERVES THE NATURAL SHAPE AND GROWTH CHARACTERISTICS OF THE SPECIES. PRUNING THAT "HATRACKS" OR "LOLLIPOPS" CANOPY TREES IS PROHIBITED WITHOUT PRIOR APPROVAL OF THE PLANNING DIRECTOR OR BOARD OF COUNTY COMMISSIONERS.

STANDARD ABBREVIATIONS:

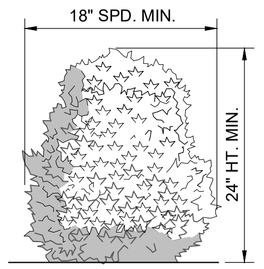
AS	=	SPACE AS SHOWN ON PLAN
B&B	=	BALLED AND BURLAPPED
CAL	=	CALIPER (TRUNK DIAMETER @ 6" ABOVE GROUND FOR TREES UP TO 4" IN CALIPER; 12" ABOVE GROUND FOR TREES LARGER THAN 4" IN CALIPER)
CLR	=	CLEARANCE
CPZ	=	CRITICAL PROTECTION ZONE
CT	=	CANOPY TREE
CW	=	CLEAR WOOD
DBH	=	DIAMETER AT BREAST HEIGHT (TYPICALLY 4.5' ABOVE GROUND)
FT	=	FEET
GAL	=	GALLON(S) CONTAINER SIZE
HT	=	OVERALL TREE HEIGHT
LDC	=	LAND DEVELOPMENT CODE
LF	=	LINEAR FEET
LSP	=	LANDSCAPE PLAN
MAX	=	MAXIMUM
MIN	=	MINIMUM
N/A	=	NOT APPLICABLE
OC	=	SPACE ON CENTER (CENTER TO CENTER)
P	=	PALM TREE
REQ'D	=	REQUIRED
SF	=	SQUARE FEET
SP	=	SITE PLAN
SPD	=	CROWN SPREAD DIAMETER
ST	=	SHADE TREE
TYP	=	TYPICAL
UT	=	UNDERSTORY TREE
VUA	=	VEHICULAR USE AREA

NOTE: THE OWNER OR TENANT SHALL PROVIDE ADEQUATE SOIL, WATER, OR OTHER PLANT NEEDS TO SUSTAIN HEALTHY GROWTH AND MATURITY OF PLANT SPECIES. DISEASE OR INSECT INFESTATION SHALL BE MONITORED AND TREATED BY THE TENANTS OR OWNER. DEAD OR DISEASED LANDSCAPE PLANTINGS SHALL BE REMOVED AND REPLACED BY THE TENANT OR PROPERTY OWNER.

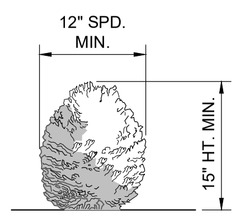
Always call 811 two full business days before you dig to have underground utilities located and marked.



TYPICAL TREE MINIMUM SIZE AT TIME OF PLANTING



TYPICAL BUFFER SHRUB MINIMUM SIZE AT TIME OF PLANTING



TYPICAL SHRUB MINIMUM SIZE AT TIME OF PLANTING

*** NOTE: TREES AND SHRUBS MUST MEET MINIMUM SIZING SPECIFICATIONS AT TIME OF PLANTING. SINCE DIFFERENT SPECIES GROW AT DIFFERENT RATES, THE CONTRACTOR MUST ENSURE THAT PLANTS MEET THESE REQUIREMENTS EVEN IF UPSIZING OF PLANTS IS REQUIRED.**

PLANT_SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
TREES						
	CK	6	CLADASTRIS KENTUKEA	AMERICAN YELLOWWOOD	2" CAL.	B&B
	PA	6	PICEA ABIES	SERBIAN SPRUCE	7' HGT.	B&B
	PP	16	PICEA PUNGENS	COLORADO BLUE SPRUCE	7' HGT.	B&B
	GV	5	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVA	2" CAL.	B&B
		33	SUBTOTAL:			
SHRUBS						
	SS	90	PANICUM V. 'SHENADOAH'	SHENADOAH SWITCHGRASS	CLUMP	NO. 2 CONT.
	DY	51	TAXUS DENSIFORMIS	DENSE YEW	24" SPR.	B&B
	SG	26	JUNIPERUS CH. 'SEA GREEN'	SEA GREEN JUNIPER	24" SPR.	B&B
		167	SUBTOTAL:			
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
GROUND COVERS						
	HC	125	HYPERICUM CALYCINUM	CREEPING ST. JOHN'S WORT	1 GAL.	POT
		125	SUBTOTAL:			

TRIPOINTE
18703 CHAVILLE ROAD
LUTZ, FL 33558
Phone: (813) 690-3759
BUSINESS CERT. OF AUTH.
No. 37992

811
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N
W E
S

30 15 7.5 0 30
1"= 30'

REVISIONS

REV	DATE	COMMENT	BY

PROJECT No.: 2026013
DRAWN BY: JGL
CHECKED BY: JGL
DATE: 08/29/2026
SCALE: AS SHOWN

PERMIT SET

PROJECT:
C-STORE
FOR
BRIGHTWORK

LOCATION OF SITE
9720 MAYSVILLE ROAD
FT. WAYNE, IN 46815

brightwork real estate

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
C6.0

Docusign Envelope ID: F7F5CDBD-5B8A-86A4-8237-C94D362B08DA

Department of Planning Services
Rezoning Petition Application

Applicant

Applicant Brightwork Real Estate, LLC

Address 3708 W. Swann Ave., Suite 200

City Tampa State FL Zip 33609

Telephone 260.316.4302 E-mail rcarlson@brightworkre.com

Property Ownership

Property Owner See attached Exhibit "A"

Address

City State Zip

Telephone E-mail

Contact Person

Contact Person Scott M. Federoff, Federoff Law LLC

Address 14033 Illiinois Road

City Fort Wayne State IN Zip 46814

Telephone 260-602-8000 E-mail smf@federoff-law.net

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 9817 Stellhorn Road, Ft. Wayne, IN 46815 Township and Section St. Joseph/24

Present Zoning R1 Proposed Zoning C3 Acreage to be rezoned 3.20

Purpose of rezoning (attach additional page if necessary) To allow the development and construction of a gas station and convenience store.

Sewer provider City of Fort Wayne Water provider City of Fort Wayne

Filing Checklist

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

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

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

Brightwork Real Estate, by Ronnie Carlson, Partner	Signed by: 9E7C33BCC85248F...	August 31, 2026
(printed name of applicant)	(signature of applicant)	(date)
See Attached Exhibit "A"		
(printed name of property owner)	(signature of property owner)	(date)

Received	Receipt No.	Hearing Date	Petition No.

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;

The Future Growth and Development Map of the All In Allen Comprehensive Plan identifies the subject property as an "Urban Infill Area" and the Preferred Growth Approach Map as an area of "Mixed Suburban Commercial Corridor." Both plan objectives are met by the proposed rezoning to allow C3 uses, in conjunction with a Written Commitment, as done with similarly situated rezonings, which will serve the established and planned residential developments in the area.

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

The existing frontage along the west side of Maysville Road is an established a commercial district (C2), where C R Carpet is located. The property to the southwest of the intersection is an established commercial zoning district (NC), which includes a Marathon gas station and the hard corner is owned by Parkview Health Systems, Inc. The property immediately to the south was recently rezoned to SC, which further expanded the commercial district in this area where a proposed Casey's gas station will be located. The proposed rezoning is a logical extension of this pattern of development, as the last non-commercial corner of this intersection.

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

Commercial zoning is the most desirable use of the subject property with frontage along a major roadway (Maysvile Road) since this area has increased visibility, accessibility, and pedestrian traffic, which translates to higher potential for business and investment.

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

The location of the subject property is adjacent to existing and future commercial uses insures that this rezoning will conserve, if not enhance, the use and value of the properties in the immediate area.

(5) Responsible development and growth.

This petition is consistent with the additional growth and development occurring in this area of Fort Wayne and Allen County. Fort Wayne City Utilities are available at the property lines to serve the intended development as necessary for responsible development and growth.

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*

Docusign Envelope ID: E8E677B8-6699-8D06-8203-CC1274345326

Exhibit "A"
Property Owners

9817 Stellhorn Road LLC
2816 Covington Reserve Parkway
Fort Wayne, IN 46804
Telephone: 260.615.7271
Email: bstinson@stinsonteam.com

9817 Stellhorn Road LLC

By: Signed by: Brad Stinson 59B95446A56B4A8... Date: August 20, 2026
Bradly Stinson, Member

Tristan E. Boyes and Dawn M. Boyles
9855 Stellhorn Road
Fort Wayne, IN 46815
Telephone: _____
Email: _____

Signed by: F4B26E771D224DB... Date: August 20, 2026
Tristan E. Boyes

DocuSigned by: 30CD42301C0A44B... Date: August 20, 2026
Dawn M. Boyes

Randall G. Bruick
9720 Stellhorn Road
Fort Wayne, IN 46815
Telephone: 260.704.1783
Email: wbruick@yahoo.com

Signed by: Randall Bruick D2FA8BC4EC8B453... Date: August 20, 2026
Randall G. Bruick

FACT SHEET

Case #REZ-2026-0044 Bill # Z-26-09-23 Project Start: September 2026

PROPOSAL:	Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 – Gas Station/C-Store
APPLICANT:	Brightwork Real Estate LLC
REQUEST:	Rezone from R1/Single Family Residential to C3/General Commercial to permit a Gas Station and Convenience Store
LOCATION:	9817 Stellhorn Rd (Sec 24 of Saint Joseph Township)
LAND AREA:	3.20 acres
PRESENT ZONING:	R1/Single Family Residential
PROPOSED ZONING:	C3/General Commercial
Council District:	1 – Paul Ensley

October 12, 2026 Public Hearing

- No one spoke in support.
- No letters were sent in support.
- Seven people spoke in opposition.
- Two letters were sent in opposition.
- Paul Sauerteig, Scott Myers, and Karen Richards were absent.

October 19, 2026 Business Meeting

Plan Commission Recommendation: DO PASS with Written Commitment

A motion was made by Rachel Tobin-Smith and seconded by Ryan Neumeister, to return the ordinance with a Do Pass recommendation with a written commitment to Common Council for their final decision.

7-0 MOTION PASSED

- Paul Sauerteig and Karen Richards were absent.

Fact Sheet Prepared by:
Katelyn Bultemeier, Associate Land Use Planner
November 19, 2026

PROJECT SUMMARY

DISCUSSION

The site is located on the northeast corner of Stellhorn Road and Maysville Road. The applicant is requesting to rezone to C3/General Commercial to allow for a gas station and convenience store. This site has contained a homestead since the mid 1930's, according to GIS aerial photography. There is C2/Limited Commercial zoning to west where a flooring company operates. The zoning to the north and east is R1/Single Family Residential, with single-family residential dwellings on unplatted metes and bounds parcels. To the south there is SC/Shopping Center zoning where a rezoning and primary development plan was approved for a gas station and convenience store in 2025.

The proposed development plan consists of a 6,400 square foot convenience store, a gas canopy and six (6) dispensers. The plan shows two access points: one along Maysville Road with a right-in, right-out access point, and one on Stellhorn Road, also right-in, right-out only. Parking is available on all sides of the property. The plan proposes a storm water basin on the east of the property. Applicant intends to meet all landscaping standards including a solid fence along the north property line to enhance the buffer from the residential property. The applicant has also provided a Written Commitment for the project to limit the solely C3 permitted uses to:

a) Automobile car wash;
b) Gas station;
c) Propane/bottled gas sales and service as an accessory use to a gas station or convenience store; and
d) Truck fueling station.

The C2 uses that are also permitted within the C3 district would remain available for use.

COMPREHENSIVE PLAN REVIEW

Future Growth and Development Map, Goals, and Strategies

- The project site is located within the Urban Infill Area.
- 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

Generalized Future Land Use Map

- The project site is located within the Mixed Suburban Commercial Corridor generalized land use category.
- Adjacent properties are categorized as Mixed Suburban Commercial Corridor to the north and east, mixed residential to the west, and Suburban Neighborhood to the south.
- Primary Uses in the Mixed Suburban Commercial Corridor are entertainment, low to moderate intensity business, service, and retail, multiple-family residential, professional office and personal services, single-family attached residential, single-family detached residential, and two-family residential.

Compatibility Matrix

- The matrix lists C3/General Commercial as potentially compatible with the Neighborhood Commercial category. Compatibility can be increased with written commitments, enhanced landscaping, enhanced connectivity, etc.

Overall Land Use Policies

- Staff did not identify an Overall Land Use Policy applicable to this request.

Other Applicable Plans: None

PUBLIC HEARING SUMMARY:

Presenter: Scott Federoff, representing the applicant, presented the request as outlined above.

Public Comments:
Maria Hines - (9925 Stellhorn Rd – neighbor): Concerned with home values and traffic.

Amy Greenway - (9828 Maysville Rd – neighbor): Concerned with the water supply, public safety, and increase in traffic since Wawa's get 2,000 transactions a day.

Manveer Khatana - (2990 Bristoe Ln – local gas station owner): Concerned with traffic due to increase in advertising, large corporations taking away business from local gas stations, and the future sale of the property due to the tanks underground.

Jim Witte - (10017 Stellhorn Rd – neighbor): Concerned is concerned with the traffic since there is already about 1 crash per week.

Steve Wyss - (10031 Stellhorn Rd – neighbor): Concerned with the amount of gas stations already in the area, traffic around school ending, semi traffic that increases when the highways are closed, and the underground tanks being left if Wawa leaves.

Terry Hines - (9925 Stellhorn Rd – neighbor): Concerned with this being a 24-hour facility and the lighting.

Parveen Munden - (9501 Maysville Rd – local gas station owner): Concerned with the number of gas stations already in the area and that others have already been denied at this location.

Rebuttal: Scott Federoff addressed the IDEM standards for the active gasoline tanks and their removal. He addressed the lights will follow ordinance standards and not spill into surrounding residential properties. He spoke on the traffic concerns stating this will meet the needs of current traffic patterns and will not increase the traffic substantially.

FORT WAYNE PLAN COMMISSION
Findings of Fact • October 2026

PROPOSAL:	Rezoning Petition REZ-2026-0044 – Stellhorn Gas Station and Convenience Store
APPLICANT:	Brightwork Real Estate LLC
REQUEST:	Rezone from R1 to C3 for gas station and convenience store
LOCATION:	9817 Stellhorn Rd
LAND AREA:	3.20 acres
PRESENT ZONING:	R1/Single-Family Residential
PROPOSED ZONING:	C3/General Commercial

The Plan Commission recommends that Rezoning Petition REZ-2026-0044 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 project site is located within the Urban Infill area.

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 use the lot for a gas station and convenience store.

3. Approval is consistent with the preservation of property values in the area. The rezoning should not have a negative impact on the property values in the area, as it is a complimentary use to other commercial zonings in the area.

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 approved by the Fort Wayne Plan Commission on October 19, 2026.

Benjamin J. Roussel

Benjamin J. Roussel
Executive Director
Secretary to the Commission

Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 - Gas Station/C-Store

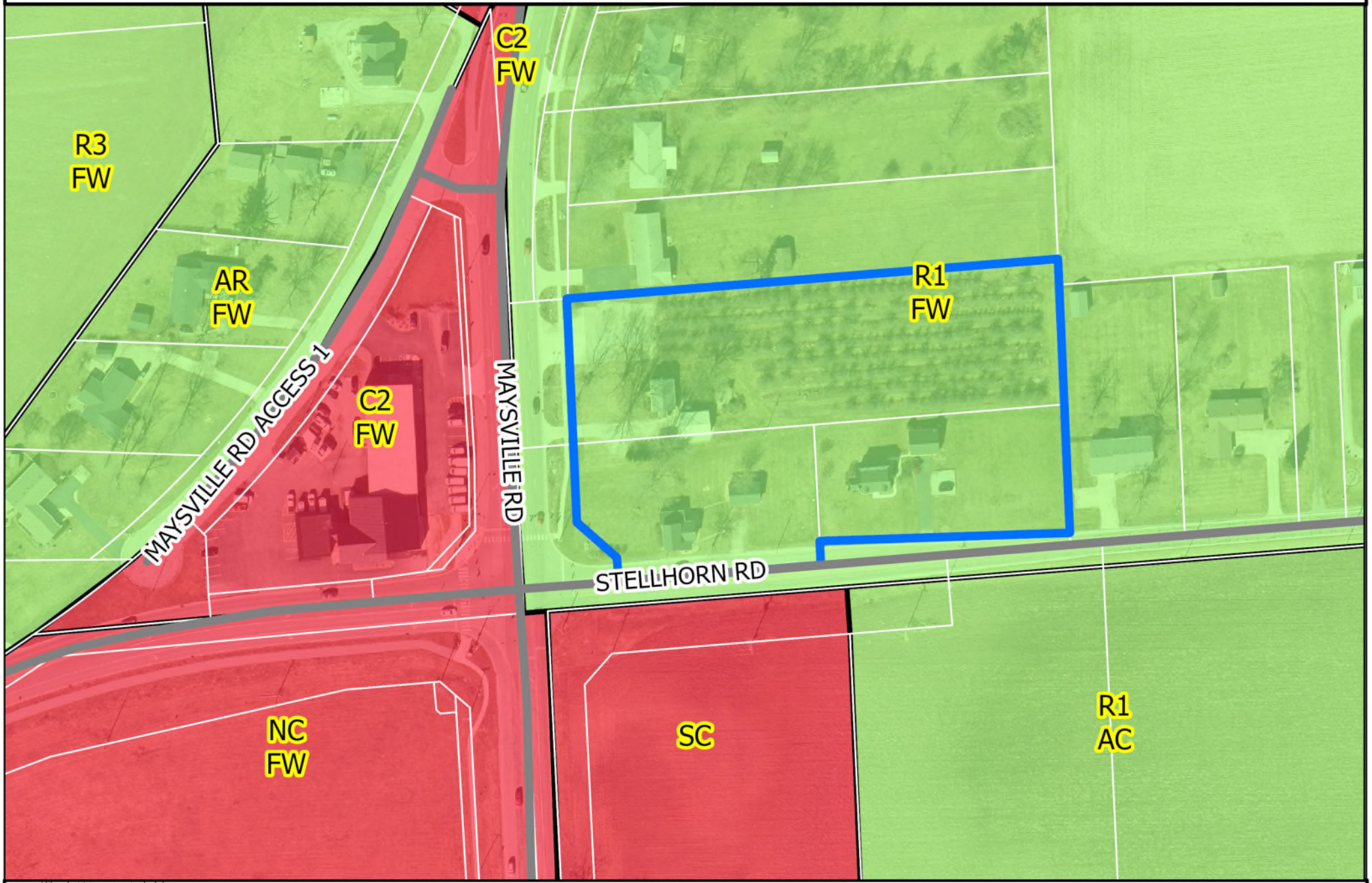


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Photos and Contours: Spring 2009
Date: 9/8/2026

0 80 160 Feet

N

Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 - Gas Station/C-Store



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Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 - Gas Station/C-Store



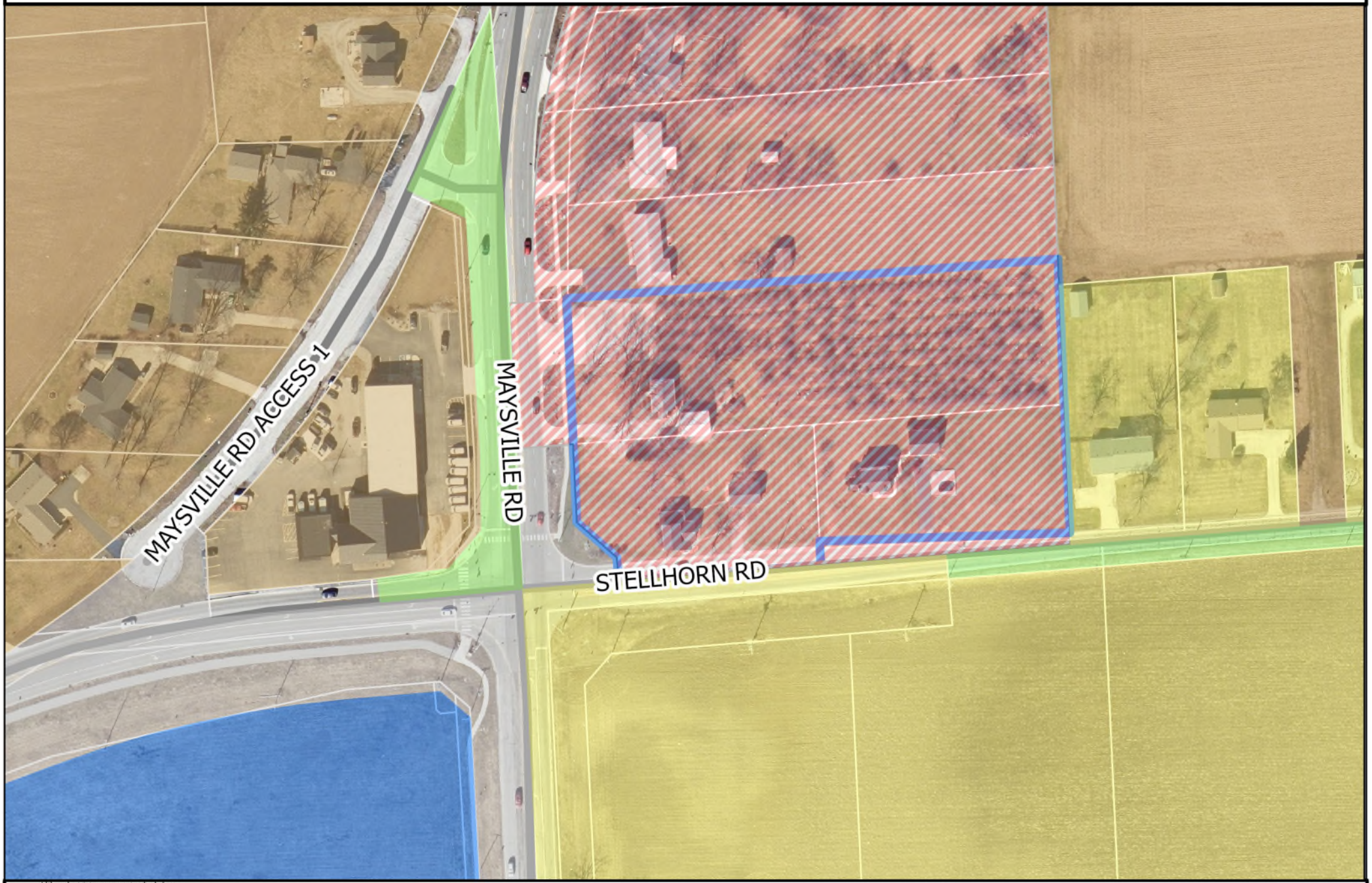
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0 80 160 Feet

Targeted Growth Area
Urban Infill Area

N

Rezoning Petition REZ-2026-0044 and Primary Development Plan PDP-2026-0022 - Gas Station/C-Store

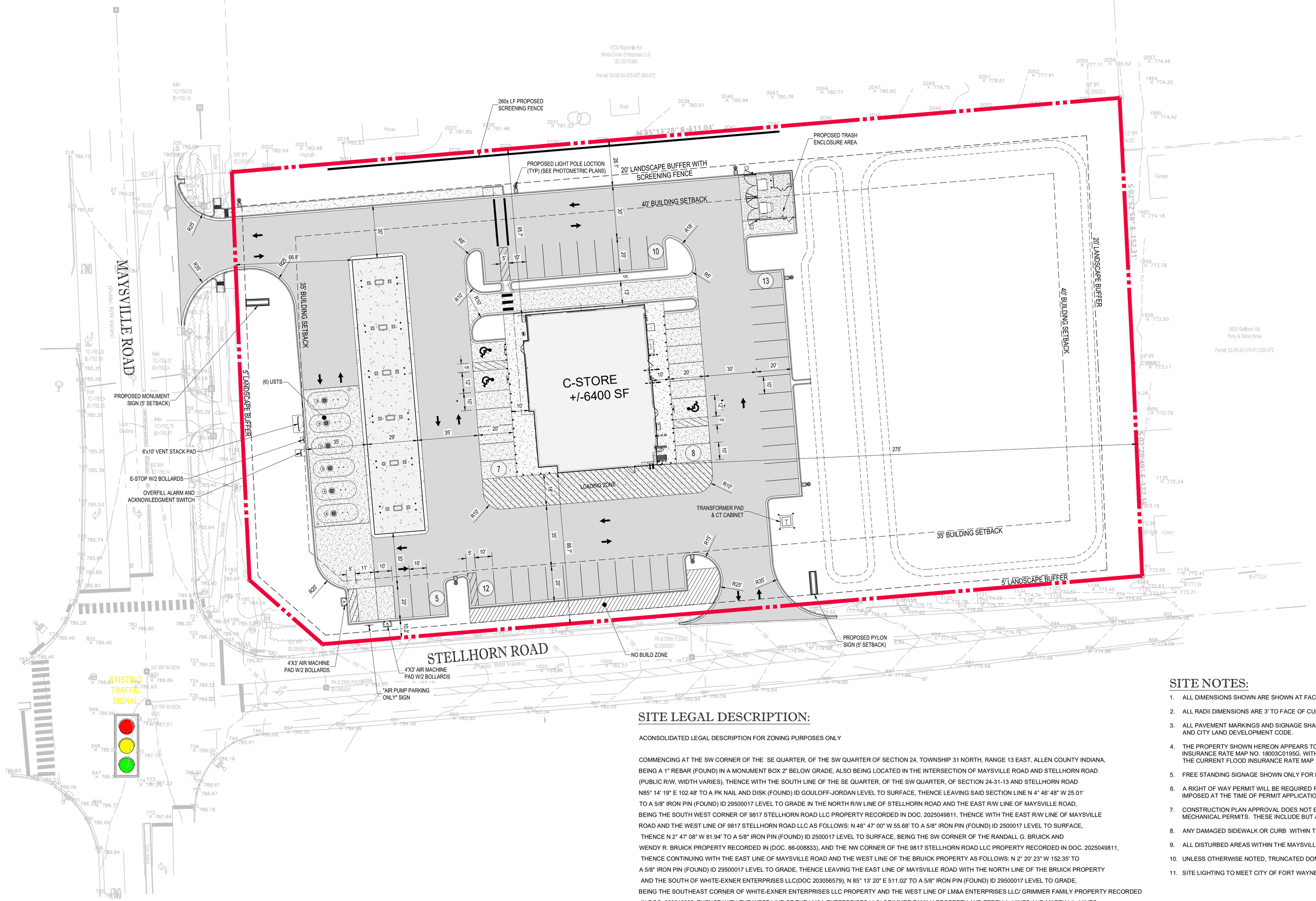


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Photos and Contours: Spring 2009
Date: 9/8/2026

0 80 160 Feet

- Business and Office Park
- Mixed Residential
- Mixed Suburban Commercial Corridor
- Rural Agricultural
- Suburban Neighborhood
- <all other values>

N



LEGEND

TYPICAL NOTE TEXT	NOTE
ONSITE PROPERTY LINE / R.O.W. LINE	
PROPOSED LANDSCAPE BUFFER	
PROPOSED BUILDING SETBACK	
CANOPY OUTLINE	
PROP. PARKING COUNT	5
PROP. SIGN	
PROP. DETECTABLE WARNING SURFACE	
PROP. BUILDING COVERAGE	
PROP. BUILDING OUTLINE	
PROPOSED 4" CONCRETE SIDEWALK	
PROPOSED ASPHALT PAVEMENT	
PROPOSED 6" STANDARD CONCRETE PAVING	
PROPOSED 8" HEAVY DUTY CONCRETE PAVING	
PROPOSED DIRECTIONAL ARROW	
PROPOSED LIGHT POLE LOCATION	

SITE DATA TABLE

SITE ADDRESS	MAYSVILLE RD & STELLHORN RD, FORT WAYNE IN
JURISDICTION	CITY OF FORT WAYNE
SITE AREA	+/- 3.20 AC
BUILDING	+/- 6400 SF
CANOPY TYPE	STRAIGHT 6
CURRENT ZONING	R1
PROPOSED ZONING	C-3 (RESTRICTED TO C-2 USES WITH FUEL)
OVERLAY DISTRICT	NO
ALLOWED USE	YES - CONVENIENCE STORE WITH FUEL
SUP OR CUP	NO
FRONT SETBACK (ROW)	35'
SIDE SETBACK	40' ADJ RES
REAR SETBACK	40' ADJ RES
FLOOR AREA RATIO	N/A
TOTAL PARKING	55 SPACES

SITE LEGAL DESCRIPTION:

ACONSOLIDATED LEGAL DESCRIPTION FOR ZONING PURPOSES ONLY

COMMENCING AT THE SW CORNER OF THE SE QUARTER, OF THE SW QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY INDIANA, BEING A 1" REBAR (FOUND) IN A MONUMENT BOX 2" BELOW GRADE, ALSO BEING LOCATED IN THE INTERSECTION OF MAYSVILLE ROAD AND STELLHORN ROAD (PUBLIC R/W, WIDTH VARIES), THENCE WITH THE SOUTH LINE OF THE SE QUARTER, OF THE SW QUARTER, OF SECTION 24-31-13 AND STELLHORN ROAD N85° 14' 19" E 102.48' TO A PK NAIL AND DISK (FOUND) ID GOULOFF-JORDAN LEVEL TO SURFACE, THENCE LEAVING SAID SECTION LINE N 4° 46' 48" W 25.01' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE IN THE NORTH R/W LINE OF STELLHORN ROAD AND THE EAST R/W LINE OF MAYSVILLE ROAD, BEING THE SOUTH WEST CORNER OF 9817 STELLHORN ROAD LLC PROPERTY RECORDED IN DOC. 2025049811, THENCE WITH THE EAST R/W LINE OF MAYSVILLE ROAD AND THE WEST LINE OF 9817 STELLHORN ROAD LLC AS FOLLOWS: N 48° 47' 00" W 55.68' TO A 5/8" IRON PIN (FOUND) ID 2500017 LEVEL TO SURFACE, THENCE N 2° 47' 08" W 81.94' TO A 5/8" IRON PIN (FOUND) ID 2500017 LEVEL TO SURFACE, BEING THE SW CORNER OF THE RANDALL G. BRUICK AND WENDY R. BRUICK PROPERTY RECORDED IN (DOC. 86-008833), AND THE NW CORNER OF THE 9817 STELLHORN ROAD LLC PROPERTY RECORDED IN DOC. 2025049811, THENCE CONTINUING WITH THE EAST LINE OF MAYSVILLE ROAD AND THE WEST LINE OF THE BRUICK PROPERTY AS FOLLOWS: N 2° 20' 23" W 152.35' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, THENCE LEAVING THE EAST LINE OF MAYSVILLE ROAD WITH THE NORTH LINE OF THE BRUICK PROPERTY AND THE SOUTH OF WHITE-EXNER ENTERPRISES LLC(DOC 203056579), N 85° 13' 20" E 511.02' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, BEING THE SOUTHEAST CORNER OF WHITE-EXNER ENTERPRISES LLC PROPERTY AND THE WEST LINE OF LM&A ENTERPRISES LLC/ GRIMMER FAMILY PROPERTY RECORDED IN DOC. 980010865 ,THENCE WITH THE WEST LINE OF THE LM&A ENTERPRISES LLC/ GRIMMER FAMILY PROPERTY AND TERRY A. HINES AND MARTIAL L. HINES PROPERTY RECORDED IN DOC. 93-009238 AS FOLLOWS: S 2° 53' 40" E 152.34' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, BEING THE SE CORNER OF THE RANDALL G. AND WENDY R. BRUICK PROPERTY ALSO IN THE WEST LINE OF THE HINES PROPERTY, THENCE CONTINUING WITH THE WEST LINE OF THE HINES PROPERTY S 2° 28' 23" E 122.14' TO A 5/8" IRON PIN (FOUND) ID FIRM 0025 2" BELOW GRADE, BEING THE SW CORNER OF THE HINES PROPERTY IN THE NORTH R/W LINE OF STELLHORN ROAD, ALSO BEING THE SOUTHEAST CORNER OF 9855 STELLHORN ROAD, TRISTON E. AND DAWN M. BOYLES PROPERTY RECORDED IN DOC 2023010371 THENCE WITH THE NORTH R/W LINE OF STELLHORN ROAD AS FOLLOWS: S 85° 13' 08" W 260.35' TO A 5/8" IRON PIN (FOUND) ID 2950017 LEVEL TO GRADE BEING THE SOUTHEAST CORNER OF 9817 STELLHORN ROAD LLC PROPERTY AND THE SOUTHWEST CORNER OF THE BOYLES PROPERTY, THENCE S 85° 16' 00" W 211.40' TO THE POINT OF BEGINNING CONTAINING 3.205 ACRES ±

THIS PROPERTY BEING DESCRIBED IS RECORDED IN ALLEN COUNTY INDIANA PER RECORD DOCUMENTS:
TRISTAN E. BOYLES & DAWN M. BOYLES DOC. 2023010371
RANDALL G. BRUICK & WENDY R. BRUICK DOC 86-008833
9817 STELLHORN ROAD LLC DOC. 2025049811

SITE NOTES:

1. ALL DIMENSIONS SHOWN ARE SHOWN AT FACE OF CURB, UNLESS OTHERWISE NOTED. B/C INDICATES DIMENSION IS TO BACK OF CURB.
2. ALL RADII DIMENSIONS ARE 3' TO FACE OF CURB UNLESS OTHERWISE NOTED.
3. ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE "CITY OF FORT WAYNE, ENGINEERING DRAWINGS," LATEST EDITION; AND CITY LAND DEVELOPMENT CODE.
4. THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 18003C0195D, WITH AN EFFECTIVE DATE OF AUGUST 3, 2009, IN THE CITY OF FT WAYNE, STATE OF INDIANA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
5. FREE STANDING SIGNAGE SHOWN ONLY FOR REPRESENTATIONAL PURPOSES, AND SHALL BE PERMITTED SEPARATELY.
6. A RIGHT OF WAY PERMIT WILL BE REQUIRED FOR ALL WORK WITHIN THE PUBLIC RIGHT OF WAY. SPECIFIC STIPULATIONS OR CONDITIONS WILL BE IMPOSED AT THE TIME OF PERMIT APPLICATION.
7. CONSTRUCTION PLAN APPROVAL DOES NOT EXEMPT THE CONTRACTOR FROM OBTAINING THE REQUIRED BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL PERMITS. THESE INCLUDE BUT ARE NOT LIMITED TO ANY STRUCTURE, SIGN, WALL, ENCLOSURE OR SCREENING, ETC
8. ANY DAMAGED SIDEWALK OR CURB WITHIN THE MAYSVILLE STREET R.O.W. SHALL BE REMOVED AND REPLACED.
9. ALL DISTURBED AREAS WITHIN THE MAYSVILLE AND STELLHORN ROAD R.O.W. WILL BE SODDED.
10. UNLESS OTHERWISE NOTED, TRUNCATED DOMES SHALL BE RED IN COLOR.
11. SITE LIGHTING TO MEET CITY OF FORT WAYNE STANDARDS, MAX MOUNTING HEIGHT OF 25' ADJACENT TO RESIDENTIAL

ADA ACCESSIBILITY NOTES:

1. ALL HANDICAPPED PARKING SPACES AND ACCESS AISLES ADJACENT TO THE HANDICAP PARKING SPACES SHALL HAVE A MAXIMUM OF 2% SLOPE IN ALL DIRECTIONS (THIS INCLUDES RUNNING SLOPE AND CROSS SLOPE).
2. AN ACCESSIBLE ROUTE FROM THE PUBLIC STREET OR SIDEWALK TO ALL BUILDING ENTRANCES MUST BE PROVIDED. THIS ACCESSIBLE ROUTE SHALL BE A MINIMUM OF 60" WIDE. THE RUNNING SLOPE OF AN ACCESSIBLE ROUTE SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%.
3. SLOPES EXCEEDING 5% BUT LESS THAN 8% WILL REQUIRE A RAMP AND MUST CONFORM TO THE REQUIREMENTS FOR RAMP DESIGN (HANDRAILS, CURBS, LANDINGS). NO RAMP SHALL EXCEED AN 8% RUNNING SLOPE OR 2% CROSS SLOPE.
4. IN THE CASE THAT A NEW SIDEWALK WILL BE CONSTRUCTED IN THE RW OF A SITE THE RUNNING SLOPE OF THE SIDEWALK SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%. THIS STANDARD APPLIES TO CROSS WALKS IN THE DRIVEWAY AS WELL AND WILL REQUIRE SPECIAL ATTENTION DURING STAKING TO MAKE SURE THE 2% CROSS SLOPE IS MET IN THE CROSS WALK.
5. IT WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO ENSURE THAT THE HANDICAP PARKING SPACES, ACCESSIBLE ROUTES, AND SIDEWALKS/CROSSWALKS ARE CONSTRUCTED TO MEET ADA REQUIREMENTS.
6. ANY REQUIREMENTS LISTED ABOVE THAT CAN NOT BE MET SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. ANYTHING NOT BUILT TO THE ABOVE STANDARDS WILL REQUIRE REMOVAL AND REPLACEMENT OF THE NON COMPLIANT AREAS AT THE GENERAL CONTRACTORS COST.

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18703 CHAVILLE ROAD
LUTZ, FL 33558
Phone: (813) 690-3759
BUSINESS CERT. OF AUTH. No. 37992

KNOW WHAT'S BELOW ALWAYS CALL 811 **BEFORE YOU DIG**
It's fast. It's free. It's the law.

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30 15 7.5 0 30
1"= 30'

REVISIONS

REV	DATE	COMMENT	BY

PROJECT No.: 2026013
DRAWN BY: JGL
CHECKED BY: JGL
DATE: 08/29/2026
SCALE: AS SHOWN

PERMIT SET

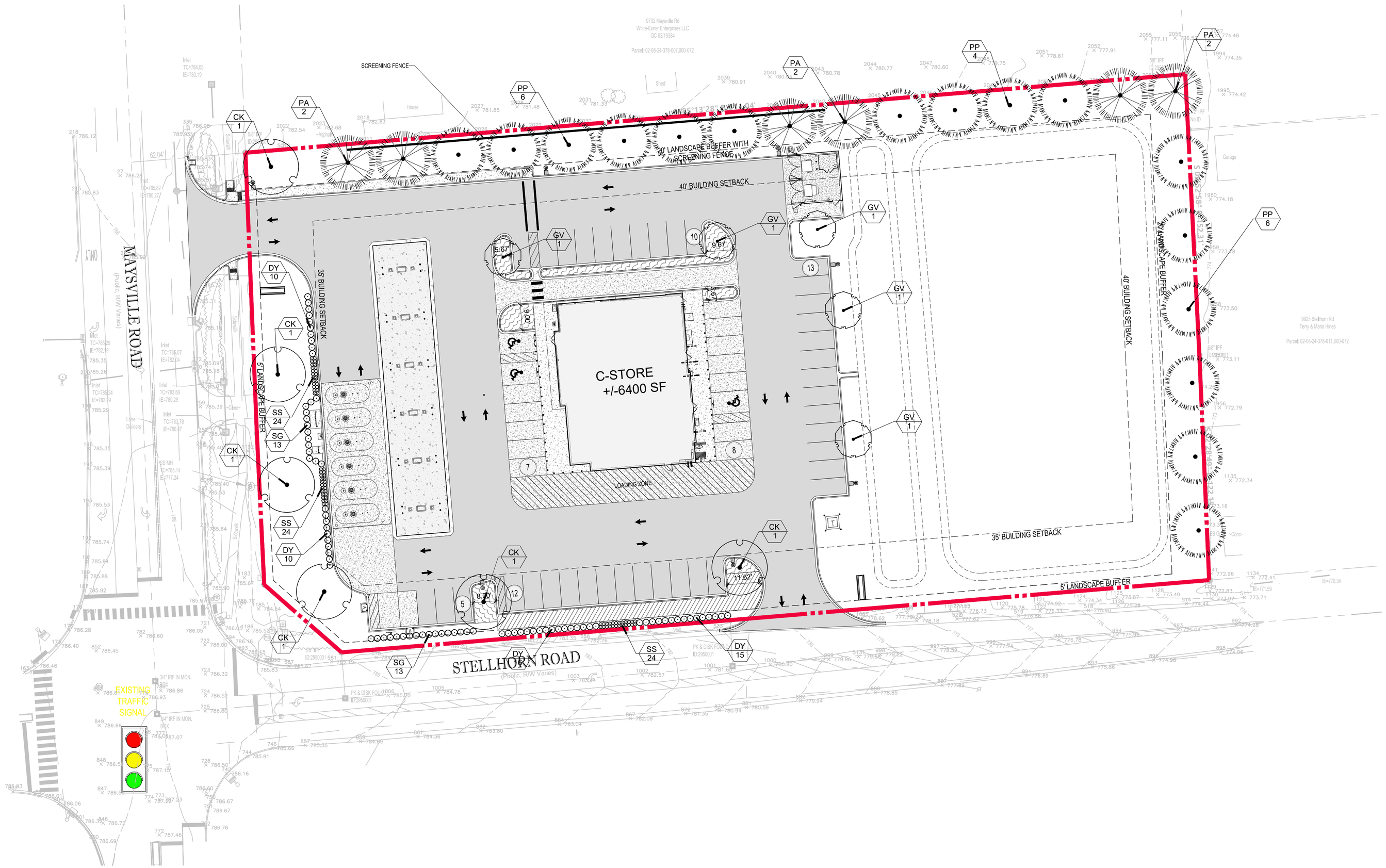
PROJECT:
C-STORE
FOR
BRIGHTWORK

LOCATION OF SITE
9720 MAYSVILLE ROAD
FT. WAYNE, IN 46815

brightwork real estate

SHEET TITLE:
SITE LAYOUT PLAN

SHEET NUMBER:
C3.0



GENERAL LANDSCAPE NOTES

1. ALL TOPSOIL SHALL BE A MINIMUM 4" IN ALL SOD AREAS AND 10"- 12" IN TREE, SHRUB AND GROUND COVER BEDS, INCLUDING PARKING LOT ISLAND BEDS, AND IT SHALL BE APPROVED BY A CONSTRUCTION REPRESENTATIVE, PRIOR TO INSTALLATION. PLANTING BEHIND PERIMETER CURBING IS TO BE LOCATED A MINIMUM OF 5' BEHIND THE CURB LINE.
2. ALL LANDSCAPE AND GRASS AREAS ARE TO BE HAND RAKED AND LEFT CLEAR OF ALL STONES, ROCK, CONSTRUCTION DEBRIS AND ANY UNSUITABLE MATERIALS.
3. ALL LANDSCAPE AND GRASS AREAS ARE TO BE IRRIGATED BY AUTOMATIC SPRINKLER SYSTEM. (SEE IRRIGATION SPECIFICATION.)
4. LANDSCAPE CONTRACTOR WILL LOCATE ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION AND PLANTING INSTALLATION.
5. ALL AREAS TO BE LANDSCAPED OR COVERED WITH STONE MUST BE TREATED WITH A PRE-EMERGENCE HERBICIDE (SURFLAN, DACTAL OR APPROVED EQUAL) IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE REGULATIONS AND THE MANUFACTURER'S INSTRUCTIONS.
6. MULCH BEDS ARE TO BE DELINEATED WITH HAND OR MACHINE DUG SHOVEL EDGING.
7. RIVER ROCK BEDS ARE TO BE DELINEATED WITH 5 ½" ALUMINUM LANDSCAPE EDGING, STAKED AT 3' INTERVALS. ALUMINUM EDGING IS TO BE CLEANLINE 3/16" X 5 ½" X 16' BY PERMALOC, (800-356-9660,//WWW.PERMALOC.COM) FOLLOW MANUFACTURERS INSTALLATION DIRECTIONS INCLUDED AT THE END OF THIS SECTION.
8. LANDSCAPE CONTRACTOR TO SUPPLY AND INSTALL A PERVIOUS WEED BARRIER (DEWITT, DUPONT OR APPROVED EQUAL) IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS WITHIN ALL LANDSCAPES, INCLUDING STONE AND MULCH BEDS. ALL WEED BARRIER WILL BE OVERLAPPED A MINIMUM OF 6"AT ALL AT PLANT LOCATIONS. BARRIER SHOULD BE CUT IN AN "X" PATTERN SO TO ACCOMMODATE ROOT BALL AND REPLACED AFTER PLANT HAS BEEN INSTALLED.
9. WEED BARRIER SHALL NOT BE VISIBLE IN AREAS DESIGNATED FOR STONE MULCH. WHEN STONE IS CALLED FOR ADJACENT TO CURB OR SIDEWALKS, IT SHALL BE FEATHERED DOWN TO CURB LEVEL FROM A DISTANCE 24" FROM THE CURB.
10. ALL PROPOSED LANDSCAPING TO BE NURSERY GROWN, TYPICAL OF THEIR SPECIES OR VARIETY; THEY ARE TO HAVE NORMAL VIGOROUS ROOT SYSTEMS, FREE FROM DEFECTS AND INFECTIONS AND IN ACCORDANCE WITH ANSI Z60.1
11. ALL PROPOSED PLANTINGS SHOULD BE INSTALLED PER STANDARDS OF THE "AMERICAN ASSOCIATION OF NURSERYMEN" AND STATE NURSERY LANDSCAPE ASSOCIATIONS WITH REGARD TO PLANTING, PIT SIZE, BACKFILL MIXTURE, STAKING AND GUYING.
12. ALL PLANTING CONTAINERS AND BASKETS SHALL BE REMOVED DURING PLANTING. ALL PLANTS SHALL BE SET PLUMB AND POSITIONED TO BEST ADVANTAGE. ALL BURLAP, TWINE AND WIRE BASKETS SHALL BE REMOVED FROM THE TOP HALF OF THE ROOT BALL AND BACKFILL IN 6 INCH LAYERS AND COMPACT BACKFILL TO ELIMINATE VOIDS. CONTRACTOR SHALL PROVIDE A FOURINCH HIGH EARTHEN WATERING SAUCER ALONG THE PERIMETER OF EACH PLANTING PIT. CONTRACTOR SHALL WATER NEWLY PLANTED VEGETATION PRIOR TO MULCHING PLANTING PIT. ALL VOIDS SHALL BE FILLED AND SETTLING MITIGATED AS REQUIRED. ALUMINUM EDGING SHALL BE INSTALLED AROUND ALL PLANTING AREAS TO DELINEATE BETWEEN DIFFERENT LANDSCAPE MATERIALS.
13. AFTER INITIAL WATERING AND PRIOR TO MULCHING, CONTRACTOR SHALL APPLY HERBICIDES AND PRE-EMERGENT HERBICIDES AS REQUIRED TO ELIMINATE ANY WEED SEEDS OR PLANTS PRESENT ON ROOT BALL.
14. ALL PLANTING BEDS AND PITS EXCEPT FOR LANDSCAPE ISLANDS ADJACENT TO THE BUILDING AND DESIGNATED AREA AT THE FUEL VENT STACKS, SHALL BE MULCHED WITH DOUBLE GROUND HARDWOOD MULCH AT A MINIMUM DEPTH OF 3". LANDSCAPE ISLANDS ADJACENT TO TANK MAT SHALL BE MULCHED WITH 1"-3" RIVER STONE" MULCH TO AT LEAST A DISTANCE OF 5' FROM THE TANK MAT AND VENT STACK. FOR LANDSCAPES ADJACENT TO BUILDING, CONTACT THE PROJECT ENGINEER.

GENERAL IRRIGATION NOTES:

1. ONE HUNDRED (100) PERCENT AUTOMATIC IRRIGATION SYSTEMS SHALL BE REQUIRED. THIS SITE WILL UTILIZE WELL WATER.
2. EXISTING PLANT COMMUNITIES AND ECOSYSTEMS MAINTAINED IN A NATURAL STATE DO NOT GENERALLY REQUIRE SUPPLEMENTAL IRRIGATION.
3. RAIN OR MOISTURE SENSING SHUT-OFF DEVICES SHALL BE INSTALLED WITH ANY IRRIGATION SYSTEM. DRIP OR MICROJET IRRIGATION SHALL BE USED WHERE POSSIBLE. LOW TRAJECTORY SPRAY NOZZLES ARE ENCOURAGED.
4. ALL IRRIGATION SYSTEMS SHALL USE THE LOWEST QUALITY WATER AVAILABLE WHICH ADEQUATELY AND SAFELY MEETS THE WATER NEEDS OF THE SYSTEM. STORMWATER REUSE, RECLAIMED WATER AND GRAY WATER IRRIGATION SYSTEMS SHALL BE USED WHERE FEASIBLE. SHALLOW WELLS AND WET RETENTION/DETENTION PONDS SHALL ALSO BE USED AS AN ALTERNATIVE TO POTABLE WATER.
5. AN IRRIGATION PLAN SHALL BE PROVIDED SHOWING THE LOCATION OF THE WATER SOURCE AND SIZE OF WELL (IF APPLICABLE), BACKFLOW PREVENTER (IF APPLICABLE), THE LOCATION OF IRRIGATION HEADS, DRIP LINES, WATER LINES OR OTHER ITEMS THAT WILL SHOW THAT ONE HUNDRED (100) PERCENT AUTOMATIC IRRIGATION IS SERVING ALL REQUIRED LANDSCAPE AREAS ON THE PLAN.

GENERAL INSTALLATION NOTES:

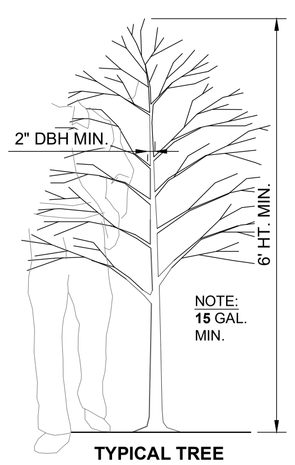
1. INSTALLATION SHALL BE COMPLETE AT THE TIME OF FINAL INSPECTION, EXCEPT AS PROVIDED OTHERWISE.
2. PROPERTY OWNER SHALL MAINTAIN LANDSCAPING AND SCREENING FOR THE LIFE OF THE PROJECT.
3. REQUIRED PLANT MATERIALS WHICH ARE REMOVED OR DIE SHALL BE REPLACED WITHIN THIRTY (30) DAYS.
4. UNDERSTORY GROWTH AND THE NATURAL FUNCTION OF THE AREA SHALL BE MAINTAINED.
5. INSTALLATION SHALL BE IN A SOUND, PROFESSIONAL MANNER.
6. REQUIRED LANDSCAPING SHALL BE MAINTAINED AND PRUNED IN A MANNER THAT PRESERVES THE NATURAL SHAPE AND GROWTH CHARACTERISTICS OF THE SPECIES. PRUNING THAT "HATRACKS" OR "LOLLIPOPS" CANOPY TREES IS PROHIBITED WITHOUT PRIOR APPROVAL OF THE PLANNING DIRECTOR OR BOARD OF COUNTY COMMISSIONERS.

STANDARD ABBREVIATIONS:

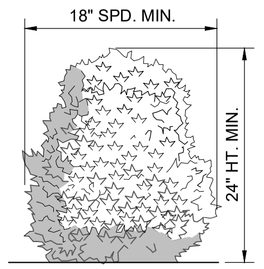
AS	=	SPACE AS SHOWN ON PLAN
B&B	=	BALLED AND BURLAPPED
CAL	=	CALIPER (TRUNK DIAMETER @ 6" ABOVE GROUND FOR TREES UP TO 4" IN CALIPER; 12" ABOVE GROUND FOR TREES LARGER THAN 4" IN CALIPER)
CLR	=	CLEARANCE
CPZ	=	CRITICAL PROTECTION ZONE
CT	=	CANOPY TREE
CW	=	CLEAR WOOD
DBH	=	DIAMETER AT BREAST HEIGHT (TYPICALLY 4.5' ABOVE GROUND)
FT	=	FEET
GAL	=	GALLON(S) CONTAINER SIZE
HT	=	OVERALL TREE HEIGHT
LDC	=	LAND DEVELOPMENT CODE
LF	=	LINEAR FEET
LSP	=	LANDSCAPE PLAN
MAX	=	MAXIMUM
MIN	=	MINIMUM
N/A	=	NOT APPLICABLE
OC	=	SPACE ON CENTER (CENTER TO CENTER)
P	=	PALM TREE
REQ'D	=	REQUIRED
SF	=	SQUARE FEET
SP	=	SITE PLAN
SPD	=	CROWN SPREAD DIAMETER
ST	=	SHADE TREE
TYP	=	TYPICAL
UT	=	UNDERSTORY TREE
VUA	=	VEHICULAR USE AREA

NOTE: THE OWNER OR TENANT SHALL PROVIDE ADEQUATE SOIL, WATER, OR OTHER PLANT NEEDS TO SUSTAIN HEALTHY GROWTH AND MATURITY OF PLANT SPECIES. DISEASE OR INSECT INFESTATION SHALL BE MONITORED AND TREATED BY THE TENANTS OR OWNER. DEAD OR DISEASED LANDSCAPE PLANTINGS SHALL BE REMOVED AND REPLACED BY THE TENANT OR PROPERTY OWNER.

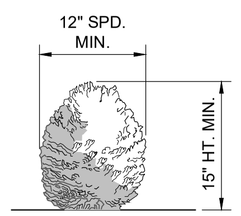
Always call 811 two full business days before you dig to have underground utilities located and marked.



TYPICAL TREE MINIMUM SIZE AT TIME OF PLANTING



TYPICAL BUFFER SHRUB MINIMUM SIZE AT TIME OF PLANTING



TYPICAL SHRUB MINIMUM SIZE AT TIME OF PLANTING

*** NOTE: TREES AND SHRUBS MUST MEET MINIMUM SIZING SPECIFICATIONS AT TIME OF PLANTING. SINCE DIFFERENT SPECIES GROW AT DIFFERENT RATES, THE CONTRACTOR MUST ENSURE THAT PLANTS MEET THESE REQUIREMENTS EVEN IF UPSIZING OF PLANTS IS REQUIRED.**

PLANT_SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
TREES						
	CK	6	CLADASTRIS KENTUKEA	AMERICAN YELLOWWOOD	2" CAL.	B&B
	PA	6	PICEA ABIES	SERBIAN SPRUCE	7' HGT.	B&B
	PP	16	PICEA PUNGENS	COLORADO BLUE SPRUCE	7' HGT.	B&B
	GV	5	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVA	2" CAL.	B&B
		33	SUBTOTAL:			
SHRUBS						
	SS	90	PANICUM V. 'SHENADOAH'	SHENADOAH SWITCHGRASS	CLUMP	NO. 2 CONT.
	DY	51	TAXUS DENSIFORMIS	DENSE YEW	24" SPR.	B&B
	SG	26	JUNIPERUS CH. 'SEA GREEN'	SEA GREEN JUNIPER	24" SPR.	B&B
		167	SUBTOTAL:			
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
GROUND COVERS						
	HC	125	HYPERICUM CALYCINUM	CREEPING ST. JOHN'S WORT	1 GAL.	POT
		125	SUBTOTAL:			

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1"= 30'

REVISIONS

REV	DATE	COMMENT	BY

PROJECT No.: 2026013
DRAWN BY: JGL
CHECKED BY: JGL
DATE: 08/29/2026
SCALE: AS SHOWN

PERMIT SET

PROJECT:
C-STORE
FOR
BRIGHTWORK

LOCATION OF SITE
9720 MAYSVILLE ROAD
FT. WAYNE, IN 46815

brightwork real estate

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
C6.0



GENERAL LANDSCAPE NOTES:

GENERAL IRRIGATION NOTES:

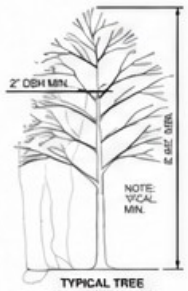
GENERAL INSTALLATION NOTES:

STANDARD ABBREVIATIONS:

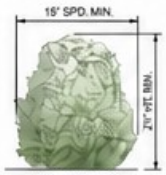
AG	-	
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GAL	-	
GLO	-	
GUY	-	
GY	-	
GUJ	-	
GBA	-	
PA	-	
LPS	-	
LF	-	
LGP	-	
LF	-	
LAJ	-	
MBS	-	
MS1	-	
MM	-	
NP	-	
PT	-	
QTOO	-	
QS	-	
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QP10	-	
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PLANT. SCHEDULE

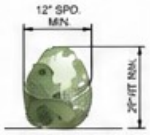
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
TREES						
	CK	6	CLADRASTIS KENTUKEA	AMERICAN YELLOWWOOD	1" CAL.	B&B
	PA	5	PICEA ABIES	SERBIAN SPRUCE	8'-9'HT.	B&B
	PP	15	PICEA PUNGENS	COLORADO BLUE SPRUCE	7'-9'HT.	B&B
	OV	5	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVA	1" CAL.	B&B
SHRUBS						
	OP	60	PANICUM V. 'SHENANDOAH'	SHENANDOAH SWITCHGRASS	CLUMP	MO. 3 CONT
	OP	77	TAXUS DENSIFORMIS	DENSE YEW	24" SPR.	B&B
	OG	55	JUNIPERUS C. 'SEA GREEN'	SEA GREEN JUNIPER	24" SPR.	B&B
GROUND COVERS						
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	SG	6218	HYPERICUM CALYCINUM	CREEPING ST. JOHN'S WORT	1 GAL.	POT



TYPICAL TREE MINIMUM SIZE AT TIME OF PLANTING



TYPICAL BUFFER SHRUB MINIMUM SIZE AT TIME OF PLANTING



TYPICAL SHRUB MINIMUM SIZE AT TIME OF PLANTING

. NOTE: TREES AND ORNADS MUST MEET MINIMUM

DOWN FOOLPOSE PROOF OF TREE CUT SAFEGOE

DOWN TREE ORDINANCE AND OTHER LAST

PLANTS. TREE PLANTING LOCATIONS CODE OF

UNDERSTORY OF PLANTS IS REQUIRED.

OWNER OR TENANT SHALL PROVIDE ACCURATE

CO CERTIFIED PLAT ACROSS PROPERTY LOCATION

DRAWINGS AS UNDER GROUND UTILITIES AS

ON OR PRIOR TO TRANSFORM THE OWNER

THE BUILDING. LOSS OR DAMAGE

AND HIS CREW TO OBTAIN AND REPLACED

T OR PROPERTY OWNER.

811 two full business days before you dig to
nderground utilities located and marked.

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT ("Commitment") is made this ___ day of November, 2026, by 9817 Stellhorn Road, LLC, an Indiana limited lability company, Tristan E. Boyles and Dawn M. Boyles, husband and wife, and Randall G. Bruick (collectively, "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of approximately 3.20 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 R1/Single-Family Residential a to a C3/General Commercial zoning district, bearing number REZ-2026-044 (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. All uses normally permitted in the C3/General Commercial zoning district under §157.216 of the Ordinance that are not permitted uses in the C2/Limited Commercial under §157.213 of the Ordinance (all of which shall remain permitted) shall be prohibited except for the following (which shall be permitted):

    1) Automobile car wash;

    2) Gas station;

    3) Propane/bottled gas sales and service as an accessory use to a gas station.

    4) Truck fueling station.

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. Pursuant to I.C. 36-7-4-1015, 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 within 10 days of Plan Commission approval and shall provide a recorded copy to Department of Planning Services. If not recorded within this timeframe, Department of Planning Services staff is authorized to record the commitment.

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) 86-008833, 2023010371, and 20250489811.

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.

Tristan E. Boyles

Dawn M. Boyles

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this 9 day of November, 2026, personally appeared Tristan E. Boyles and Dawn M. Boyles, husband and wife, and acknowledged the execution of the foregoing Written Commitment.

WITNESS my hand and Notarial Seal.

Sonya Bondarenko

Sonya Bondarenko, Notary Public

Resident of Allen, County, Indiana

My commission expires:

4/9/31

SONYA BONDARENKO
Notary Public
SEAL
Allen County - State of Indiana
Commission Number NP0748145
My Commission Expires April 09, 2031

Randall G. Bruick

Randall G. Bruick

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this 5 day of November, 2026, personally appeared Randall G. Bruick, an individual over 18 years of age, and acknowledged the execution of the foregoing Written Commitment.

WITNESS my hand and Notarial Seal.

Sonya Bondarenko

Sonya Bondarenko, Notary Public

My commission expires:

4/9/31

Resident of Allen, County, Indiana

This instrument prepared by: Scott M. Federoff, Federoff Law, LLC, 14033 Illinois Road, Suite A, Fort Wayne, Indiana 46814.

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. Scott M. Federoff

SONYA BONDARENKO
Notary Public
SEAL
Allen County - State of Indiana
Commission Number NP0748145
My Commission Expires April 09, 2031

"DECLARANT"

9817 Stellhorn Road, LLC,
an Indiana limited liability company

By: _____
Bradley Stinson, Member

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, this 3rd day of November, 2026, personally appeared Bradley Stinson, as a Member of 9817 Stellhorn Road, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing Written Commitment on behalf of said company.

WITNESS my hand and Notarial Seal.

_____
Scott M. Federoff, Notary Public

My commission expires:

June 26, 2034

Resident of Allen, County, Indiana

Scott M. Federoff
Notary Public, State of Indiana
Allen County
Commission Number June 26, 2034
My Commission Expires
NP0000771413

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

COMMENCING AT THE SW CORNER OF THE SE QUARTER, OF THE SW QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY INDIANA, BEING A 1" REBAR (FOUND) IN A MONUMENT BOX 2" BELOW GRADE, ALSO BEING LOCATED IN THE INTERSECTION OF MAYSVILLE ROAD AND STELLHORN ROAD (PUBLIC R/W, WIDTH VARIES), THENCE WITH THE SOUTH LINE OF THE SE QUARTER, OF THE SW QUARTER, OF SECTION 24-31-13 AND STELLHORN ROAD N85° 14' 19" E 102.48' TO A PK NAIL AND DISK (FOUND) ID GOULOFF-JORDAN LEVEL TO SURFACE, THENCE LEAVING SAID SECTION LINE N 4° 46' 48" W 25.01' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE IN THE NORTH R/W LINE OF STELLHORN ROAD AND THE EAST R/W LINE OF MAYSVILLE ROAD, BEING THE SOUTH WEST CORNER OF 9817 STELLHORN ROAD LLC PROPERTY RECORDED IN DOC. 2025049811, THENCE WITH THE EAST R/W LINE OF MAYSVILLE ROAD AND THE WEST LINE OF 9817 STELLHORN ROAD LLC AS FOLLOWS: N 48° 47' 00" W 55.68' TO A 5/8" IRON PIN (FOUND) ID 2500017 LEVEL TO SURFACE, THENCE N 2° 47' 08" W 81.94' TO A 5/8" IRON PIN (FOUND) ID 2500017 LEVEL TO SURFACE, BEING THE SW CORNER OF THE RANDALL G. BRUICK AND WENDY R. BRUICK PROPERTY RECORDED IN (DOC. 86-008833), AND THE NW CORNER OF THE 9817 STELLHORN ROAD LLC PROPERTY RECORDED IN DOC. 2025049811, THENCE CONTINUING WITH THE EAST LINE OF MAYSVILLE ROAD AND THE WEST LINE OF THE BRUICK PROPERTY AS FOLLOWS: N 2° 20' 23" W 152.35' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, THENCE LEAVING THE EAST LINE OF MAYSVILLE ROAD WITH THE NORTH LINE OF THE BRUICK PROPERTY AND THE SOUTH OF WHITE-EXNER ENTERPRISES LLC(DOC 203056579), N 85° 13' 20" E 511.02' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, BEING THE SOUTHEAST CORNER OF WHITE-EXNER ENTERPRISES LLC PROPERTY AND THE WEST LINE OF LM&A ENTERPRISES LLC/ GRIMMER FAMILY PROPERTY RECORDED IN DOC. 980010865 ,THENCE WITH THE WEST LINE OF THE LM&A ENTERPRISES LLC/ GRIMMER FAMILY PROPERTY AND TERRY A. HINES AND MARTIAL L. HINES PROPERTY RECORDED IN DOC. 93-009238 AS FOLLOWS: S 2° 53' 40" E 152.34' TO A 5/8" IRON PIN (FOUND) ID 29500017 LEVEL TO GRADE, BEING THE SE CORNER OF THE RANDALL G. AND WENDY R. BRUICK PROPERTY ALSO IN THE WEST LINE OF THE HINES PROPERTY. THENCE CONTINUING WITH THE WEST LINE OF THE HINES PROPERTY S 2° 28' 23" E 122.14' TO A 5/8" IRON PIN (FOUND) ID FIRM 0025 2" BELOW GRADE, BEING THE SW CORNER OF THE HINES PROPERTY IN THE NORTH R/W LINE OF STELLHORN ROAD, ALSO BEING THE SOUTHEAST CORNER OF 9855 STELLHORN ROAD, TRISTON E. AND DAWN M. BOYLES PROPERTY RECORDED IN DOC 2023010371 THENCE WITH THE NORTH R/W LINE OF STELLHORN ROAD AS FOLLOWS: S 85° 13' 08" W 260.35' TO A 5/8" IRON PIN (FOUND) ID 2950017 LEVEL TO GRADE BEING THE SOUTHEAST CORNER OF 9817 STELLHORN ROAD LLC PROPERTY AND THE SOUTHWEST CORNER OF THE BOYLES PROPERTY, THENCE S 85° 16' 00" W 211.40' TO THE POINT OF BEGINNING CONTAINING 3.205 ACRES ±