

City of Fort Wayne Common Council

DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2017-0032
Bill Number: Z-17-08-03
Council District: 2-Russ Jehl

Introduction Date: August 8, 2017

Plan Commission
Public Hearing Date: August 14, 2017 (not heard by Council)

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

Synopsis of Ordinance: To rezone approximately 4.4 acres of property from R3-Multiple Family Residential to C1-Professional Office and Personal Services

Location: 2827 Rupp Drive

Reason for Request: To allow the existing office building to be utilized as a drug treatment center and related uses.

Applicant: Park Center, Inc.

Property Owners: Tippmann and Dumas, LLC

Related Petitions: Special Use request to Board of Zoning Appeals for residential facility for addicted individuals under the supervision of the Allen County Courts

Effect of Passage: Property will be rezoned to the C1-Professional Office and Personal Services zoning district which will bring the existing building into the appropriate zoning district for office use. The applicant will petition the Board of Zoning Appeals for further uses.

Effect of Non-Passage: The site will remain zoned residential and the existing building may continue to be used as an office building.

1 **REZ-2017-0032**
2 **BILL NO. Z-17-08-03**

3 **ZONING MAP ORDINANCE NO. Z-_____**

4 **AN ORDINANCE amending the City of Fort Wayne**
5 **Zoning Map No. Q-22 (Sec. 30 of St. Joseph Township)**

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

8 SECTION 1. That the area described as follows is hereby designated a C1
9 (Professional Office and Personal Services) District under the terms of Chapter 157 Title XV
10 of the Code of the City of Fort Wayne, Indiana:

11 PARCEL I (FEE):

12 PART OF THAT PART LYING NORTHWARD OF THE RIGHT OF WAY OF THE
13 PUBLIC HIGHWAY KNOWN AS STATE ROAD NO. 324 AND U.S. HIGHWAY NO.
14 30, OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 31 NORTH,
15 RANGE 13 EAST, IN ALLEN COUNTY, INDIANA, CONTAINING 4.385 ACRES OF
16 LAND, BEING METES AND BOUNDS DESCRIBED AS FOLLOWS, TO-WIT:

17 COMMENCING ON THE NORTH LINE OF THE QUARTER SECTION AFORESAID
18 AS DEFINING THE CENTERLINE OF THE PUBLIC ROAD KNOWN AS THE TRIER
19 ROAD, AT A POINT SITUATED 873.0 FEET WESTWARD OF THE EAST
20 QUARTER CORNER OF THE SAID SECTION 30, TOWNSHIP 31 NORTH, RANGE
21 13 EAST, AND AT THE EASTERNMOST OF THE TWO NORTH BOUNDARY
22 CORNERS OF THE SUBJECT TRACT; THENCE BY A DEFLECTION LEFT OF 125
23 DEGREES 02 MINUTES SOUTHEASTWARD, A DISTANCE OF 231.03 FEET TO
24 THE EASTERNMOST CORNER OF THE SUBJECT TRACT, PROGRESSING IN
25 CLOCKWISE COURSES ALONG THE SUBJECT TRACT BOUNDARIES; THENCE
26 BY A DEFLECTION RIGHT OF 59 DEGREES 05 MINUTES, A DISTANCE OF 267.0
27 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE SAID U.S. HIGHWAY
28 NO. 30 AND STATE ROAD NO. 324, INTERSECTING SAID RIGHT OF WAY LINE
29 AT 90 DEGREES, AT A POINT SITUATED 75 FEET NORMALLY
30 NORTHEASTWARD OF THE CENTERLINE OF THE HIGHWAY AND ROAD
 AFORESAID, AT A POINT 968.9 FEET AS ALONG SAID CENTERLINE
 MEASURED NORTHWESTWARD OF ITS INTERSECTION BY THE EAST LINE OF
 THE QUARTER SECTION AFORESAID; THENCE BY A DEFLECTION RIGHT OF
 90 DEGREES, ALONG THE SAID RIGHT OF WAY LINE, A DISTANCE OF 664.5
 FEET TO THE WESTERNMOST CORNER OF THE SUBJECT TRACT; THENCE
 NORTHEASTWARD ALONG SAID RIGHT OF WAY LINE BY A DEFLECTION
 RIGHT OF 90 DEGREES A DISTANCE OF 85.4 FEET; THENCE
 NORTHEASTWARD BY A DEFLECTION RIGHT OF 39 DEGREES 28 MINUTES
 ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 133.9 FEET TO A POINT
 SITUATED ON THE SOUTH LINE OF THE PUBLIC HIGHWAY KNOWN AS THE

1 TRIER ROAD AS SITUATED PARALLEL TO AND 25.0 FEET SOUTH OF THE
2 NORTH LINE OF SAID QUARTER SECTION; THENCE NORTHWARD BY A
3 DEFLECTION LEFT OF 63 DEGREES 52 MINUTES A DISTANCE OF 25.0 FEET TO
4 THE NORTH LINE OF SAID QUARTER SECTION AT A POINT SITUATED 1302.2
5 FEET WEST OF THE EAST QUARTER CORNER OF SAID SECTION; THENCE
6 EAST BY A DEFLECTION RIGHT OF 90 DEGREES 20 MINUTES ON THE NORTH
7 LINE OF SAID QUARTER SECTION AS DEFINING THE CENTERLINE OF THE
8 PUBLIC HIGHWAY KNOWN AS THE TRIER ROAD, A DISTANCE OF 428.2 FEET
9 TO THE PLACE OF BEGINNING, CONTAINING 4.385 ACRES OF LAND.

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PARCEL II (EASEMENT):

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CONSTITUTING
AN EXTENSION OF RUPP DRIVE AS SET FORTH AND DESCRIBED IN DEED
RECORDED APRIL 25, 1990 AS INSTRUMENT NUMBER 90-015749 IN THE
OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, DESCRIBED AS
FOLLOWS:

A 50 FOOT EASEMENT FOR ROADWAY PURPOSES IN THE SOUTHEAST
QUARTER OF SECTION 30, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN ALLEN
COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS,
TO-WIT: TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE ON THE
NORTHWESTERLY LINE OF RUPP DRIVE (AS DEDICATED BY INSTRUMENT
RECORDED IN DEED RECORD 633, PAGES 572-573, IN THE OFFICE OF THE
RECORDER OF SAID COUNTY) AT ITS INTERSECTION BY THE
NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 30; THENCE
NORTH 25 DEGREES EAST ALONG THE NORTHWESTERLY LINE OF RUPP
DRIVE, A DISTANCE OF 61.5 FEET TO A POINT OF CURVE; THENCE
NORTHERLY AND NORTHWESTERLY ON A CURVE TO THE LEFT OF 55.0 FEET
RADIUS, AN ARC DISTANCE OF 88.1 FEET TO THE AFOREMENTIONED POINT
OF BEGINNING AND THE WESTERLY TERMINUS OF SAID RUPP DRIVE;
THENCE NORTHWESTERLY AND PARALLEL TO THE NORTHEASTERLY RIGHT
OF WAY LINE OF U.S. HIGHWAY NO. 30, A DISTANCE OF 164.65 FEET TO A
POINT OF CURVE; THENCE CONTINUING NORTHWESTERLY AND WESTERLY
ALONG A CIRCULAR CURVE LEFT HAVING A RADIUS OF 125 FEET, A
DISTANCE OF 52.47 FEET TO A POINT OF TANGENT; THENCE CONTINUING
WESTERLY ALONG SAID TANGENT, A DISTANCE OF 31.95 FEET TO A POINT
ON THE SOUTHEASTERLY LINE OF A 4.385 ACRE TRACT DESCRIBED ON
CERTIFICATE OF SURVEY BY A.K. HOFER, L.S., DATED MARCH 30, 1967, SAID
POINT BEING SITUATED 92.62 FEET NORTHEASTERLY OF THE SOUTHEAST
CORNER OF SAID 4.385 ACRE TRACT AND THE NORTHERLY RIGHT OF WAY
LINE OF U.S. HIGHWAY NO. 30; THENCE NORTHEASTERLY ALONG THE
SOUTHEASTERLY LINE OF SAID 4.385 ACRE TRACT BY A DEFLECTION RIGHT
OF 114 DEGREES 03 MINUTES, A DISTANCE OF 54.76 FEET; THENCE EASTERLY
BY A DEFLECTION RIGHT OF 65 DEGREES 57 MINUTES, A DISTANCE OF 9.65
FEET TO A POINT OF CURVE; THENCE EASTERLY AND SOUTHEASTERLY
ALONG A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 175 FEET,
A DISTANCE OF 73.45 FEET TO A POINT OF TANGENT; THENCE CONTINUING
SOUTHEASTERLY ALONG SAID TANGENT, A DISTANCE OF 163.05 FEET TO
THE WESTERLY TERMINUS OF SAID RUPP DRIVE; THENCE SOUTH 23
DEGREES 13 MINUTES WEST ALONG THE WESTERLY TERMINUS OF RUPP

1 DRIVE, A DISTANCE OF 50.0 FEET TO THE POINT OF BEGINNING,
2 CONTAINING 12380 SQUARE FEET OR 0.284 ACRES, MORE OR LESS.

3 and the symbols of the City of Fort Wayne Zoning Map No. Q-22 (Sec. 30 of St. Joseph
4 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
5 Wayne, Indiana is hereby changed accordingly.

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

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

14 _____
Council Member

15 APPROVED AS TO FORM AND LEGALITY:

16
17 _____
Carol T. Helton, City Attorney

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Park Center, Inc.
 Address 909 E. State Blvd.
 City Fort Wayne State Indiana Zip 46805
 Telephone 260-481-2700 E-mail _____

Contact Person
 Contact Person Joshua C. Neal, Esq.
 Address 215 East Berry Street
 City Fort Wayne State Indiana Zip 46802
 Telephone 260-423-9551 E-mail jcn@barrettllaw.com

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

Request
☐ Allen County Planning Jurisdiction ☒ City of Fort Wayne Planning Jurisdiction
 Address of the property 2827 Rupp Drive
 Present Zoning R3 Proposed Zoning C1 Acreage to be rezoned 4.4
 Proposed density _____ units per acre
 Township name St. Joseph Township section # 30
 Purpose of rezoning (attach additional page if necessary) To permit the subject real estate to be utilized as a drug treatment center and related uses.
 Sewer provider City of Fort Wayne Water provider City of Fort Wayne

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.
☒ Applicable filing fee
☒ Applicable number of surveys showing area to be rezoned (plans must be folded)
☒ Legal Description of parcel to be rezoned
☐ Rezoning Questionnaire (original and 10 copies) County Rezoning Only

I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

See Exhibit "A"
 (printed name of applicant) _____ (signature of applicant) _____ (date) _____
 See Exhibit "A"
 (printed name of property owner) _____ (signature of property owner) _____ (date) _____
 (printed name of property owner) _____ (signature of property owner) _____ (date) _____
 (printed name of property owner) _____ (signature of property owner) _____ (date) _____

Received	Receipt No.	Hearing Date	Petition No.
7/5/17		8/14/17	REZ-2017-0032

Exhibit "A"

Date: 6/29, 2017

PARK CENTER, INC.

By: Paul Wilson
Paul Wilson

Date: 7/5, 2017

Exhibit "A"

TIPPMANN & DUMAS, LLC

By: _____

Dave Dumas

July 5, 2017

Via Hand Delivery

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

**Re: Park Center, Inc. // Rezoning Petition, Special Use Application and Development Standards
Variance // 2827 Rupp Drive**

Dear Michelle:

This law firm serves as counsel to Park Center, Inc. ("Park Center") and Tippmann & Dumas, LLC ("Tippmann & Dumas"), the applicant and the property owner, respectively, in connection with the proposed re-development of the real estate located at 2827 Rupp Drive, Fort Wayne, Indiana (the "Real Estate"). Park Center is proposing to utilize the Real Estate to provide a full continuum of care to individuals recovering from addiction, including detox, education, supportive living, and residential treatment to support individuals from addiction to recovery. In addition, Park Center's proposed programs will include treatment for individuals under the supervision of the Allen County Courts.

In this regard, please find enclosed with this letter the following documents:

1. A Rezoning Petition requesting to rezone the Real Estate from its current R-3 designation to a C-1 designation.
2. A Special Use Application requesting permission to utilize the Real Estate as a residential facility for addicted individuals under the supervision of the Allen County Courts.
3. A Development Standards Variance application seeking approval from the Board of Zoning Appeals to allow the existing building improvements to remain at their current height, which is in excess of the applicable height limitations under the City of Fort Wayne Zoning Ordinance.
4. Two (2) copies of the ALTA / NSPS survey of the Real Estate, including a legal description, prepared by Zk Tazian Associates, Inc.
5. A check made payable to the "Allen County Treasurer" in the amount of Five Hundred and No/100 Dollars (\$500.00) representing the filing fee for the rezoning petition.
6. A check made payable to the "Allen County Treasurer" in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) representing the filing fee for the special use request.

7. A check made payable to the "Allen County Treasurer" in the amount of One Hundred and No/100 Dollars (\$100.00) representing the filing fee for the development standards.
8. A copy of the most recent recorded deed for the Real Estate.

In an effort to supplement the above and the enclosed, I would respectfully offer the following additional information:

- Park Center is an Indiana non-profit corporation that operates as a community mental health center and inpatient hospital. Founded in 1953, it served approximately 9,200 consumers in 2016 through forty (40) consumer service programs and with the assistance of over 500 employees. Park Center provides services through four clinical service centers: Managed Care Services, Inpatient Services, Adult Community Services and Child & Adult Services. In addition, Medical Services, which is staffed by psychiatrists and clinical nurse specialists, provides psychiatric and medical services to these clinical service centers. The mission of Park Center is to restore lives. By partnering with consumers, it strives to support and facilitate their journey toward health.
- Park Center has a long history of providing mental health services to residents of Fort Wayne and Northeast Indiana. It was originally formed as the Fort Wayne Child Guidance Clinic and later became the Mental Health Center at Fort Wayne. Over its long history, Park Center expanded on several occasions, including to provide services in Adams and Wells counties and to increase the scope of its services. In addition, it has been accredited by the Joint Commission on Accreditation of Health Care Organizations, the Commission on Accreditation of Rehabilitation Facilities, and the Associated Services Providers of Indiana (an accredited statewide behavioral health network).
- Park Center is subject to oversight by the Indiana Division of Mental Health and Addictions. As part of this oversight, Park Center is required to provide a full continuum of care, which is defined by Indiana law to include, among other things, individualized treatment planning, crisis intervention, acute stabilization, residential services, and medication evaluation and monitoring.
- Park Center currently operates approximately twenty-two (22) different facilities in Northeast Indiana, including group homes located in single family residential structures, multi-family apartment housing, outpatient facilities, and in-patient clinics. A more extensive listing of these programs and their locations will be provided at the public hearing.
- Park Center has reached an agreement with Tippmann & Dumas regarding its use and re-development of the Real Estate for addiction treatment services. The Real Estate, which has long been vacant and un-utilized, will be substantially renovated to allow Park Center to use all five of its existing floors. Park Center is proposing to provide recovery and consumer-focused care to individuals who abuse or are addicted to alcohol, prescription drugs or other drugs. A multi-disciplinary team will provide full diagnostic evaluations and uses well-established psychiatric and medical treatment methods. The programs will be operated with a full staff of clinical professionals, nurses, technicians, and security staff. The proposed uses will include the following:
 - The first floor will be utilized as offices and a fitness center for residents of the facility. In addition, Park Center is currently in discussions with the City of Fort Wayne Police

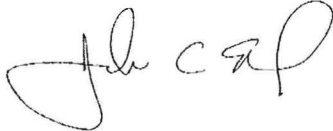
Department to allow a portion of the first floor to be used as an outpost for police officers and department staff.

- The second floor is proposed to house Park Center's program that will be operated in conjunction with the Allen County Courts. This will include approximately 26 beds and will include voluntary rehabilitation programming for persons with addictions.
 - The third through fifth floors will also include approximately 26 beds and will be utilized for various levels of programming for persons re-entering the community as part of their recovery from the disease of addiction.
- We anticipate having a letter of support from the Allen County Courts affirming their participation in and support for this project. We will provide this letter to you in advance of the public hearing.
- The Real Estate, as reflected in the enclosed applications, has historically been utilized for professional office uses notwithstanding its longstanding residential zoning. The instant rezoning petition seeks to bring the zoning of the site in line with its historical uses.
- It is our understanding, based on preliminary correspondence with Planning Staff, that the proposed use of a treatment center being operated in conjunction with the Allen County Courts is considered a residential facility for court-ordered re-entry under the City of Fort Wayne Zoning Ordinance, which requires a special use approval from the Board of Zoning Appeals. Likewise, it is our understanding that the existing building improvements were constructed in excess of the height limitations contained in the Zoning Ordinance, which necessitates a separate waiver request.
- As part of the use and development of the Real Estate, Park Center and Tippmann & Dumas are proposing a comprehensive remodeling and rehabilitation of the interior of the building improvements; however, little substantive work will be done to the exterior of the premises aside from addressing areas of deferred maintenance. Architectural renderings and plans depicting the floorplans and renovations will be made available prior to the public hearing.
- A preliminary meeting has been held with the board of directors for the Kirkwood Park Association to discuss the enclosed applications. As well, the development team has had preliminary discussions with IPFW and several of the other owners with Triangle Park to review the proposed uses and the enclosed applications. We are currently in the process of scheduling a neighborhood meeting and will update you with the date and time of this meeting once the details are finalized.

Thank you in advance for you and your staff's attention to the enclosed materials. It is our understanding that the rezoning petition will be heard by the City of Fort Wayne Plan Commission at a public hearing scheduled for 6:00 p.m. on August 14th, 2017, in Room 35 of Citizen's Square, and that the special use application and development standards variance will be heard by the Board of Zoning Appeals at a public hearing scheduled for August 17th. Should you have any questions or need any additional information concerning this project prior to that time, please do not hesitate to contact the undersigned.

Sincerely,

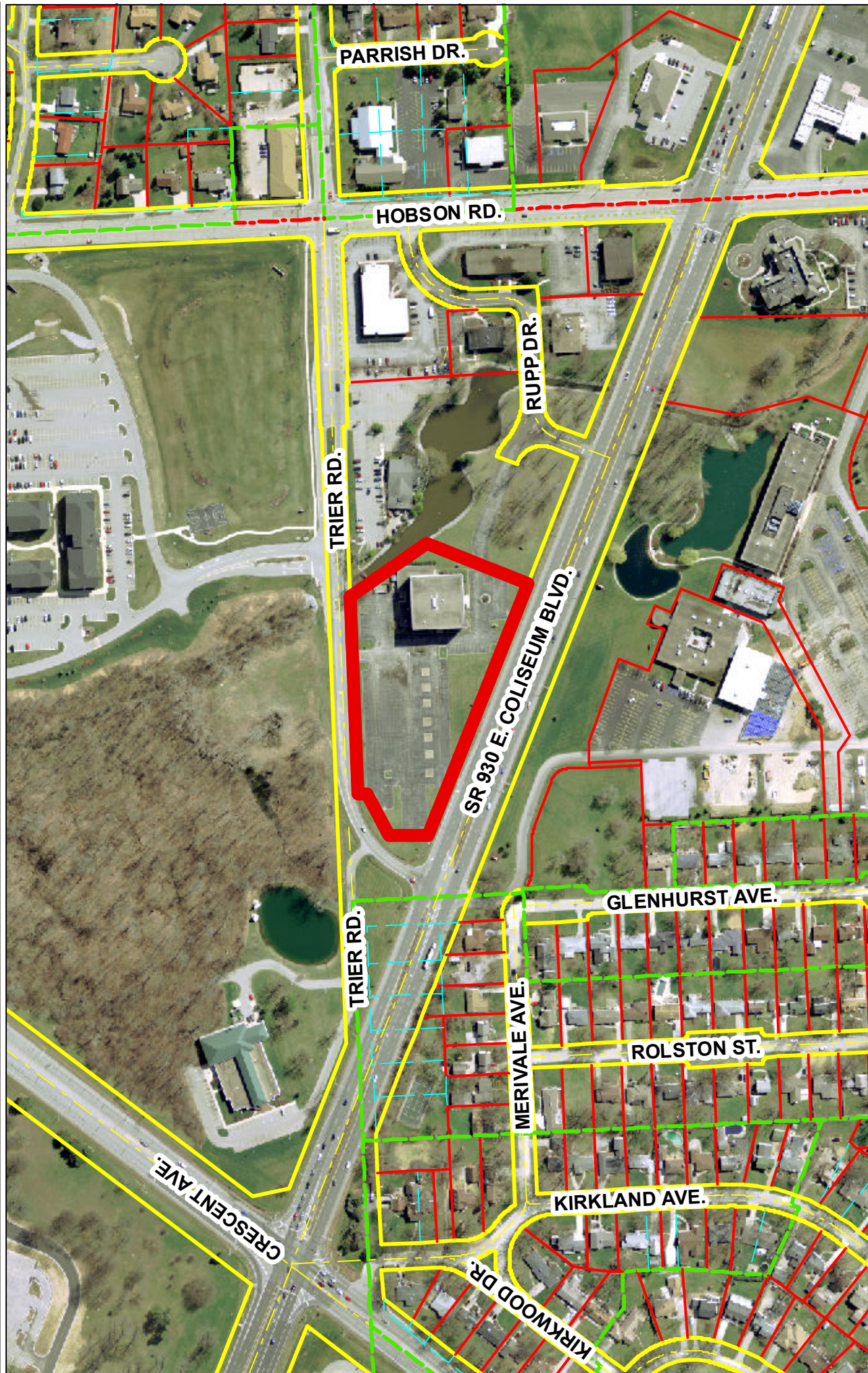
BARRETT McNAGNY LLP

A handwritten signature in black ink, appearing to read "Jh C Neal". The signature is fluid and cursive, with the first name "Jh" being more prominent than the last name "Neal".

Joshua C. Neal

JCN:

Enclosures



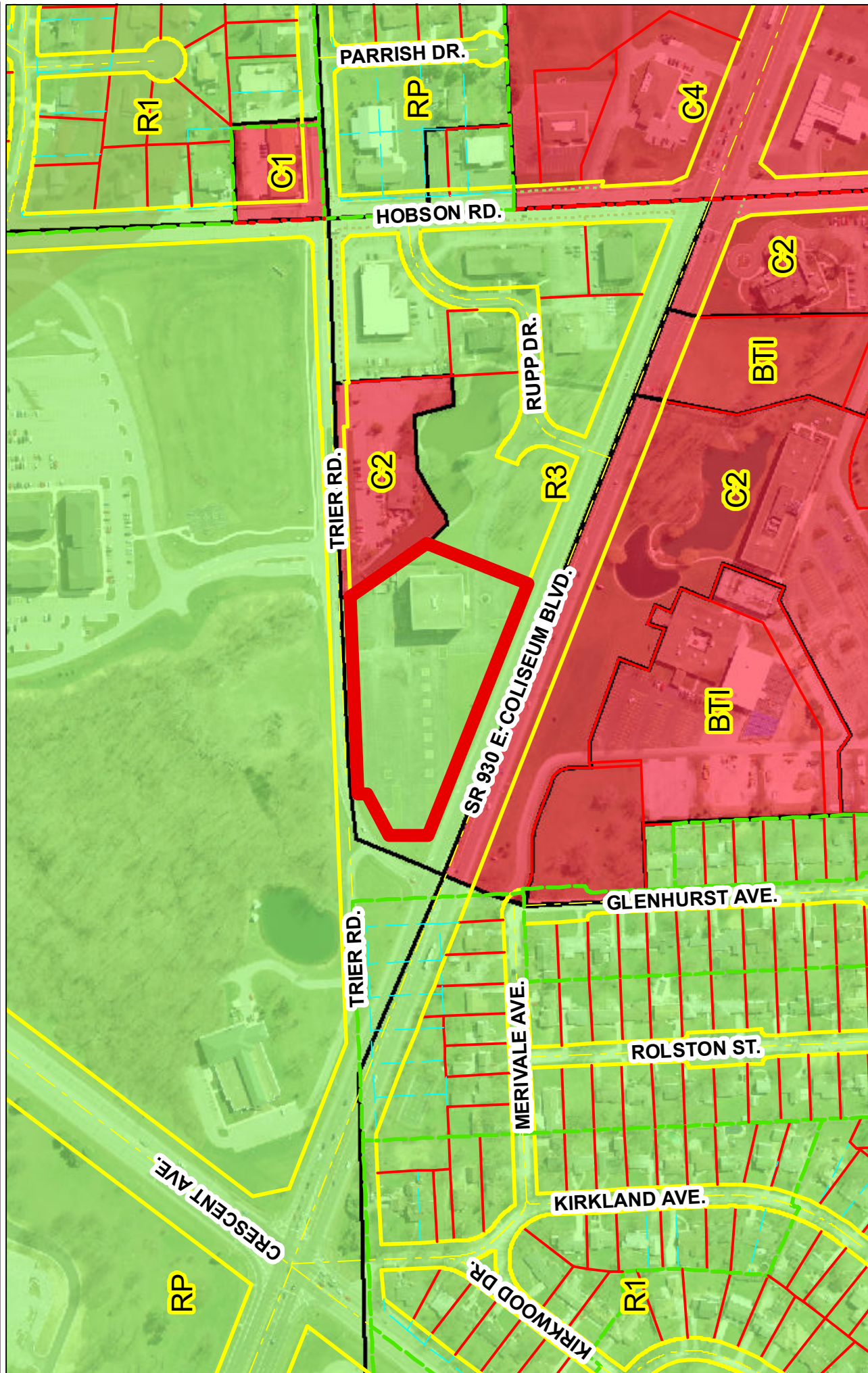
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State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
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1 inch = 300 feet





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1 inch = 300 feet

