TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604 PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR

DATE: May 10, 2019
REF: SUP-3008-19

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for Special Use Permit for a Nonresidential Drug & Alcohol Treatment Center at 624 Main Street.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 9, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Nonresidential Drug & Alcohol Treatment Center
Location	-	624 Main Street
Applicant	-	John Tooson Caregiver Grover Behavioral Health 624 Main Street Toledo, OH 43605
Owner	-	E&H LOVE LLC 1671 Nebraska Avenue Toledo, OH 43607
Engineer	-	Bryan Ellis, P.E., P.S. Glass City Engineering & Surveying 2001 River Road Maumee, OH 43523

Site Description

Zoning	-	CS & RD6 / Storefront Commercial & Duplex Residential
Area	-	± 0.27 acres
Frontage	-	± 50' along Main Street ± 50' along Euclid Avenue
Existing Use	-	Commercial building

GENERAL INFORMATION (cont'd)

Site Description (cont'd)

Proposed Use	-	Nonresidential Drug & Alcohol Treatment Center
Required Parking	-	25 spaces
Proposed Parking	-	5 shared parking spaces
Neighborhood Org.	-	None
Overlay	-	Main Street/ Starr Avenue UNO District

Area Description

North	-	Main Street, Commercial / CS
East	-	Mixed Commercial Residential / CS
South	-	Day Care Center / RD6
West	-	Bank, Single-family house, Duplex / CS & RD6

Parcel History

Z-298-77	-	Application for final designation as C-6 district at the Main Street/Starr Avenue Business District (P.C. approved on 10/4/1977, C.C. approved on 11/16/1977 by Ord. 872-77).
M-23-09	-	Designation of Main Street / Starr Avenue Urban Neighborhood Overlay (UNO) District (P.C. approved on 1/14/2010, C.C. approved on 3/02/2010 by Ord. 95-10).
Z-3007-19	-	Zone Change from RD6 Duplex Residential to CS Storefront Commercial for 624 Main Street (*companion case*).

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Main Street/Starr Avenue Urban Neighborhood Overlay (UNO) District
- Storefront Commercial Additional Review Procedures
- Connecting the Pieces Plan

STAFF ANALYSIS

The applicant, Caregiver Grove Behavioral Health, is requesting a Special Use Permit to operate a Nonresidential Drug & Alcohol Treatment Center at 624 Main Street. The ±0.27-acre parcel is currently split zoned with CS in the front along Main Street and RD6 in the rear along Euclid Avenue. The property is occupied by an existing commercial building in the front with an outdoor playground area in the rear for the daycare center at 631 Euclid Avenue. A companion zone change (*Z-3007-19*) accompanies this case for part of the site that is zoned RD6 Duplex Residential, which doesn't allow for the Nonresidential Drug & Alcohol Treatment Center. Adjacent land uses include the commercial uses along Main Street to the north, mixed commercial residential building to the east, a daycare center to the south, and a duplex residence to the west.

The applicant is intending to operate a Nonresidential Drug & Alcohol Treatment Center that will provide services including assessment, counseling, psychiatric support, treatment, substance abuse disorder, intensive outpatient and school based programs. All assistance will be outpatient with no overnight stays. Additionally, there will not be any medications prescribed or administered at the site.

The applicant has submitted a letter of support from the President of the abutting daycare center, "Educare Academy", in favor of the proposed treatment center. The letter indicates the potential for collaborating with the daycare center to direct additional funds for programs and services that serve the entire community.

Use Regulations

As stated in TMC§1104.1001, Group Living facilities, Type A Family Day Care Homes and Nonresidential Drug & Alcohol Centers must be at least 500 feet from any other Group Living facility, Type A Family Day Care Home, and Nonresidential Drug & Alcohol Center. Records maintained by the Plan Commission staff indicate there is an existing Nonresidential Drug & Alcohol Treatment Center within 500 feet of the subject site. Talbot Clinical Services is a residential and non-residential drug & alcohol treatment center located at 727-735 Euclid Avenue & 732 Main Street. Therefore, the proposed location is in violation of the spacing requirement use regulation. The applicant shall obtain a waiver to TMC§1104.1001 in order to locate at the proposed location and listed as a condition in Exhibit "A".

STAFF ANALYSIS (cont'd)

Parking and Circulation

The site is currently accessed via one (1) curb cut from Euclid Avenue to the west. Pursuant to TMC§1107.0304, Nonresidential Drug & Alcohol Treatment Centers require a minimum of one (1) off-street parking space per three-hundred (300) square feet of floor area and one (1) bicycle slot per ten (10) parking spaces. Calculations using the 7,400 square foot building requires a minimum of twenty-five (25) parking spaces and three (3) bicycle slots. One (1) of these parking spaces shall adhere to accessible parking for physically disabled persons per TMC§1107.1700.

In lieu of complying with the minimum standards of Schedule A, an applicant may request approval of an Alternative Parking Plan. As stated in TMC§1107.1400, the Planning Director is authorized to approve alternative parking plans that meet minimum vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance in TMC§1107.0300 – *Parking Schedule A*.

The site plan depicts five (5) shared parking spaces in the parking lot adjacent to the site. The proposed shared parking does not meet the minimum number of off-street parking spaces required. Additionally, the off-site parking spaces and reduction in minimum spaces will require a shared parking agreement to be established with the adjacent property owner(s) or the submission of an alternative parking plan. If approved, a shared parking agreement and/or alternative parking plan shall be submitted to the Planning Director to satisfy the off-street parking requirements and listed as a condition in Exhibit "A".

Landscaping

The site was developed before the 2004 zoning code and therefore not required to completely comply with the landscape standards of the 2004 code. However, TMC§1114.0500 requires futures changes to bring a site closer into compliance with the 2004 code. The site plan submitted did not depict any landscaping on the property. In fact, few opportunities exist to install landscaping due to the high amount of building coverage on the site. If the site is modified in the future, the Site Plan Review shall also include the review of landscape design elements and conformance with the Urban Commercial Landscape Standards of TMC§1108.0300.

STAFF ANALYSIS (cont'd)

Main Street/ Starr Avenue Urban Neighborhood Overlay

The property is located within the Main Street/ Starr Avenue Urban Neighborhood Overlay (UNO) which was developed in 2010 to replace the River East Land Development Standards. The UNO district is intended to foster development and redevelopment that is compatible with the scale and physical character of original buildings in an area through the use of development and design standards specific to the area. Per the procedures for the Main Street/ Starr Avenue UNO Regulations, the Planning Director reviews any proposed physical changes to structures and public space within the UNO. The standards of the Main Street/ Starr Avenue UNO apply to any physical change of a building or addition that increases the floor area by more than ten percent (10%). The UNO standards also apply to the construction of any off-street parking spaces and driveways. In the event the property is modified by any physical changes, including any off-street parking spaces and driveways proposed on site, then there will be a separate review and approval required by the Planning Director.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the entire site for Neighborhood Commercial land uses. CN land uses typically include predominantly small and medium scale commercial uses that serve neighborhoods although it may include small and medium scale office and mixed uses. The proposed use is consistent with the Neighborhood Commercial future land use designation. However, the site is in violation of the spacing requirements outlined in TMC§1104.1001. Therefore, staff recommends disapproval of the Special Use Permit since the proposed use does not comply with all applicable provisions of the Zoning Code.

PLAN COMMISSION RECOMMENDATION

The staff recommended that the Toledo City Plan Commission recommends disapproval of SUP-3008-19, a request for a Special Use Permit for a Nonresidential Drug & Alcohol Treatment Center at 624 Main Street, to Toledo City Council for the following two (2) reasons:

1. The proposed use violates the spacing requirements as stated in TMC§1104.1001; and

2. The proposed use does not comply with all applicable provisions of this Zoning Code (TMC§1111.0706(B) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission make the following recommendation to the Toledo City Council on the waiver requested for the Nonresidential Drug & Alcohol Treatment Center at 624 Main Street:

PLAN COMMISSION RECOMMENDATION (cont'd)

Chapter 1104 Use Regulations
Sec. 1104.1001 – Group Living and Day Care – Spacing
Group Living facilities, Type A Family Day Care Home and Nonresidential Drug & Alcohol Treatment Centers that are subject to this spacing requirement Section in the Use Table of Sec. 1104.0100, must be at least 500 feet from a site with any other Group Living facility, Type A Family Day Care Home, and Nonresidential Drug & Alcohol Treatment Center that is also subject to this spacing requirement.

Approve a waiver to allow a Nonresidential Drug & Alcohol Treatment Center to be located within 500 feet from another Nonresidential Drug & Alcohol Treatment Center.

The Toledo City Plan Commission further recommends approval of SUP-3008-19, a request for a Special Use Permit for a Nonresidential Drug & Alcohol Treatment Center at 624 Main Street, to Toledo City Council subject to the following **thirty-six (36)** conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:

   Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
   Right-of-Way and Inspection: Joe Warnka 419-245-1341
   Roadway: Tim Grosjean 419-245-1344
   Water: Andrea Kroma 419-936-2163
   Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338
   Sanitary Sewers: Mike Elling 419-936-2276

2. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.

3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

   Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.

6. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Engineering Services for review and approval.

7. Plans for new water meter or modifications to the existing water meter shall be submitted to the Division of Water Distribution for review and approval.

8. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ 800-414-4990. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.

9. The design professional or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service line, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.

10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.

11. If existing fire and domestic service lines are not to be reused, they shall be abandoned by the City of Toledo at the developer's expense.

12. If new service taps are required, they will be installed by City of Toledo at the developer's expense.

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer and Drainage Services

13. S&DS requires all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.

14. S&DS requires that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Division of Environmental Services

15. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.

Division of Environmental Services (cont'd)

16. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

17. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

18. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.

19. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf

20. Applicant shall maintain compliance with the City of Toledo and State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

PLAN COMMISSION RECOMMENDATION (cont'd)

Fire Prevention

No comments or concerns.

Division of Transportation

21. Bicycle parking required per TMC 1107.

22. One 9'x18' van accessible parking space with an 8' aisle required per TMC 1107.

23. If not already established, a shared parking agreements shall be formalized with adjacent property owner to the North.

Plan Commission

24. The approval of the Special Use Permit is subject to the approval of the companion Zone Change (*Z-3007-18*) from RD6 Duplex Residential to CS Storefront Commercial, which allows for the Nonresidential Drug & Alcohol Treatment Center.

25. Applicant shall obtain a waiver of **TMC§1104.1001** - *Group Living and Day Care Spacing*, the required 500 feet from a site of any other Group Living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol Center.

26. An Alternative Access and Parking Plan, in accordance with TMC§1107.1400, shall be submitted to the Planning Director to justify the absence of the required off-street parking spaces and any off-site parking agreements.

27. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; **not acceptable, accessible parking shall be provided and depicted on a revised site plan**.

28. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). **A minimum of three (3) bicycle spaces shall be provided and depicted on a revised site plan**.

29. Pursuant to TMC§1103.13000, if the property is modified by any physical changes, including any off-street parking spaces and driveways, then there shall be a separate review and approval by the Planning Director. Including conformance with the Urban Commercial Landscape Standards of TMC§1108.0300.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

30. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code (**if applicable**).

31. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities (TMC§1107.1906).

32. No new free-standing signs greater than forty-two inches (42") from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.

33. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

34. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

35. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.

36. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

Respectfully Submitted,

Thomas C. Gibbons
Secretary

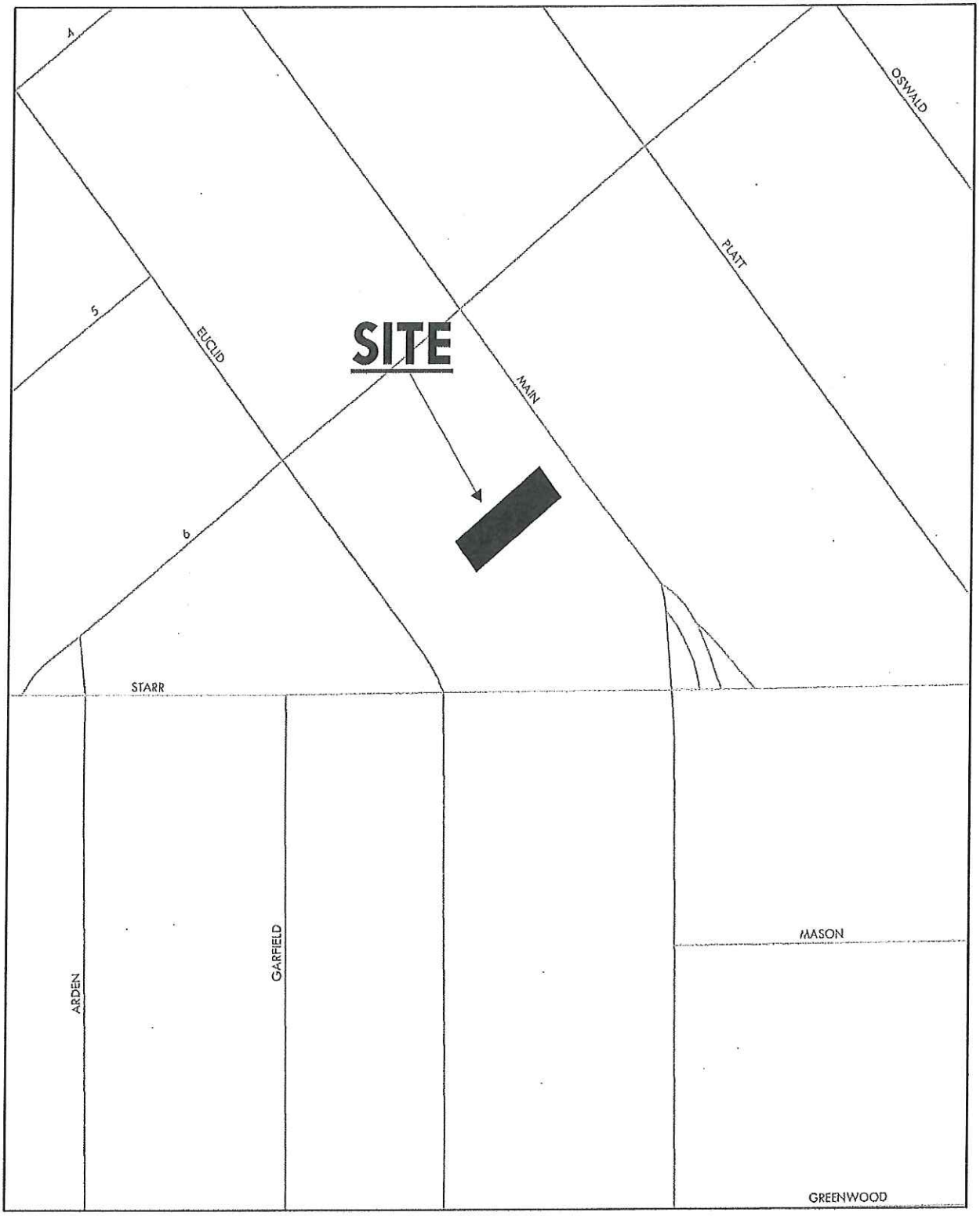
Three (3) sketches follow

Cc: John Tooson; Caregiver Grover Behavioral Health, 624 Main Street, Toledo, OH 43605
E&H LOVE LLC; 1671 Nebraska Avenue, Toledo, OH 43607
Bryan Ellis; Glass City Engineering & Surveying, 2001 River Road, Maumee, OH 43523
Lisa Cottrell, Administrator
Ryne Sundvold, Associate Planner

GENERAL LOCATION

SUP-3008-19
ID 28

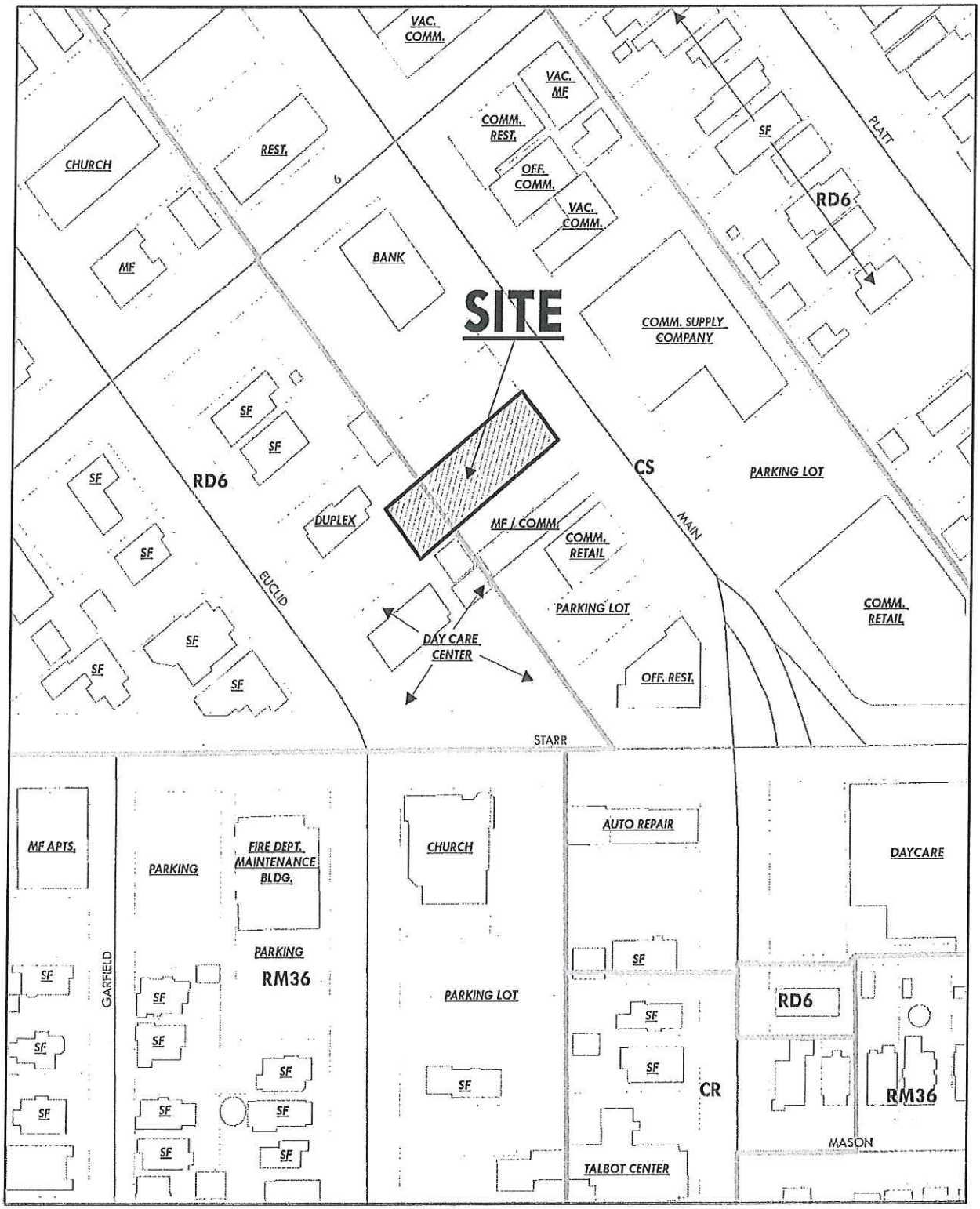
N



ZONING AND LAND USE

SUP-3008-19
ID 28

N



SITE PLAN

SUP-3008-19
ID 28

N

CHANGE OF USE
FOR
CAREGIVER GROVE BEHAVIORAL HEALTH

624 MAIN STREET
CITY OF TOLEDO, LUCAS COUNTY, OHIO

EXISTING SITE CONDITIONS:

TAX PARCEL: 17-07007
CURRENT OWNER: E&H 1545 LLC
CURRENT USER: 2019 NEIGHBORHOOD
ADDRESS: 624 MAIN STREET
CITY OF TOLEDO, OHIO 43605

ZONING: CS, COMMERCIAL
CURRENT USE: COMMERCIAL BUILDINGS

NO EXTERIOR SITE WORK TO BE PART OF THIS PROJECT

AREA DISTURBANCE = 0 AC. < 1.0 AC., NO NOI PERMIT REQUIRED

PARCEL LEGAL DESCRIPTION

LOT 74 AND 75 OF YONDOTA ADDITION (NEW PLAT) AS RECORDED IN PLAT VOLUME 3, PAGE 70, RECORDED IN LUCAS COUNTY RECORDERS OFFICE, EXCEPT FOR THE NORTHEAST 15 FEET THEREOF FOR ROADWAY PURPOSES, IN THE CITY OF TOLEDO, OHIO.

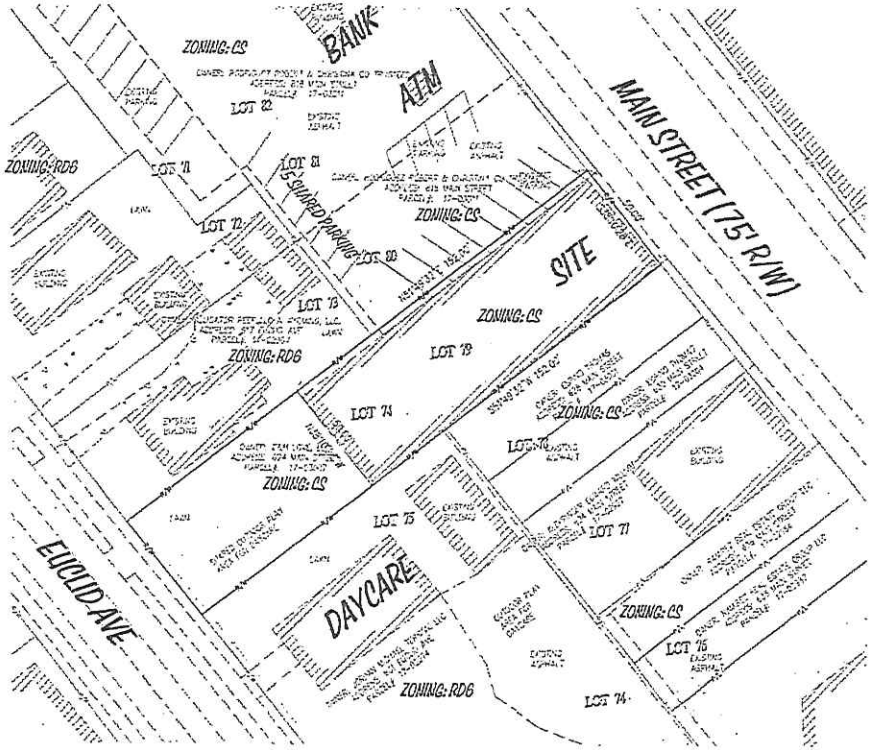
PROPERTY INFORMATION

PROPERTY OWNER / MOVE-OUT:
CAREGIVER GROVE BEHAVIORAL HEALTH
624 Main St
Toledo, OH 43605
Phone: 567-204-2211
Fax: 419-720-6818
CONTACT: JOHN TOLEDO
EMAIL: JTODONOGHOE@HOTMAIL.COM
WEB: WWW.CAREGIVERGROVE.COM

SITE HOURS OF OPERATION
9AM – 5PM M-F/SAT/SUN

NO OVERNIGHT STAYS
OUTPATIENT SERVICE
NO MEDITATION USE OR PRESCRIPTION

EXISTING BUILDING/SITE USE: RESIDENTIAL AND COMMERCIAL



HATCH LEGEND

EXISTING BUILDING
CONCRETE/CURB
EXISTING ASPHALT AREA
EXISTING CONCRETE

GRAPHIC SCALE
0 10 20 40
(IN FEET)
1 inch = 20 ft.

PLANS PREPARED BY:

BRYAN [illegible] P.E. 70044 P.S. 8292

STATE OF OHIO
BRYAN D. ELLIS 8292
REGISTERED PROFESSIONAL SURVEYOR

STATE OF OHIO
BRYAN D. ELLIS 70044
REGISTERED PROFESSIONAL ENGINEER

GLASS CITY ENGINEERING & SURVEYING, LLC.
2270 RIVER ROAD
MAUMEE, OHIO 43537
419-868-3027, FAX 419-794-0391
EMAIL: BRYAN.ELLIS@GLASSCITYENGINEERINGANDSURVEYING.COM

CAREGIVER GROVE BEHAVIORAL HEALTH
624 MAIN ST
CITY OF TOLEDO, LUCAS COUNTY, OHIO
EXISTING SITE PLAN

SP- 1/1

SUP-3008-19

From: michaelt@educareacademys.com <michaelt@educareacademys.com>
Sent: Sunday, March 17, 2019 11:07 AM
To: Ujvagi, Peter <Peter.Ujvagi@toledo.oh.gov>
Cc: j.tooson@caregivergrove.com
Subject: Locating Grove Academy within 200ft of a Child Care center

Hello Mr.Ujvagi,
Thank you for stopping in last week. I enjoyed speaking with you regarding the exciting things happening in East Toledo.

I had a great meeting with Mr. Tooson of Grove Behavioral Health on Friday regarding amongst other things, his hopes of placing his Mental Health Treatment Facility on Main St., which has property in back adjacent to one of our Child Care Centers.

Ironically, our agency had met with a prominent local Psychologist just the week before, as well as Mental Health Grant Managers from the State of Ohio earlier in the month, discussing how to tap into desperately needed resources to address the escalating social and emotional disabilities that we are seeing escalate in the children we serve throughout all of our Centers which currently serve 1700 children in Toledo.

We have been unsuccessfully attempting to address this chronic problem with every Mental Health and Addiction Service Organization in the area for over three years. We have gone as far as building a Therapeutic Classroom in our Euclid Ave Center under an agreement with "A Renewed Minds" mental health services organization to come into our facility and work with our children that are not able to function normally in a social setting such as childcare. Unfortunately this program failed due to budget issues and professional staff shortages experienced by the Mental Health Services Provider. This classroom space that could be providing desperately needed services, now sits empty.

Mr. Tooson's business plan is geared towards "The Whole Child", addressing not only the comprehensive needs of the Children, but also the home life which includes family engagement, which is often the source of the problem. Trauma and Poverty at home is devastating our young Childrens ability to thrive, contributing to the 81% failure rate in Toledo's Kindergarten Entrance Testing.

Mr. Tooson's agency "Grove Behavioral Health", would provide huge benefits to the families we serve as well as the entire community. The issue is so severe, aggravated by the shortage of agency's such as Mr. Toolson's, that we requested Mental Health Program Directors in Columbus to come to our corporate office in East Toledo last month to assist us. They came and evaluated our needs, resulting in the development of a Program Outline that includes sending Master Trainers from various parts of the state, to our Training Facility in East Toledo, attempting to provide training to our PreK Teachers to deal with childhood trauma and social emotional behavior issues. This is currently the core of the training program as the availability of trained professionals in the Mental Health Space is not meeting the need, with Toledo being especially deficient in this area according to their studies.

In summary, we would welcome Mr. Toolson's agency in the Main St. location and have already discussed collaborating with him and his agency to implement the desperately needed professional services end of The State Recommended Program.

Collaborting with Mr. Toolson will also allow us to pull more State and Federal Funds to the Toledo area for these and other much needed services. Our agency currently brings over $10,000,000.00 in State and Federal Funds to the Toledo Community. Collaborating with Mr. Tooson will allow us to direct additional State and Federal funds for much needed programs into our community.

I look forward to further discussions on this as well as other community development opportunities.

Kindly,

Michael Tersigni
President

C:(419) 787-4590

F:(419) 693-0588

EducareAcademys.com