

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: October 14, 2021

REF: SUP-8002-21

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

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

SUBJECT: Special Use Permit for a Drug and Alcohol Treatment Center, Non-Residential, with spacing violations at 4352 W. Sylvania

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, October 14, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Drug and Alcohol Treatment Center, Non-Residential, with spacing violations.
Location	-	4352 W. Sylvania
Applicant	-	Team Recovery 4610 Tradition Way Sylvania OH 43560
Owner	-	SBB Rogue LLC 4610 Tradition Way Sylvania OH 43560
Site Plan Engineer	-	Frederick & Associates 4645 N. Summit Street Toledo, Ohio 43611

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.50 acres
Frontage	-	± 282' along Sylvania Avenue ± 240' along Garden Estates Drive
Existing Use	-	Medical Office
Proposed Use	-	Drug & Alcohol Treatment Center Non-Residential

GENERAL INFORMATION (cont'd)

Area Description

North	-	Apartments / RM36
South	-	Unimproved Park, Single Family Home, Gas Station / POS, RS12, CR
East	-	Gas Station / CR
West	-	Single-family homes / RS12

Parcel History

S-10-60	-	Preliminary replat of lots C & D, Nopper Garden Estates Plat II, NW corner of Talmadge and Sylvania in Washington Township (Approved, 3/10/2021) ew
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Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special use Permit for a non-residential drug and alcohol treatment center in the existing building at 4352 W. Sylvania. The ± 1.50 acres site is zoned CR Regional Commercial has been unoccupied for several years. The site is located near the intersection of W. Sylvania and Talmadge. To the north of the site are apartments, to the east is a gas station, to the south is unimproved parkland, single family homes, and a second gas station, and to the west are single family homes.

The structure, built in a distinctive new-formalist style of the 1960s, has a history of medical uses. Archives available on the Toledo Lucas County Public Library's Digital Collection indicate the site had formerly been occupied by an orthodontist's office in 1993 and a doctor's office in 2006. Nonresidential drug and alcohol treatment centers require a special use permit in CR districts when a waiver to spacing regulations is required.

Spacing

Pursuant to TMC§1104.1000 - *Group Living and day care – spacing*, non-residential drug and alcohol centers must be five hundred feet (500') from a site with any other Group Living facility, Type A Family Day Car Home, or non-residential drug and alcohol center. There is a group living facility located at 3955 Londonderry Lane approximately two-hundred and eighty feet (280') from the facility. Per TMC§1104.1000 the application was forwarded to the Lucas County Mental Health and Rehabilitation Services Board (LCMHR SB) for review and comment

STAFF ANALYSIS (cont'd)

Spacing (cont'd)

has not been received at time of publication. Revisions to staff analysis and recommendation may be required upon submittal of comment from LCMHR SB.

Due to previous medical use, the status of W. Sylvania as a major road and the conflicting group living's separation from the site via high traffic corridor, the waiver of the spacing requirements would not be detrimental to the neighborhood.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, a non-residential drug and alcohol treatment center is required to have one (1) space per three hundred (300) square feet of space. This project requires seventeen (17) parking spaces. In remaining medical office floorspace in the building requires one (1) space per two hundred (200) square feet of space. The building requires an additional seventy-eight (78) spaces. A total of ninety-five (95) spaces are required. One hundred and three (103) spaces are provided on site.

The site plan indicates two (2) accessible parking spaces in the right-of-way which shall be required to be removed. The two (2) parking spaces to be removed are accessible spaces. A total of three (3) car accessible and one (1) van accessible spaces are required. Upon removal of the spaces, some existing parking shall be required to be altered to meet the accessible parking minimums.

Additionally, pursuant to TMC§1107.0901(B) – *Bicycle Parking*, a minimum of eleven (11) bicycle parking slots are required. The site plan indicates a bike rack providing twelve (12) bike parking spaces on the west side of the building. Staff commends the applicant for submitting details of the type of bike-rack to be used.

Pedestrian safety and accessibility are an important objective of the city. Per TMC§1107.1300- *Sidewalks*, the existing sidewalk along Garden Estates Drive shall be extended south to meet the existing sidewalk along Sylvania Avenue as a condition of approval.

Landscaping

Occupation of an existing structure with minor site changes does not typically require full compliance to landscaping, instead the site is required to bring landscaping closer into the standards of TMC§1108-*Landscaping and Screening*. The existing parking spaces in the right-of-way that are to be removed shall have the pavement removed as well and shall be required to be landscaped.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial land uses. Regional commercial land use is intended to act as a buffer around major retail centers such as the nearby Franklin Park Mall to make the areas more valuable and useful to surrounding neighborhoods as well as regional shoppers. The proposed use meets the intent of the Toledo 20/20 Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-8002-21, a Special Use Permit for a Drug and Alcohol Treatment Center, Non-Residential, at 4352 W Sylvania Avenue to Toledo City Council for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision-Making Criteria*); and,
2. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC§1111.0706(C) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission recommend approval of the following waiver to the Toledo City Council:

Chapter 1104 Use Regulations

1104.1001 – Group living and Day Care Spacing

Group living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol 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 and Alcohol Center that is also subject to this spacing requirement.

Approve a waiver to allow a nonresidential drug and alcohol center less than five-hundred feet (500') from a group living facility.

The Toledo City Plan Commission recommend approval of SUP-8002-21, a Special Use Permit for a Drug and Alcohol Treatment Center at 4352 W Sylvania Avenue to Toledo City Council subject to the following **twenty-two (22)** 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

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

Division of Engineering Services (cont'd)

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

Sewer and Drainage Services (S&DS)

6. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. 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 S&DS demonstrating the lines cleaning and integrity.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Transportation

8. Sidewalk on Garden Estates Drive to connect up with sidewalk on W. Sylvania Avenue
Per TMC1107.1300
9. Wheel stops are required at property lines, sidewalk planting strips and buildings per
TMC 1107.1907
10. All parking must be clearly dimensioned per TMC 1107.1911
11. Two accessible parking spots at the Southeast corner must be removed out of the Right-
of-Way. Parking in the Right-of-Way is not permitted.

Plan Commission

12. Seven (7) parking spaces dedicated for day care use shall be provided. At least one (1)
accessible van parking space shall be provided. **Acceptable as depicted.**
13. A minimum of three (3) accessible spaces and one (1) van accessible spaces shall be
provided on a revised site plan TMC§1107.1701. **Not acceptable as depicted, existing
accessible spaces are in right-of-way.**
14. Any spaces reserved for the use by persons with physical disabilities shall adhere to the
standards outlined in TMC§1107.1700.
15. 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**).
16. 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. **Acceptable as depicted on site plan.**
17. No 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.
18. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate
from building & site plans) shall be submitted to the Plan Director for review and
approval. Such plan shall include:

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- a. The removal of pavement in the south eastern portion of the parking lot which extends into the right-of-way and replacement with a planted area containing at least one (1) tree. **Not acceptable as depicted**
 - b. Two (2) trees shall be planted along W. Sylvania Avenue, within the property line, and to the west of the semi-circle driveway. **Not acceptable as depicted.**
19. 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.
20. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
21. 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.

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,

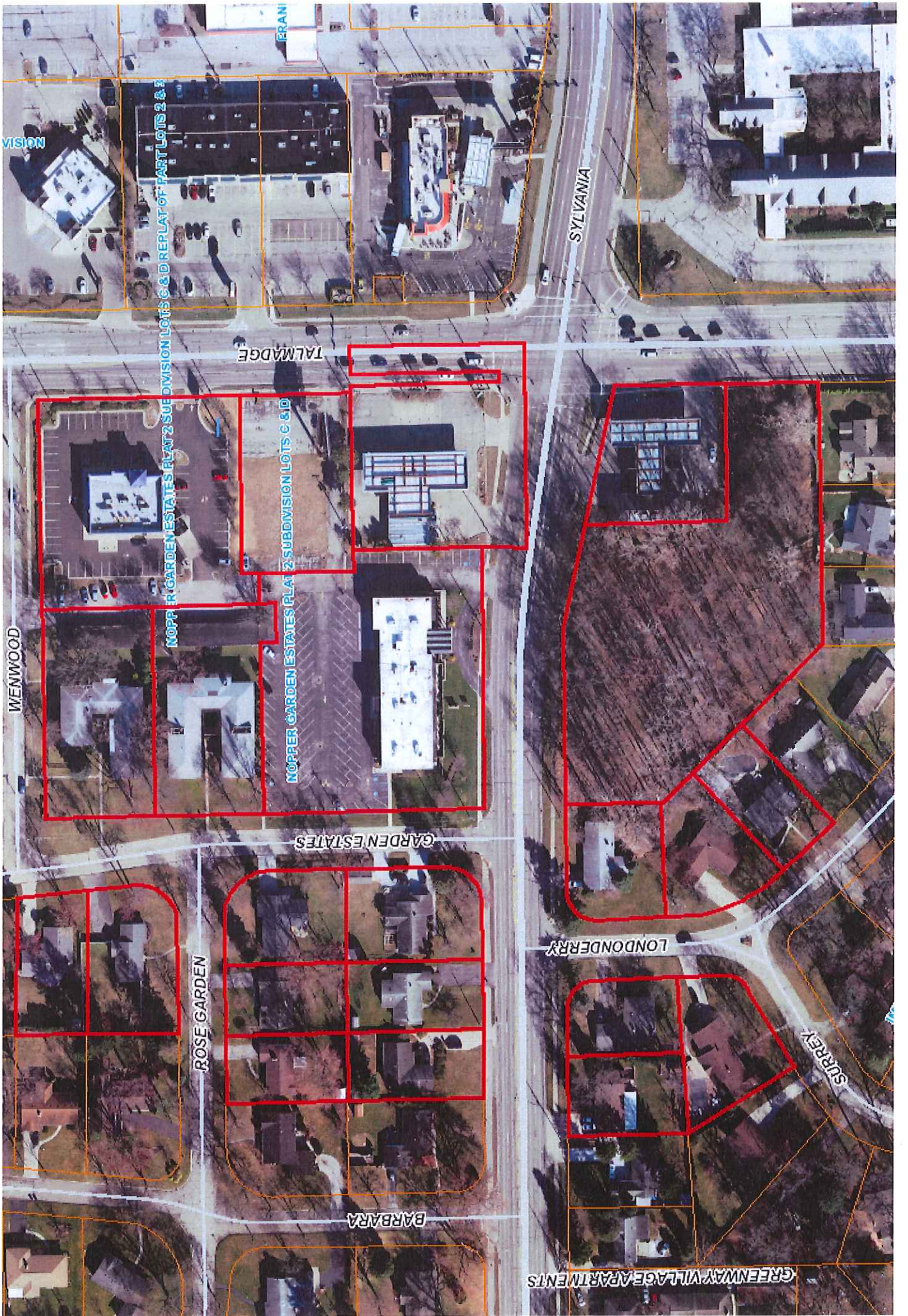


Thomas C. Gibbons
Secretary

JGL

Three (3) sketches follow

Cc: Team Recovery, 4610 Tradition Way, Sylvania OH 43560
Frederick & Associates 4645 N. Summit Street, Toledo Ohio 43611
Lisa Cottrell, Administrator
Jonny Latsko, Planner



VISION

KOPPER GARDEN ESTATES PLAT 2 SUE DIVISION LOTS C & D REPLAT OF PART LOTS 2 & 3

FRANK

SYLVANIA

TALLMADGE

KOPPER GARDEN ESTATES PLAT 2 SUBDIVISION LOTS C & D

WENWOOD

GARDEN ESTATES

ROSE GARDEN

BARBARA

LONDONDRY

SURREY

GREENWAY VILLAGE APARTMENTS

GENERAL LOCATION

SUP-8002-21
ID 105



ZONING & LAND USE

SUP-8002-21
ID 105

