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: July 12, 2019

REF: SUP-5003-19

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

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

SUBJECT: Request for a Special Use Permit for a Residential Drug and Alcohol Facility at 3132 Secor Road.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 11, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Residential Drug & Alcohol Treatment Center
Location	-	3132 Secor Road
Applicant	-	Empowered for Excellence 3170B W. Central Ave Toledo, OH 43606
Engineer	-	George V. Oravecz Oravecz & Associates 5333 Secor Road, Suite 2 Toledo, OH 43623

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.53 acres
Frontage	-	± 36' along Secor Road
Existing Use	-	Non-residential Drug & Alcohol Treatment Center
Proposed Use	-	Residential Drug & Alcohol Treatment Center
Required Parking	-	4 spaces (1 space per 2 employees, 6-8 employees)
Proposed Parking	-	299 spaces total in a shared lot

GENERAL INFORMATION (cont'd)

Area Description

North	-	Parking Lot for Home Depot, Home Depot, Popeye's / CR
South	-	Cemetary, Medical Office, BP Station / CR
East	-	Medical Office, Vacant Office, Vito's Pizza / CR
West	-	McDonalds, Batteries + Bulbs / CR

Parcel History

S-17-78	-	Preliminary drawing for Westgate Meadows (6/12/1978)
BSP-1-78	-	Permission to erect more than one main building (4/24/1978)
S-34-78	-	Preliminary drawing for Westgate Meadows (11/27/1978)
M-11-80	-	Review of site plan in Westgate Meadows Commercial Plat (3/6/1980)
T-152-97	-	Deed Transfer, Westgate Meadows (11/6/1997)

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant, Empowered for Excellence, is requesting a Special Use Permit to operate a Residential Drug & Alcohol Treatment Center, expanding upon an existing Non-residential Drug & Alcohol Treatment Facility currently operating on this site, 3132 Secor Road. The ±1.53 acre site is owned by the YAC Limited, who is supportive of this expansion. The site has traditionally been a medical office building and is zoned CR / Regional Commercial. A Residential Drug & Alcohol Treatment Center is permitted in this zoning district, subject to the approval of a Special Use Permit. Adjacent land uses include fast-food, a Batteries + Bulbs, and a BP gas station to the west along Secor Road. A Home Depot and accompanying parking lot are to the north of the site. East of the site are other medical office buildings, some in use and some vacant. A cemetery and medical office are to the south of the site along Central Ave.

STAFF ANALYSIS (cont'd)

Empowered for Excellence has been a tenant of this site since summer of 2018. The applicant currently uses a portion of the first floor of the building for non-residential drug and alcohol rehabilitation programs and operates during business hours. Additionally, Empowered for Excellence operates a residential facility on Champlain Street which houses both men and women. The applicant sees a great need for a women's only housing environment to better cater to gender-specific needs while providing increased safety and fewer distractions to recovery for all patients. For that reason, the applicant is looking to expand within the building on the subject site. This expansion will require the use of the second floor of the building. Empowered for Excellence intends to use the second floor of the building as a "sober living house," providing short-term residential accommodations for women with a substance use disorder during their recovery period. According to the applicant's letter of intent, "Our facility would house 30 women and be staffed with 6-8 all-female staff. The housing unit would be equipped with 30 beds, dormitory showers, lockers, dayroom/living area, exercise room, and family room for visitation with children." The applicant expects that women will be living at the facility anywhere from a couple weeks to 6-8 months, depending on the pace of their recovery. Staff has performed site multiple site visits, including the interior of the facility, and deems the location appropriate for "dormitory-style" residential living. The facility is not intended to provide long-term residential accommodations.

Group Living

Per TMC§1116.0221(D), Residential Drug & Alcohol Treatment Centers are considered Group Living facilities and defined as "*a home or facility that provides habilitation services for persons with drug and alcohol addictions but not including methadone treatment.*" As a Group Living facility, Residential Drug & Alcohol Treatment Center are subject to the spacing requirements outlined in TMC§1104.1000. The proposed Residential Drug & Alcohol Treatment Center does not violate the spacing requirements and therefore conforms to TMC§1104.1000.

Parking and Circulation

The site is surrounded by other commercial and office uses, partially obstructing visibility from the right-of-way. It can be accessed from both Secor Road and Central Ave via shared curb cuts. Pursuant to TMC§1107.0304 – *Off-Street Parking Schedule "A"*, Residential Drug & Alcohol Treatment Centers require a minimum of one (1) parking space per every two (2) employees and one (1) bicycle parking slot per ten (10) parking spaces. The letter of intent submitted indicates a total of six to eight (6-8) employees, requiring a minimum of four (4) parking spaces with at least one (1) parking space designated as a van accessible space for persons with disabilities.

STAFF ANALYSIS (cont'd)

The site plan submitted depicts a total of two hundred ninety-nine (299) parking spaces with twelve (12) spaces designated for persons with disabilities. These parking spaces are shared with other uses in the Westgate Meadows Commercial Plat, and an alternative parking plan is not required. TMC§1107.0300 requires one (1) bicycle slot per ten (10) parking spaces. The site plan submitted did not depict any of the required bicycle parking. A minimum of thirty one bicycle parking slot shall be provided on a revised site plan and is listed as a condition of approval.

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 Appearance Upgrade for Nonconforming Development, requires futures changes to bring a site closer into compliance with the 2004 code. The site plan submitted does not depict any proposed or existing landscaping on the property. The field survey conducted by Plan Commission staff identified various foundation plantings around the building and approximately eight (8) trees which were not depicted on the site plan.

Because the site does not have any frontage along the right-of-way, a frontage greenbelt is not required. Additionally, because the property is zoned CR / Regional Commercial, and the properties adjacent are zoned CR / Regional Commercial, no buffer is required. Landscaping currently exists within the parking lot islands and around the perimeter of the site.

The original site plan approval for the Westgate Meadows Commercial Plat required three (3) landscape islands in the parking lot of this site. These appear to have been removed over time. Staff is requiring that these three (3) islands be re-installed. This is listed as a condition of approval.

This application is bringing a residential component to a site that has historically been non-residential, and does not currently provide a residential appearance or residential amenities. Additionally, the applicant stated that residents will be provided breaks during the day to go outside. For these reasons, staff is requiring an outdoor gathering space as condition of approval. The outdoor gathering space is intended to provide an enclosed space for residents and staff to take breaks outside. A Type B landscape buffer shall be provided around the outdoor space. For the security of residents and staff, the gathering space shall be enclosed by a decorative fence, made of heavy-gauge metal or similar material and supported by brick or other masonry columns at the corners. The outdoor gathering space shall provide canopy trees, a pergola, and/or other elements to adequately shade the area for the comfort of residents and staff. Staff recommends outdoor furniture such as picnic tables and benches. Other elements such as cornhole boards, hammocks, etc. are encouraged but not required. Pursuant to TMC§1108.0203(F), the Type B Landscape Buffer surrounding the outdoor gathering space shall be a minimum width of ten-feet (10') include four (4) canopy trees and fifteen (15) shrubs for every 100 linear feet.

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 uses including major retail centers. Toledo 20/20 recommends buffering and other improvements to make these areas more valuable and useful to surrounding neighborhoods as well as regional shopping centers. Toledo 20/20 recommends improving storm drainage and creating a mixed use "urban village" at Central and Secor. Significant landscape improvements on this site, accomplished through condition #21, will help meet these goals.

Staff recommends approval of the Special Use Permit since the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics. Additionally, staff recommends approval of the Special Use Permit because there are no spacing violations outlined in TMC§1104.1000. Staff recommends approval of the Special Use Permit since the proposed use complies with all applicable provisions of the Zoning Code. Staff acknowledges that finding an "ideal" site for a Residential Drug and Alcohol Facility is difficult, and that the proposed site provides many nearby amenities to residents and is not located within an established residential neighborhood. The site is also already being leased by the applicant and provides an appropriate shared residential space, as determined on-site by staff.

Neighborhood Meeting

Staff required the applicant to host a neighborhood meeting. Meeting notifications were sent to the mailing address list provided to the applicant generated by the Plan Commission staff.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-5003-19, a request for a Special Use Permit for a Residential Drug & Alcohol Treatment Center at 3132 Secor Road, to Toledo City Council for the following three (3) reasons:

1. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B) – *Review & Decision-Making Criteria*);

2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e. 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*); and

3. The City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property while maintaining sufficient levels of service for existing development (TMC§1111.0706(C) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission recommends approval of SUP-5003-19, a request for Special Use Permit for a Residential Drug & Alcohol Treatment Center at 3132 Secor Road, to Toledo City Council subject to the following **twenty-five (25)** 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, ph. 419-245-1341
   Roadway: Tim Grosjean, ph. 419-245-1344
   Water: Andrea Kroma, ph. 419-936-2163
   Stormwater Drainage: Lorie Haslinger, 419-245-3221; Andy Stepnick, 419-245-1338
   Sanitary Sewers: Mike Elling, ph. 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 and 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-inch-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 or 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.

Division of Engineering Services (Cont'd)

6. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a storm-water plan review. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site-plan review and approval will be required by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water Utility, including storm-water detention and post-construction storm-water Best Management Practices (BMPs) as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

Water

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

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.

Fire & Rescue Department

10. It appears that the building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.

11. Approved Premises identification is required.

Sewer and Drainage Services

12. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.

13. 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.

Plan Commission

14. The applicant has stated the need for this expansion is to provide an all-female facility for their patients. As a condition of approval, this facility must indefinitely remain all-female.

15. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; **acceptable as depicted on site plan.**

16. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. Staff recommends an on-site bike rack. **A minimum of one (1) bicycle parking space shall be provided and depicted on a revised site plan**.

17. 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**).

18. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A). **These shall be shown on revised site plan.**

19. 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.

Plan Commission (Cont'd)

20. 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.

21. A detailed site, lighting, sign, 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:

    a. An outdoor gathering space shall be provided for residents and staff. The gathering space shall be enclosed by a decorative fence, made of heavy-gauge metal or similar material and supported by brick or other masonry columns at the corners. Staff recommends that masonry columns are designed to match the façade material of the building. The space shall provide canopy trees, a pergola, and/or other elements to adequately shade the area for the comfort of residents and staff, subject to review of the Plan Director. Staff recommends outdoor furniture such as picnic tables and benches, cornhole boards, hammocks, etc. to improve the residential character of the space. **Shall be depicted on a completed landscaping plan.**

    b. Pursuant to TMC§1108.0203(F), the Type B Landscape Buffer surrounding the outdoor gathering space shall be a minimum width of ten-feet (10') include at least four (4) canopy trees and fifteen (15) shrubs for every 100 linear feet. **Shall be depicted on a completed landscaping plan.**

    c. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage.

    d. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **shall be noted on a completed landscaping plan.**

    e. The location, height and materials for any fencing to be installed and maintained shall be included. **A decorative fence made of heavy-gauge metal or similar material and supported by brick or other masonry columns at the corners, shall be depicted on a completed landscaping plan.**

    f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and

    g. The location, lighting and size of any signs.

Plan Commission (Cont'd)

22. 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.

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

24. 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.

25. 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

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Three (3) sketches follow

CC: Lisa Cottrell, Administrator
Matt Lascheid, Associate Planner
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