



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: September 13, 2019
REF: SUP-7006-19

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 Drug and Alcohol Treatment Facility, Non-Residential at 111 S. Byrne Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 12, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Drug & Alcohol Treatment Facility, Non-Residential
Location	-	111 S. Byrne Road
Applicant	-	New Concepts C/O: Janice Edwards 5301 Nebraska Avenue Toledo, OH 43615
Architect	-	Coger / Shambarger Architects, Inc. 4427 Talmadge Road, Suite H Toledo, OH 43623

Site Description

Zoning	-	CR / Regional Commercial
Area	-	±1.84 acres
Frontage	-	±211' along S. Byrne Road
Existing Use	-	Office Building
Proposed Use	-	Treatment Facility

Area Description

North	-	Used car lot, auto body shop, restaurant / CR
South	-	Sexually-oriented business establishment, Lucas Metropolitan Housing Authority / CR & IL
East	-	Autism Academy of Learning, Metzgers / CR & IL
West	-	Vacant commercial, used car lot / CR

GENERAL INFORMATION (cont'd)

Parcel History

Z-125-66	-	Request to rezone from M-1, M-2 and C-3 to C-4, deferred by Plan Commission on 9/15/66, withdrawn by applicant.
Z-107-71	-	Request to rezone from M-1 to C-3, disapproved by Plan Commission on 6/3/71, approved by City Council on 6/14/71, Ord. 421-71.
T-280-72	-	Deed transfer request, approved administratively 12/18/72.
PL-4-02	-	Parking Lot, appeal of administrative review, disapproved by Plan Commission on 6/13/02.

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan.

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a non-residential drug and alcohol treatment facility located at 111 S. Byrne Road. The ±1.84 acre site is zoned CR Regional Commercial and is occupied by an office building built in 1973. The building was previously occupied by the Toledo Federation of Teachers Local 250, and has 10,840 square feet of gross building area. Surrounding land uses include a restaurant and used car lot to the north, the Autism Academy of Learning to the east, a strip retail center (including a sexually-oriented business) to the south, and a vacant commercial building and used car lot to the west across Byrne Road.

The applicant, New Concepts, is requesting a Special Use Permit in order to operate a non-residential, alcohol and drug treatment center. New Concepts is an outpatient mental health disorder and substance use counseling agency. The organization currently provides these services out of Friendship Baptists Church at 5301 Nebraska Avenue, and are looking to relocate to the subject site. They are certified by the Ohio Mental Health and Addition Services Board (OMHAS) and accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF). A Special Use Permit is required for non-residential drug and alcohol treatment centers in all zoning districts outside of Institutional Campus.

STAFF ANALYSIS (cont'd)

Parking and Circulation

The minimum number of required vehicular parking spaces on a site is mandated by Off-Street Parking Schedule "A" (TMC§1107.0300). For non-residential drug and alcohol treatment centers, the minimum parking spaces required is one (1) per three-hundred (300) square feet of gross building area. Calculations conclude that a total of thirty-seven (37) vehicular spaces are required. Per TMC§1107.0302, the maximum number of off-street parking spaces allowed is one hundred and fifty percent (150%) of the minimum in Parking Schedule "A". The site plan depicts a total of one hundred and twenty four (124) vehicular parking spaces, which is over the maximum allowed. However, because the parking is existing, an Alternative Access and Parking Plan is not required.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least four (4) auto and one (1) van accessible space for a total of five (5) parking spaces for persons with physical disabilities. Five (5) accessible parking spaces are depicted on the site plan, but one (1) of these spaces does not have an aisle abutting the parking space, making it inaccessible. One (1) additional accessible space shall be required and is listed as a condition of approval.

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. Calculations conclude that a total of twelve (12) bicycle parking slots are required. The site plan submitted does not depict compliance with this regulation. Listed as a condition of approval, a revised site plan will be required to show compliance with the appropriate number of bicycle parking spaces.

Landscaping

The site is existing, and pursuant to TMC§1114.0502, is only required to be brought closer into compliance with the landscaping requirements of the 2004 Zoning Code.

The site plan submitted depicts a thirty-foot (30') wide frontage greenbelt with three (3) trees and numerous shrubs along S Byrne Road, which is acceptable. Trees are not required to be evenly spaced and may be clustered. The existing terminal islands in the parking lot are shown as being mulched with one (1) tree in each island. Two (2) trees and eight (8) shrubs shall be added to each island. Finally, the existing foundation plantings shall remain and be maintained indefinitely. As the off-street parking lot is not expanding by more than twenty percent (20%), additional landscaping is not required in the off-street parking area, but the landscaping shall be brought closer to compliance.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for CR Regional Commercial land uses. The purpose of CR Regional Commercial is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. The proposed site improvements conforms to the intent of this zoning designation.

Staff recommends approval of the request for two (2) reasons. First, the proposed use meets the stated purpose of the Zoning Code, which is to protect the health, safety, and general welfare of the citizens of Toledo. Second, the use is consistent with the provisions of the Zoning Code, including the five hundred foot (500') spacing requirement from similar facilities.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-7006-19, a request for a Special Use Permit for a Drug & Alcohol Facility, Non-Residential at 111 S. Byrne Road, to the 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)), and
2. The proposed use complies with the applicable provisions of the Zoning Code (TMC§1111.0706(B)),

The Toledo City Plan Commission recommends approval of SUP-7006-19, a request for a Special Use Permit for a Drug & Alcohol Facility, Non-Residential at 111 S. Byrne Road, to the Toledo City Council, subject to the following **twenty-three (23)** conditions:

The following conditions 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)

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.
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.

Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
6. S&DS requires that the private sanitary lines (after they have 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)

Environmental Services

7. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.
10. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
11. Applicant shall maintain compliance with the City of Toledo and the 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.

Fire Prevention

No comments or concerns.

Transportation

12. Bicycle parking must be provided per TMC 1107.

Plan Commission

13. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **Not acceptable as depicted on site plan. One (1) additional car-accessible space with a five foot (5') wide aisle abutting the parking space shall be added on a revised site plan.**
14. A minimum of twelve (12) bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). **Not depicted on site plan. A revised site plan depicting the location and number of bicycle parking slots shall be submitted.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

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. **Not acceptable as depicted on site plan. Screening materials shall be indicated on a revised site plan.**
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 or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities. **Acceptable as depicted on site plan.**
17. Lights and lighting fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect the light from any adjacent residential property and public ways and away from the sky above the light fixture (TMC§1107.7908).
18. Litter receptacle(s) shall be provided for the use of parking area users and others. Litter receptacle(s) are treated as accessory structures and must be maintained according to the requirements of the Toledo-Lucas County Health Department.
19. 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:
 - a. Plantings required shall not be located within the public right-of-ways.
 - b. The thirty foot (30') frontage greenbelt depicted on the site plan is acceptable. At least one tree must be provided for every thirty feet (30') of lot frontage or fraction thereof. Trees are not required to be evenly spaced and may be clustered; **acceptable as depicted on site plan.**
 - c. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing; **not acceptable as depicted on site plan. Two (2) trees and eight (8) shrubs shall be added to each island.**
 - d. Topsoil must be back filled to provide positive drainage of the landscape area.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- e. 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; **acceptable as depicted on site plan.**
 - f. Existing foundation plantings shall remain and be maintained indefinitely.
 - g. The existing six foot (6') fence shall remain indefinitely. If replaced, the same materials shall be used.
 - h. 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; **acceptable as depicted on site plan.**
 - i. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.
- 20. 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.
 - 21. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. **Landscaping shall be installed & maintained indefinitely.**
 - 22. 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.
 - 23. 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.

TO: President Cherry and Members of Council
September 13, 2019
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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Gibbons". The signature is fluid and cursive, with the first name being the most prominent.

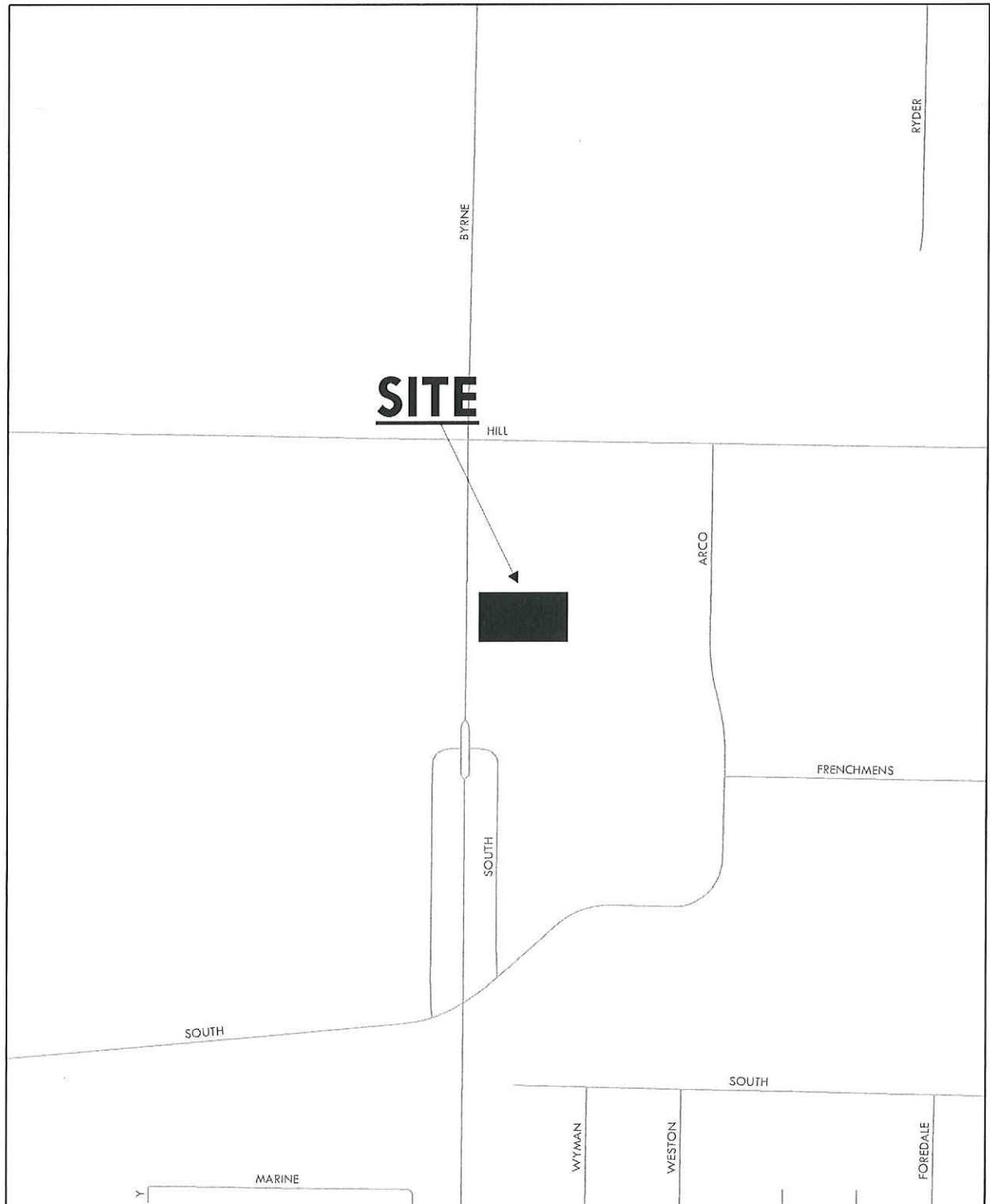
Thomas C. Gibbons
Secretary

Three (3) sketches follow

Cc: Janice Edwards, 5301 Nebraska Avenue, Toledo OH 43615
Coger / Shambarger Architects Inc., 4427 Talmadge Road, Suite H, Toledo, OH 43623
Lisa Cottrell, Administrator
Dana Doubler, Planner

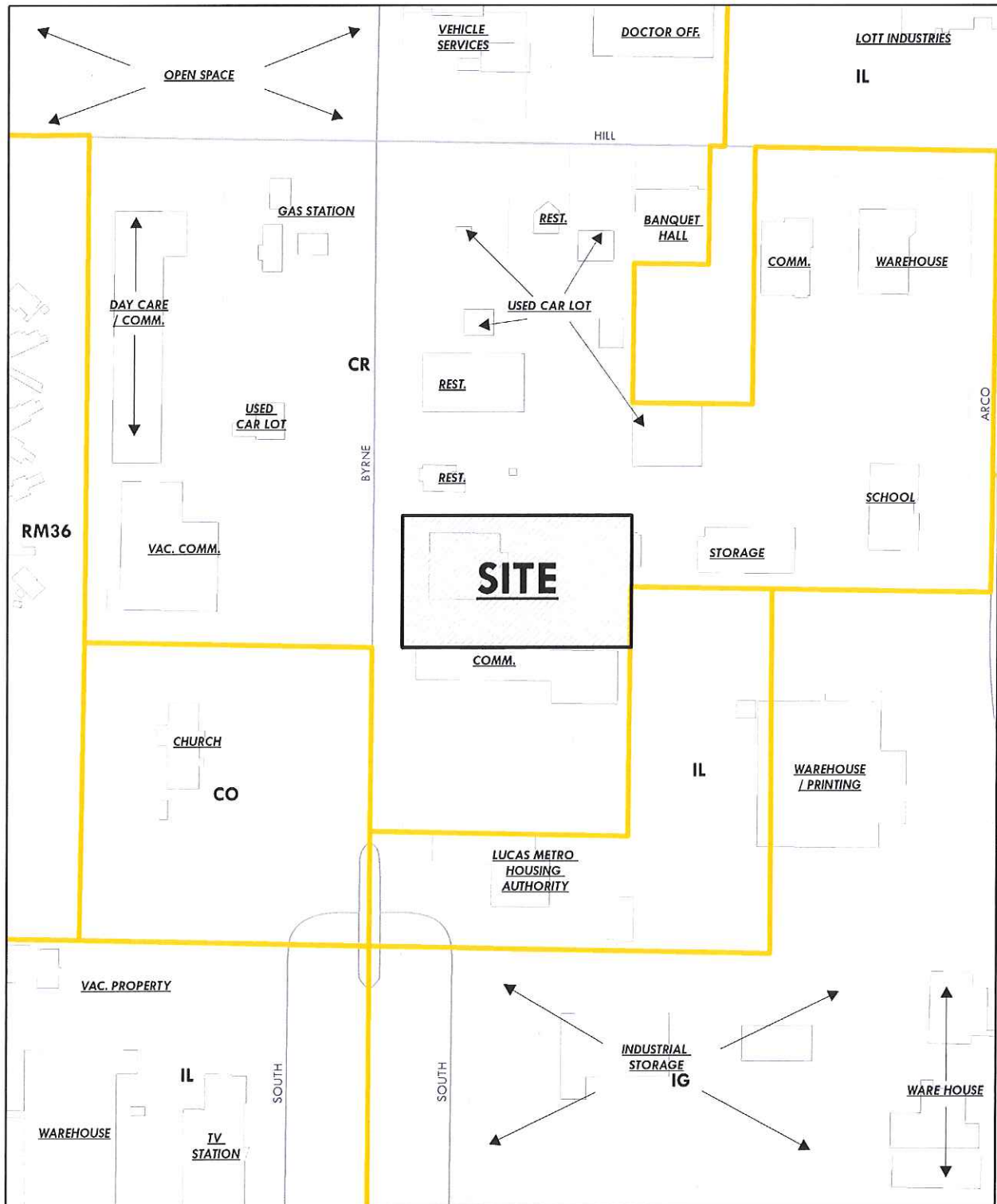
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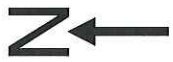
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ID 53



ZONING AND LAND USE

SUP-7006-19
ID 53





SITE PLAN

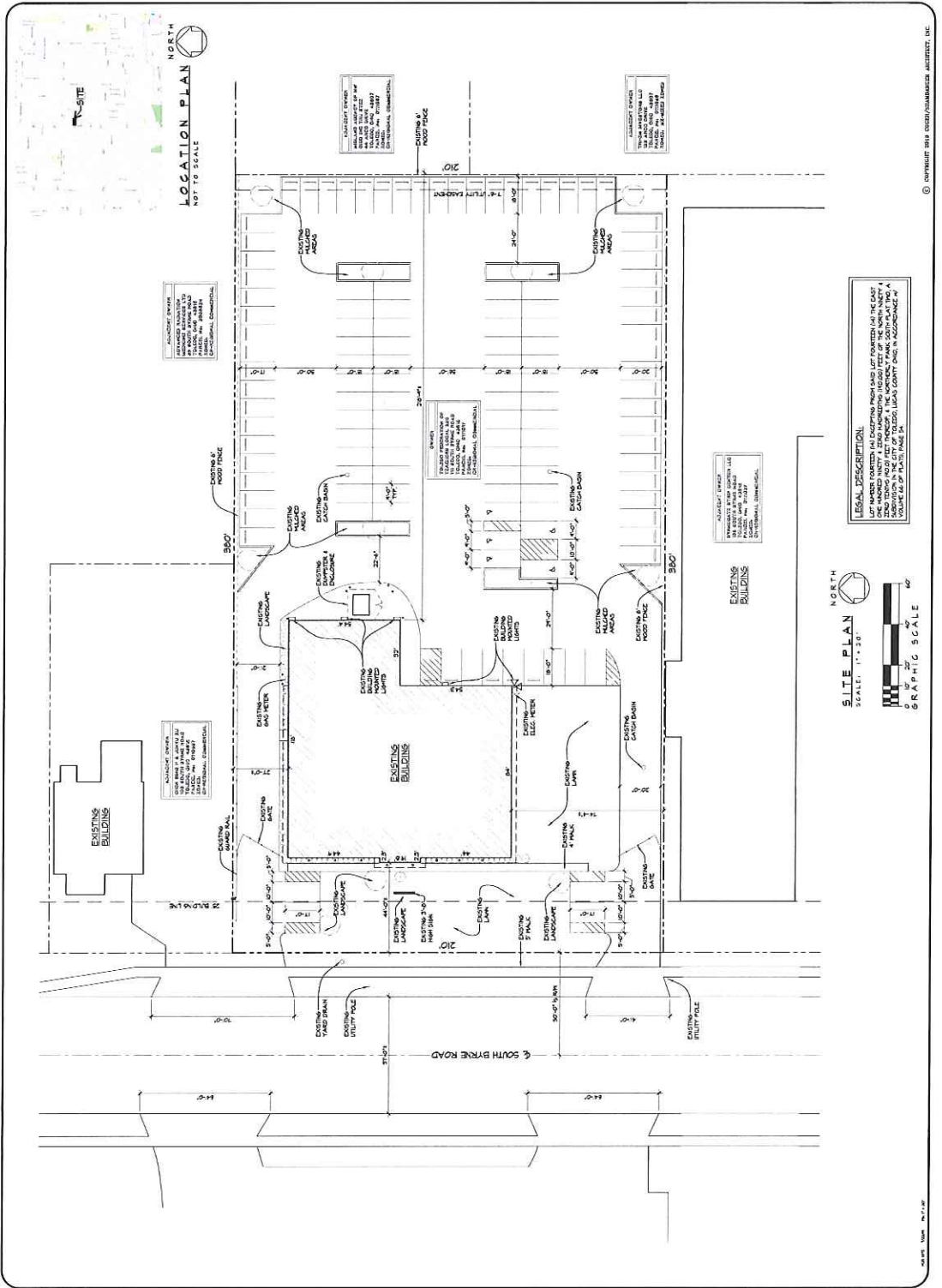
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COGBR/SHAMBARGER ARCHITECT, INC.
4877 TRIANGLE ROAD SUITE H
TOLEDO, OHIO 43623
419-537-9338 FAX: 419-537-9589

NEW CONCEPTS
555 SOUTH BYRNE ROAD
TOLEDO, OHIO 43616

SPECIAL USE PERMIT FORM
DATE: 12/28/14

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15-25



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