



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: October 9, 2020

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: One Year Review of Special Use Permit for a Residential Drug and Alcohol Treatment Center

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, October 8, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	One Year Review of: 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. Oravec Oravec & 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	-	Home Improvement store, Fast Food / CR
South	-	Cemetery, Medical Office, BP Station / CR
East	-	Medical Office, Vacant Office, Restaurant / CR
West	-	Fast Food, Retail Sales / CR

Parcel History

SUP-5003-19	-	Special Use Permit for a Residential Drug and Alcohol Treatment Center. Approved by Ord. 398-19 on 9/17/2019.
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, received final approval for a Special Use Permit to operate a Residential Drug and Alcohol Facility at this location, 3132 Secor Road, via Ord. 398-19 on September 17, 2020. Two conditions of approval were added during the review process, which read as follows:

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."

STAFF ANALYSIS (Cont'd)

26. "This SUP is placed for review on the September, 2020 regularly-scheduled Plan Commission agenda, for possible revocation, if there is reliable, substantial, and probative evidence that the use interferes with the peace, sobriety, and good order of the neighborhood. Consideration shall be given to whether an independent director is appointed to its management board, whether the applicant has obtained Commission on Accreditation of Rehabilitation Facilities (CARF) certification, and/or any findings based upon a review of reports for calls of service from the city safety forces.

The intent of this report is to review the Special Use Permit for compliance with the above-mentioned conditions. Staff waited one year to write the report, giving the applicant the necessary time to fulfill the Special Use Permit and open, and thus this report will be placed on the October Plan Commission hearing. However, staff is unable to perform such review because the Residential Drug and Alcohol Facility has not opened as of September 18, 2020.

Per TMC§1111.0707.A *Lapse of Approval*, an approved Special Use Permit will lapse and have no further effect 1 year after its effective date unless a building permit has been issued and construction has been diligently pursued. The applicant was unable to pull a building permit and pursue construction within the 1 year timeline, citing financial complications, necessary modifications to building plans, and the Covid-19 pandemic as reasons for the delay.

Per TMC§1111.0707.D, City Council can extend the expiration period by up to 6 months upon request filed before the expiration of the 1 year period. The applicant complied with TMC§1111.0707.D and applied for the extension of the Special Use Permit on August 31, 2020. On September 22nd, City Council voted to put the proposed extension into Committee.

PLAN COMMISSION RECOMMENDATION

As of September 18, 2020, no Certificate of Occupancy has been issued for this use, and the applicant states that the use has not yet been established. Because the use has not been established, the Plan Commission does not have a recommendation. In the event that City Council grants the extension of the Special Use Permit, it shall be re-reviewed one year after the extension is granted.

Respectfully submitted,



Tom C. Gibbons
Secretary

Cc: Empowered for Excellence; 3170B W. Central Ave; Toledo, OH 43606
George V. Oravec; Oravec & Associates; 5333 Secor Road, Suite 2; Toledo, OH 43623
Bradley Waugh, Esq.; Malone, Ault & Farrell; 7654 W. Bancroft Street; Toledo, Ohio 43617