



## Legislation Details (With Text)

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**File created:** 8/16/2019      **In control:** City Council  
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**Title:** Granting a Special Use Permit, for a Residential Drug and Alcohol Treatment Center for a site located at 3132 Secor Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio TCPC 7/11/2019, 3. Audio: Zoning & Planning Committee 8/14/2019, 4. Audio: City Council 8/20/2019, 5. Audio: Agenda Review 8/27/2019, 6. Audio: Agenda Review September 11, 2019, 7. Audio: City Council 9/17/2019

Date	Ver.	Action By	Action	Result
9/17/2019	1	City Council		
9/17/2019	1	City Council		
9/17/2019	1	City Council		
9/3/2019	1	City Council		
8/20/2019	1	City Council	First Reading	Pass

Zoning & Planning Committee

**Granting a Special Use Permit, for a Residential Drug and Alcohol Treatment Center for a site located at 3132 Secor Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-5003-19) filed with the City of Toledo Central Permit Center, a request for a Residential Drug and Alcohol Treatment Center for a site located at 3132 Secor Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 11, 2019, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Residential Drug and Alcohol Treatment Center for a site located at 3132 Secor Road, in the City of Toledo, Lucas County, Ohio.

On August 14, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Residential Drug and Alcohol Treatment Center for a site located at 3132 Secor Road, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a Special Use Permit for a Residential Drug and Alcohol Treatment Center for a site located at 3132 Secor Road, City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

Situated in the City of Toledo, County of Lucas, State of Ohio, described as follows:

Parcel I: Lots numbers one (1) and two (2) in Westgate Meadows, a Subdivision in the City of Toledo, Lucas County, Ohio, in accordance with Volume 81 of Plats, page 4.

Excepting therefrom the following described parcel:

Being a parcel of land situated in part of Lot number two (2) in Westgate Meadows, a Subdivision in the City of Toledo, Lucas County, Ohio, in accordance with Volume 81 of Plats, page 4, bounded and described as follows:

Being a parcel of land situated in the City of Toledo. Lucas County, Ohio, described as follows:

- 1) Commencing at a found iron rod in a monument box marking the Southwest corner of the Southwest quarter (1/4) Section twenty (20), said point being on the centerline of Central Avenue.
- 2) Thence N 00° 08' 55" W six hundred eight and seventy-three hundredths (608.73) feet along the centerline of Secor Road;
- 3) Thence N 89° 51' 52" E seven hundred twenty-four and fifty hundredths (724.50) feet along the North line of Lots one (1) and two (2) of Westgate Meadows (Plat 81, page 4) and a parcel of land now or formerly owned by McDonald Corp. marking the Point Of Beginning;
- 4) Thence N 89° 51' 52" E one hundred twenty-eight and fifty-nine hundredths (128.59) feet along the North line of Lot two (2) Westgate Meadows;
- 5) Thence S 00° 06' 01" E one hundred nine, and ninety-three hundredths (109.93) feet along the East line of Lot two (2) of Westgate Meadows;
- 6) Thence N 89° 33' 11" W one hundred twenty-eight and fifty-three hundredths (128.53) feet to a found iron pipe along the South line of Lot two (2) of Westgate Meadows;
- 7) Thence N 00° 07' 58" W one hundred eight and sixty-two hundredths (108.62) feet to the Point Of Beginning.

Containing in all 0.3325 acres of land more or less.

The bearings are assumed and for angular measurement only.

And further excepting therefrom the following:

Part of Lot number one (1) in Westgate Meadows, a Subdivision in the City of Toledo, Lucas County, Ohio, in accordance with Volume 81 of Plats, page 4, bounded and described as follows:

Beginning at an iron pipe found at the Southwest corner of said Lot one (1);

Thence North zero (00) degrees, zero (00) minutes, zero (00) seconds East along the West line of said Lot number one (1), said line also being the East line of Secor Road, a distance of sixty-nine and fifty hundredths

(69.50) feet to a spike set;

Thence South eighty-nine (89) degrees, twenty-four (24) minutes, zero (00) seconds East, a distance of one hundred two and zero hundredths (102.00) feet to a spike set;

Thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West a distance of twenty and eighty-six hundredths (20.86) feet to a one-half (1/2) inch iron rod set on the South line of said Lot number one (1);

Thence North eighty-nine (89) degrees, twenty-four (24) minutes, zero (00) seconds West along the South line of said Lot number one (1), a distance of twenty and zero hundredths (20.00) feet to a "X" cut in concrete at a corner of said Lot number one (1);

Thence South zero (00) degrees, zero (00) minutes, zero (00) seconds West along the East line of said Lot number one (1), a distance of forty-eight and sixty-four hundredths (48.64) feet to an iron pipe found at a corner of said Lot number one (1);

Thence North eighty-nine (89) degrees, twenty-four (24) minutes, zero (00) seconds West along the South line of said Lot number one (1), a distance of eighty-two and zero hundredths (82.0) feet to the point of beginning. The above described parcel contains zero and one hundred forty thousandths (0.140) acres of land more or less.

Together with the parking and access easement as contained in Parking and Access Easement Agreement dated December 18, 1997 and recorded as deed number 97-672-A05.

(Tax Parcel No. 18-87304), (Tax Parcel No. 18-87314)

SECTION 2. That the approval of the Special Use Permit for a Residential Drug and Alcohol Treatment Center for a site located at 3132 Secor Road, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 26 conditions as follows:

The following twenty-six (26) conditions 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: ph. 419-245-1341

Roadway: ph. 419-245-1344

Water: ph. 419-936-2163

Stormwater Drainage: 419-245-3221; 419-245-1338

Sanitary Sewers: 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.
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.
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.
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.
  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.

SECTION 3. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

**Vote on emergency clause: yeas 11, nays 0.**

**Passed: September 17, 2019, as an emergency measure: yeas 8, nays 3.**

**Attest:**

**Gerald E. Dendinger  
Clerk of Council**

**Matt Cherry  
President of Council**

**Approved:**

**September 17, 2019  
Wade Kapszukiewicz  
Mayor**