



## Legislation Details (With Text)

**File #:** O-583-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 11/19/2021      **In control:** City Council  
**On agenda:** 11/23/2021      **Final action:** 11/23/2021  
**Title:** Granting a Special Use Permit, for a Drug and Alcohol Treatment Center Non-Residential for a site located at 4352 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Zoning & Planning Committee 11/17/2021

Date	Ver.	Action By	Action	Result
11/23/2021	1	City Council	Suspension	Pass
11/23/2021	1	City Council	Emergency	Pass
11/23/2021	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit, for a Drug and Alcohol Treatment Center Non-Residential for a site located at 4352 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-8002-21) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Drug and Alcohol Treatment Center Non-Residential for a site located at 4352 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On October 14, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Drug and Alcohol Treatment Center Non-Residential for a site located at 4352 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio.

On November 17, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Drug and Alcohol Treatment Center Non-Residential for a site located at 4352 W. Sylvania Avenue, in the 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 Drug and Alcohol Treatment Center Non-Residential for a site located at 4352 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio 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:

SBB ROUGE, LLC  
DEED: 20210528-0027017  
PARCEL: 24-20286  
ADDRESS: 4352 WEST SYLVANIA AVENUE

LOT NUMBER 4 IN THE SUBDIVISION OF LOTS C & D IN NOPPER GARDEN ESTATES PLAT II, A SUBDIVISION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, SAME BEING RECORDED IN VOLUME 58 OF PLATS, PAGE 59, EXCEPTING THEREFROM THE NORTHERLY 120 FEET THEREOF, ALSO EXCEPTING THEREFROM THAT PART THEREOF BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT NUMBER 3 IN THE SUBDIVISION OF LOTS C & D IN NOPPER GARDEN ESTATES PLAT II, THENCE SOUTHERLY 20 FEET TO A POINT; THENCE WESTERLY A DISTANCE OF 194 FEET TO A POINT; THENCE NORTHERLY A DISTANCE OF 20 FEET TO A POINT; THENCE EASTERLY A DISTANCE 194 FEET ALONG THE SOUTHERLY LINE OF LOT NUMBER 3, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 18.00 FEET OF THE NORTH 138.00 FEET OF THE EAST 42.60 FEET OF THE WEST 220.00 FEET OF LOT NUMBER 4 IN THE SUBDIVISION OF LOTS C & D IN NOPPER GARDEN ESTATES PLAT II, A SUBDIVISION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, SAME BEING RECORDED IN VOLUME 58 OF PLATS, PAGE 59.

SECTION 2. That the approval of the Special Use Permit, for a Drug and Alcohol Treatment Center Non-Residential for a site located at 4352 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 21 conditions as follows:

The following twenty-one (21) 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: 419-245-1341  
Roadway: 419-245-1344  
Water: 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, 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 (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.

#### 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:
  - 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.

SECTION 3. Waiving Section 1104.1001 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 4352 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio:

#### 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.

SECTION 4. 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 5. 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 \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council