



Legislation Text

File #: O-271-22, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit for a Drug and Alcohol Treatment Center for a site located at 5044, 5048 and 5052 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and a waiver and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-2006-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Drug and Alcohol Treatment Center for a site located at 5044, 5048 and 5052 Dorr Street, in the City of Toledo, Lucas County, Ohio was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 14, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a Drug and Alcohol Treatment Center for a site located at 5044, 5048 and 5052 Dorr Street, in the City of Toledo, Lucas County, Ohio.

On May 18, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as disapproved a Special Use a Drug and Alcohol Treatment Center for a site located at 5044, 5048 and 5052 Dorr Street, 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 for a site located at 5044, 5048 and 5052 Dorr Street, 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:

LOT NUMBERS 3, 4 AND 5 IN REYNOLDS GARDEN, AN ADDITION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH VOLUME 35 OF PLATS, PAGE 16.

PARCEL #20-65407 - ASSESSOR# 04417100 - REYNOLDS GARDEN LOT 3 - 5052 DORR STREET
PARCEL #20-65411 - ASSESSOR# 04417101 - REYNOLDS GARDEN LOT 4 - 5048 DORR STREET
PARCEL #20-65414 - ASSESSOR# 04417102 - REYNOLDS GARDEN LOT 5 - 5044 DORR STREET

SECTION 2. That the approval of the Special Use Permit for a Drug and Alcohol Treatment Center for a site located at 5044, 5048 and 5052 Dorr Street, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 25 conditions as follows:

The following twenty-five (25) 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. 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.
2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins.
4. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. 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 Environmental Services

6. 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.
7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
9. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf

10. 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

11. It appears that this 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.
12. Approved Premises identification is required.

Plan Commission

13. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Acceptable as submitted.
14. All parcels within the scope of the legal description shall be combined.
15. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" in TMC§1107.0300. Five (5) bicycle parking spaces are required. Bicycle racks shall be permanently affixed to the site, such as embedded in concrete or bolted to a permanent surface. Acceptable as submitted.
16. 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. Dumpster shall be placed as far as possible from abutting residential. Screening methods provided in the plan are acceptable. Acceptable as submitted.
17. 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 the parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping. Acceptable as depicted.
18. 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.
19. A minimum of one (1) litter receptacle shall be provided along a path from the parking area to the primary entrance. None depicted.

20. No free-standing signs greater than forty-two inches (42”) from grade are permitted - any proposed signage must meet the requirements of signs per Toledo Municipal Code Title Nine - Sign Code.
21. 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. A frontage greenbelt is required along Dorr Street, and shall include one (1) tree per every thirty feet (30’) of frontage. The portion of the site with a parking lot facing right-of-way shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. The submitted plan provides four (4) trees, and continuous screening materials Acceptable as depicted.
 - b. A Type “A” Landscape Buffer is required along the northern property line where abutting residential zoning districts. Said buffer shall consist of four (4) trees and fifteen (15) shrubs per one hundred (100) linear feet and a solid privacy fence six (6) to eight (8) feet in height. Acceptable as depicted.
 - c. Landscape terminal islands are required at the end of parking rows. Acceptable as depicted.
 - d. Landscape areas within the parking area must be peninsular or island types and must be constructed with six-inch (6”) by eighteen-inch (18”) concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;
 - e. All parking spaces must be within 100 linear feet of a landscaped area; acceptable as depicted.
 - f. Topsoil must be back filled to provide positive drainage for the landscape area.
 - g. 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.
 - 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 submitted.
 - i. The location, height, and materials for any fencing to be installed and maintained; Pursuant to TMC§1105.0402(A)(1), fences may not exceed three and a half feet (3.5’) in height in the required front setback. Acceptable as submitted.
 - j. This site is larger than half (1/2) acre and therefore requires irrigation. An irrigation plan shall be submitted.
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. Plan Commission shall review the

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.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5044, 5048 and 5052 Dorr Street, 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