



## Legislation Text

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**File #:** O-198-18, **Version:** 1

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Zoning & Planning Committee

**Granting a Special Use Permit for a Drug and Alcohol Treatment Facility - Residential for a site located at 1711 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-1001-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Drug and Alcohol Treatment Facility- Residential for a site located at 1711 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 March 8, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Drug and Alcohol Treatment Facility- Residential for a site located at 1711 W Sylvania Avenue, in the City of Toledo, Lucas County, Ohio.

On May 16, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Drug and Alcohol Treatment Facility- Residential for a site located at 1711 W Sylvania Avenue, 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 Facility- Residential for a site located at 1711 W Sylvania Avenue , 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:

Lot numbers 1219, 1220, 1221, 1222, 1223, and the easterly 35.00 feet of lot 1224 in Farmington XI, a subdivision in the City of Toledo, Lucas County, Ohio except the northerly 10 feet thereof conveyed to the City of Toledo for street purposes, in accordance with Volume 29 of Plats, page 25.

Parcel numbers 05-11992, 05-12021, 05-12024, 05-12027, 05-12031 and 05-12044.

SECTION 2. That the approval of the Special Use Permit for a Drug and Alcohol Treatment Facility- Residential for a site located at 1711 W. Sylvania Avenue, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 31 conditions as follows:

The following thirty-one (31) 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: Joe Warnka, ph. 419-245-1341

Roadway: Tim Grosjean, ph. 419-245-1344

Water: Andrea Kroma, ph. 419-936-2163

Stormwater Drainage: Lorie Haslinger, 419-245-3221; Andy Stepnick, 419-245-1338

Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. All existing substandard sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. 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.
4. 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.
5. 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.

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.

### Sewer and Drainage Services

7. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be

cleaned and inspected.

8. 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.

#### Fire Prevention

9. Site shall comply with local Fire Prevention Bureau regulations.

#### Division of Environmental Services

10. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
11. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
12. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
13. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential sources of pollutants in the stormwater runoff, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
14. Applicant shall maintain compliance with the City of Toledo and State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to Asbestos and Anti-Noise Laws.

#### Division of Transportation

15. To ensure compliance with Toledo Municipal Code (TMC) requirements for parking, loading and access, the site plan must include drive aisle, parking stall and access drive dimensions.
16. The dimensions of the remaining parallel parking spaces do not appear to meet TMC requirements.
17. The angled parking does not maintain the two-way traffic shown for the site. These spaces should be removed.
18. The ADA parking spaces encroach the Sylvania Ave. access drive. Parking spaces are not permitted to conflict with traffic flow by entering the pathway of traffic entering the site.

#### Plan Commission

19. The approval of the Special Use Permit is subject to the approval of the companion Zone Change (

Z-2001-18) from RD6 Duplex Residential to RM36 Multi-dwelling Residential which allows for Residential Drug & Alcohol Treatment Centers.

20. A revised site plan shall be submitted addressing the Division of Transportation conditions of approval.
21. 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.
22. 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. A minimum of five (5) bicycle parking spaces shall be provided and depicted on a revised site plan.
23. 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).
24. 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)).
25. 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.
26. 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.
27. 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. A minimum five-foot (5’) greenbelt is required, outside of the right-of-way, along the Jackman Road and Brame Place frontages and shall include one (1) tree per every thirty-foot (30’) of frontage. Since a parking lot is located along Brame Place, the frontage greenbelt 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. Low, undulating (horizontal and vertical) earth berms or decorative stone or brick walls (no concrete block), or ornamental metal fencing or combinations thereof may also be approved by the Planning Director. Not acceptable as depicted on site plan. A solid hedge planting shall be installed along Brame Place in front of the parking lot and at least two (2) trees along Jackman Road. Shall be depicted on a completed landscaping plan.
  - b. A Type A Landscape Buffer is required around the rear of the property where it abuts the

residential zoning district. The Type A Landscape Buffer shall be a minimum of ten-feet (10') in width with a solid privacy fence, wall, or berm six-feet (6') to eight-feet (8') in height and consist of a minimum of four (4) trees and fifteen (15) shrubs for every 100 linear feet; not acceptable as depicted on site plan. A solid wood privacy fence with a total of six (6) trees and twenty-two (22) shrubs shall be installed along the abutting residential uses to the south and shall be depicted on a completed landscaping plan.

- c. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances; not acceptable as depicted on site plan. Shall be depicted on a completed landscaping plan.
  - d. 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.
  - e. 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.
  - f. The location, height and materials for any fencing to be installed and maintained; not acceptable as depicted on site plan. A solid wood privacy fence shall be installed in the Type A Landscape Buffer and shall be depicted on a completed landscaping plan.
  - g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
  - h. The location, lighting and size of any signs.
28. 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.
29. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
30. 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.
31. 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. 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 \_\_\_\_\_, 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