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Title:	Granting a Special Use Permit for a Non Residential Drug and Alcohol Treatment Center for a site located at 624 Main Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; granting of a waiver; and declaring an emergency.				
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Date	Ver.	Action By	Action	Result
6/26/2019	1	City Council		
6/26/2019	1	City Council		
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Zoning & Planning Committee

Granting a Special Use Permit for a Non Residential Drug and Alcohol Treatment Center for a site located at 624 Main Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; granting of a waiver; and declaring an emergency.

SUMMARY & BACKGROUND:
By application (SUP-3008-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Non Residential Drug and Alcohol Treatment Center for a site located at 624 Main Street in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On May 9, 2019, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Non Residential Drug and Alcohol Treatment Center for a site located at 624 Main Street in the City of Toledo, Lucas County, Ohio.

On June 12, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Non Residential Drug and Alcohol Treatment Center for a site located at 624 Main Street, 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 Non Residential Drug and Alcohol Treatment Center for a site located at 624 Main Street 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:

LEGAL DESCRIPTION FOR SUP for PORTION OF PARCEL 17-03007

The Northeast 39’ (feet) of Lot 74 and all of Lot 79 of Yondota Division (New Plat) as recorded in Plat Volume 3, page 76, within the City of Toledo, Lucas County, Ohio, which is more particularly described as follows:

Beginning at the Northeast corner of said Lot 79;

thence S38°10'28/"E, on and along the Northeasterly line of said Lot 79, a distance of 50.00’ (feet) to a point;

thence S51°49'32"W, on and along the Southeasterly line of said Lot 79 and Lot 74, a distance of 152.00’ (feet) to a point

thence N38°10'28/"W, on and along a line parallel and 39.00’ (feet) Southwest of the Northeasterly line of said Lot 74, a distance of 50.00’ (feet) to a point;

thence N51°49'32"E, on and along the Southeasterly line of said Lot 79 and Lot 74, a distance of 152.00’ (feet) to the Point of Beginning;

Containing an area of 0.174 Ac., 7,600 SF of land more or less, and subject to all legal highways, leases, easements and restrictions of record.

SECTION 2. That the approval of the Special Use Permit for a Non Residential Drug and Alcohol Treatment Center for a site located at 624 Main Street in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 36 conditions as follows:

The following thirty-six (36) 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.

   Contact (419) 245-1341 for inspection of above mentioned items.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.

6. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Engineering Services for review and approval.

7. Plans for new water meter or modifications to the existing water meter shall be submitted to the Division of Water Distribution for review and approval.

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.

10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.

11. If existing fire and domestic service lines are not to be reused, they shall be abandoned by the City of Toledo at the developer's expense.

12. If new service taps are required, they will be installed by City of Toledo at the developer's expense.

Sewer and Drainage Services

13. S&DS requires all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.

14. 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Division of Environmental Services

15. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
16. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

17. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

18. 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 stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.

19. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged. http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf

20. 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 the Asbestos and the Anti-Noise Laws.

Division of Transportation

21. Bicycle parking required per TMC 1107.

22. One 9'x18' van accessible parking space with an 8' aisle required per TMC 1107.

23. If not already established, a shared parking agreements shall be formalized with adjacent property owner to the North.

Plan Commission

24. The approval of the Special Use Permit is subject to the approval of the companion Zone Change (*Z-3007-18*) from RD6 Duplex Residential to CS Storefront Commercial, which allows for the Nonresidential Drug & Alcohol Treatment Center.

25. Applicant shall obtain a waiver of TMC§1104.1001 - *Group Living and Day Care Spacing*, the required 500 feet from a site of any other Group Living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol Center.

26. An Alternative Access and Parking Plan, in accordance with TMC§1107.1400, shall be submitted to the Planning Director to justify the absence of the required off-street parking spaces and any off-site parking agreements.

27. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; not acceptable, accessible parking shall be provided and depicted on a revised site plan.

28. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). A minimum of three (3) bicycle spaces shall be provided and depicted on a revised site plan.

29. Pursuant to TMC§1103.13000, if the property is modified by any physical changes, including any off-street parking spaces and driveways, then there shall be a separate review and approval by the Planning Director. Including conformance with the Urban Commercial Landscape Standards of TMC§1108.0300.

30. 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).

31. 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 or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities (TMC§1107.1906).

32. 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.

33. 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.

34. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

35. 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.

36. 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 624 Main Street, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations
Sec. 1104.1001 - Group Living and Day Care - Spacing

Approve a waiver to allow a Nonresidential Drug & Alcohol Treatment Center to be located within 500 feet from another Nonresidential Drug & Alcohol Treatment Center.

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

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