



## Legislation Details (With Text)

**File #:** O-521-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 10/18/2019      **In control:** City Council  
**On agenda:** 10/29/2019      **Final action:** 10/29/2019  
**Title:** Granting a Special Use Permit, for a Drug and Alcohol Treatment Facility Non- Residential for a site located at 111 S. Byrne 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: ZPC 10/16/2019, 3. Audio: TCPC 9/12/2019, 4. Audio: Agenda Review 10/22/2019, 5. Audio: City Council October 29, 2019

Date	Ver.	Action By	Action	Result
10/29/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
10/29/2019	1	City Council	declare emergency	Pass
10/29/2019	1	City Council	passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit, for a Drug and Alcohol Treatment Facility Non- Residential for a site located at 111 S. Byrne Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-7006-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Drug and Alcohol Treatment Facility Non- Residential for a site located at 111 S. Byrne Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 12, 2019, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Drug and Alcohol Treatment Facility Non- Residential for a site located at 111 S. Byrne Road, in the City of Toledo, Lucas County, Ohio.

On October 16, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Drug and Alcohol Treatment Facility Non- Residential for a site located at 111 S. Byrne 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 Drug and Alcohol Treatment Facility Non- Residential for a site located at 111 S. Byrne 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:

Parcel no. 01-11017

ARCO IND PK S PL 2 LOT 14 EXC N 90 FT E 190F N 55 FT LOT 15

SECTION 2. That the approval of the Special Use Permit for a Drug and Alcohol Treatment Facility Non- Residential for a site located at 111 S. Byrne Road, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 23 conditions as follows:

The following twenty-three (23) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

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.

Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
6. S&DS requires that the private sanitary lines (after they have 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.

#### Environmental Services

7. 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.
10. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\\_to\\_Ohio\\_Invasive\\_Plant\\_Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
11. 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.

#### Transportation

12. Bicycle parking must be provided per TMC 1107.

#### Plan Commission

13. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Not acceptable as depicted on site plan. One (1) additional car-accessible space with a five foot (5') wide aisle abutting the parking space shall be added on a revised site plan.
14. A minimum of twelve (12) bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). Not depicted on site plan. A revised site plan depicting the location and number of bicycle parking slots shall be submitted.
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. Not acceptable as depicted on site plan. Screening materials shall be indicated on a revised site plan.
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 or to

a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities. Acceptable as depicted on site plan.

17. Lights and lighting fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect the light from any adjacent residential property and public ways and away from the sky above the light fixture (TMC§1107.7908).
18. Litter receptacle(s) shall be provided for the use of parking area users and others. Litter receptacle(s) are treated as accessory structures and must be maintained according to the requirements of the Toledo-Lucas County Health Department.
19. 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. Plantings required shall not be located within the public right-of-ways.
  - b. The thirty foot (30') frontage greenbelt depicted on the site plan is acceptable. At least one tree must be provided for every thirty feet (30') of lot frontage or fraction thereof. Trees are not required to be evenly spaced and may be clustered; acceptable as depicted on site plan.
  - c. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing; not acceptable as depicted on site plan. Two (2) trees and eight (8) shrubs shall be added to each island.
  - d. Topsoil must be back filled to provide positive drainage of the landscape area.
  - e. 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; acceptable as depicted on site plan.
  - f. Existing foundation plantings shall remain and be maintained indefinitely.
  - g. The existing six foot (6') fence shall remain indefinitely. If replaced, the same materials shall be used.
  - 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 depicted on site plan.
  - i. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.
20. 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.

21. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.
22. 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.
23. 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 11, nays 0.

Passed: October 29, 2019, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

October 29, 2019  
Wade Kapszukiewicz  
Mayor