

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

REF: SUP-7002-23

DATE: September 14, 2023

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Special Use Permit for a School at 6004 Hill Avenue

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday September 14, 2023 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for a School
Location	-	6004 Hill Avenue
Applicant	-	Ali Nawras 5957 Forest Hills Drive Maumee, OH 43537
Owner	-	Jaafary Islamic Center 6004 Hill Avenue Toledo, OH 43615
Architect	-	Benchmark Engineering Group Inc. 3161 N. Republic Boulevard Toledo, OH 43615

#### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 2.28 acres
Frontage	-	± 327' along Hill Avenue ± 129' along Holland-Sylvania Road
Existing Use	-	Islamic Worship Center
Proposed Use	-	School

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	RS6 / Single-family Homes
South	-	RS6, RS12 / Single-family Homes, Public Utility and Resurrection Cemetery
East	-	RS6 / Single-family Homes
West	-	RM36, CN / Single-family Homes, Retail

Parcel History

Z16-C53	-	Request for Off-street Parking for Bethel Lutheran Church located between Lynnhaven Drive and Swan Creek. PC approved 6/22/1964.
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Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit (SUP) for a school at 6004 Hill Avenue. The ± 2.45-acre site is zoned CR Regional Commercial and contains a 27,893 square foot building that is being used as an Islamic Worship Center. Adjacent land uses include single-family homes to the north, single-family homes and a retail shop to the west, single-family homes to the east, and public utility and the Resurrection Cemetery to the south.

The Jaafary Islamic Center is applying for the SUP in order to operate Al Mahdi Academy out of the existing building. The school will occupy the eastern portion of the building. The school proposes to open for the 2023-2024 academic year serving kindergarten through fifth grade (K-5 School). The standard hours of operation are 8:00AM to 3:00PM Monday through Friday. There will be around thirty-five students and seven staff members at the site daily. No structural or site changes are proposed in the application.

Use Specific Regulations

There are no use specific land use regulations for this use type.

## STAFF ANALYSIS (cont'd)

### Parking and Circulation

Pursuant to **TMC§1107.0304 – *Parking, Loading, and Access***, a school is required to have one (1) parking space per faculty member plus one (1) per three (3) staff members, and one (1) space per 50 students for student drop-off and pick-up. As well as one (1) bicycle space per three (3) students plus one (1) bicycle spaces per 10 parking spaces for faculty and staff. The school requires eight (8) parking spaces for the proposed number of students and staff. The site includes an existing parking lot with ninety-one (91) parking spaces and eight (8) accessible parking spaces.

In addition to that, thirty-nine (39) parking spaces are provided at the adjacent property at 41 N. Holland-Sylvania Road owned by the applicant. The site plan does not show any bicycle parking spaces. Twenty-six (26) bicycle spaces are required for the school. This shall be shown on a revised site plan.

### Landscaping

This site is existing and per TMC§1114.0502(A), requires a site to be brought closer into compliance with the 2004 landscape standards. Per **TMC§1108.0202**, a fifteen-foot (15') greenbelt is required along Hill Avenue and Holland-Sylvania Road. However, because the site is existing staff recommends a five-foot (5') green belt buffer to include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. Fifteen (15) trees and continuous shrubs are required along Hill Avenue and Holland-Sylvania Road. The applicant shall submit a landscaping plan in compliance with **TMC§1108.0202**.

Also, **TMC§1108.0204(B)(9)** requires perimeter landscaping to be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line. From staff's visit to the site, there is an existing six (6) foot fence along the west and a portion of the rear property lines. The applicant shall submit a landscaping plan showing all existing trees, fences and new planting materials.

Finally, staff recommends landscape islands be added to the existing parking lot. The applicant shall submit a landscaping plan showing the number and location of planting materials subject to approval by the Plan Director.

### Elevations

There are no changes proposed for the exterior of the building.



## STAFF ANALYSIS (cont'd)

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the site for Neighborhood Commercial land use. Neighborhood Commercial land uses are intended for predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may also be included. The proposed use is a compatible use for this designation and the proposed special use permit conforms to the Toledo 20/20 Comprehensive Plan.

## PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-7002-23, a request for a Special Use Permit for a School located at 6004 Hill Avenue, to the Toledo City Council, for the following **two (2) reasons**:

1. The proposed use meets the stated purpose of the Zoning Code [TMC§1111.0706(A) – *Review & Decision-Making Criteria*], and
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics. [TMC§1111.0706(B) – *Review & Decision-Making Criteria*].

The Toledo City Plan Commission further recommends approval of SUP-7002-23, a request for a Special Use Permit for a School located at 6004 Hill Avenue, subject to the following **twenty-eight (28)** conditions:

The following 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. 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.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Engineering Services (cont'd)

3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

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

4. The City of Toledo public water systems does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.

Bureau of Fire Prevention

5. This change from the current use of a PreSchool to a K - 5 school will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4) – Fire alarm and sprinkler system annual maintenance is overdue. This must be completed.
6. Fire Department to receive and review any building construction plans when submitted to the Building Department. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1).
7. A Knox Box key box is required for after hours access for life saving and fire fighting purposes (OFC 506.1).

Division of Transportation

8. Bicycle parking is required per TMC 1107.0900.
9. Sidewalk is required on Hill Avenue per TMC 1107.1300.
10. Accessible parking signage is required per TMC 1107.1704.
11. Ground painted arrows are required for one-way traffic at rear of building.
12. "Do Not Enter" signage is required where one-way traffic pattern empties into two-way parking area to prevent wrong-way traffic flow behind building.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Environmental Services

13. 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.
14. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
15. 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.
16. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
17. 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.

Division of Sewer and Drainage Services

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



## PLAN COMMISSION RECOMMENDATION (cont'd)

### Plan Commission

20. Off-street parking shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0304). Minimum number of off-street parking spaces required for a school is one (1) parking space per faculty member plus one (1) per three (3) staff members. **Acceptable as depicted.**
21. Per TMC§1107.0304 one (1) space paved off-street area for dropping off and picking up students at the school must be provided **Not acceptable as depicted. Drop-off and pick-up space shall be shown on a revised site plan.**
22. Per TMC§1107.0900, twenty-six (26) bike parking spaces are required. **Not acceptable as depicted. Bike parking spaces shall be shown on a revised site plan.**
23. Per TMC§1107.1906 All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
24. 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 five-foot (5') greenbelt is required along the property line fronting Hill Avenue and Holland-Sylvania Road. The frontage greenbelt shall include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. **Not acceptable as depicted on site plan. Applicant shall submit a landscaping plan showing the greenbelt buffer;**
  - b. TMC§1108.0204(B)(9) requires perimeter landscaping to be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line. **Not acceptable as depicted. Applicant shall submit a landscaping plan showing perimeter landscaping along the north and west property lines subject to review and approval of the Planning Director;**
  - c. Top soil must be back filled to provide positive drainage of the landscaped area;

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- 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;
  - f. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
  - g. Because the site is greater than ½ acre large, 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;
  - h. The location, height and materials for any fencing to be installed and maintained.
  - i. The location and direction of any proposed lighting shall be identified (lights are to be directed away from adjacent residential properties).
25. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
26. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
27. 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. Major adjustments will require an amendment to the Special Use Permit.
28. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.



TO: President Cherry and Members of Council  
September 14, 2023  
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Respectfully Submitted,

A handwritten signature in dark ink, reading "Thomas C. Gibbons". The signature is written in a cursive style with a large, stylized 'T' and 'G'.

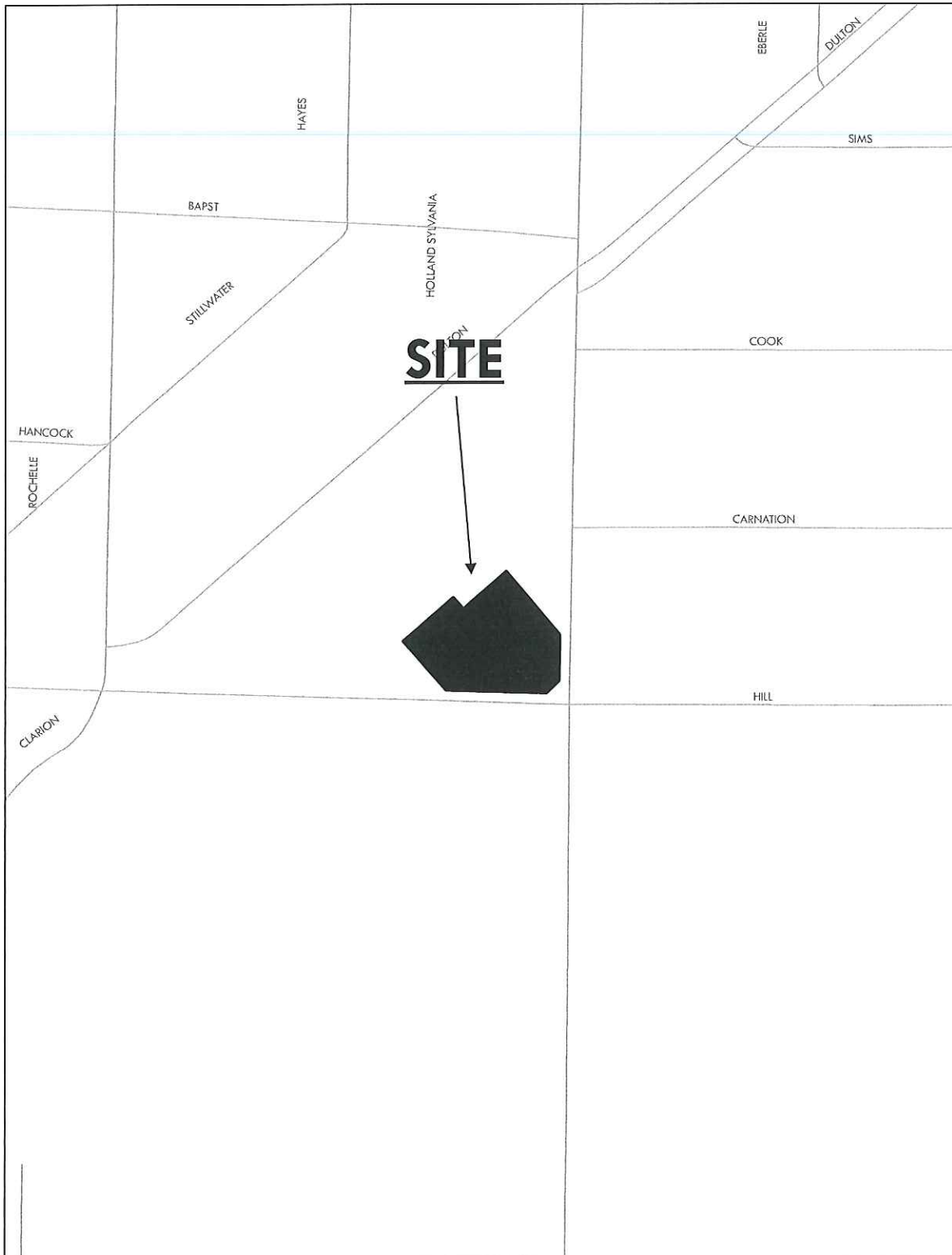
Thomas C. Gibbons

Secretary.

ET  
Four (4) sketches follow

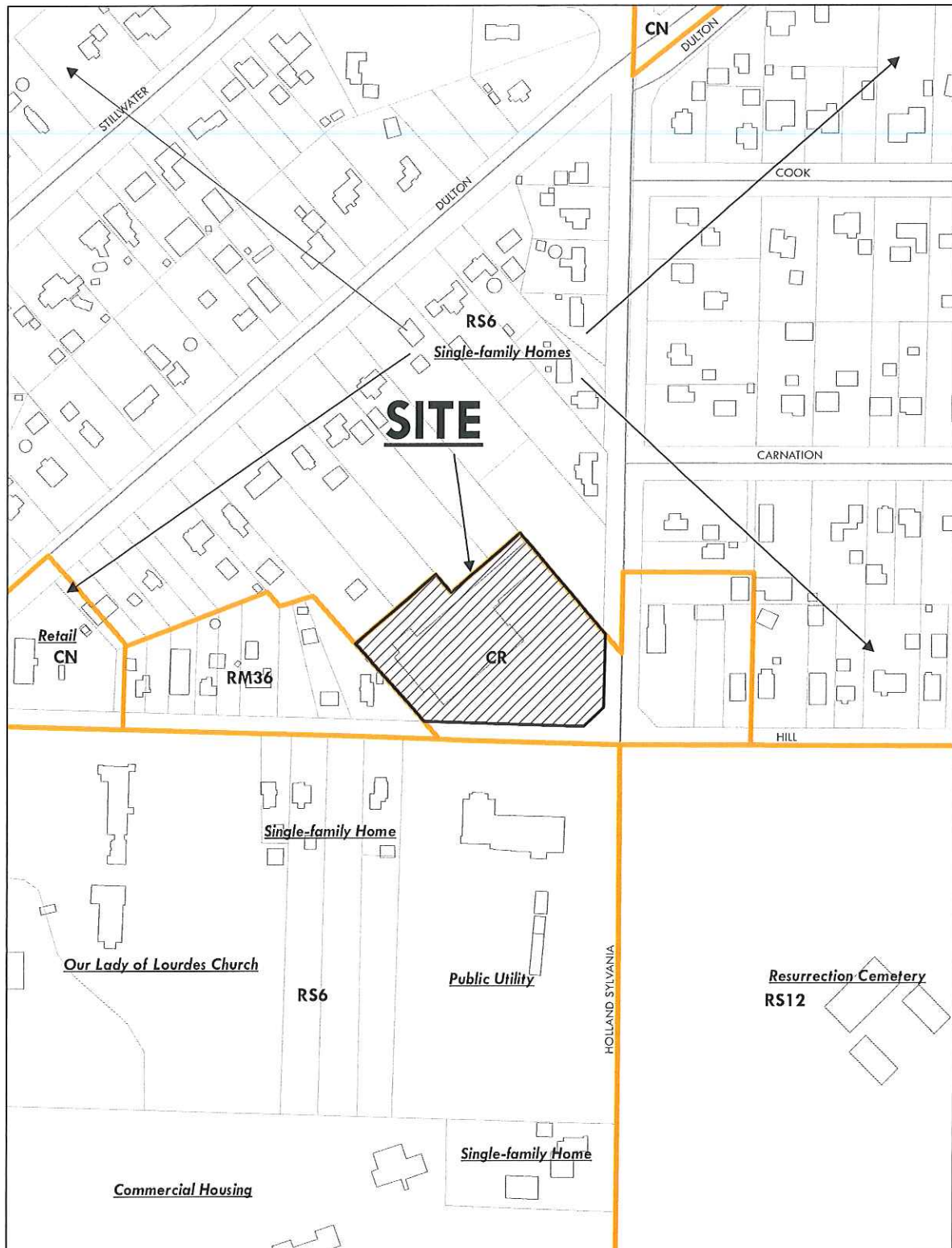
# GENERAL LOCATION

SUP-7002-23



# ZONING & LAND USE

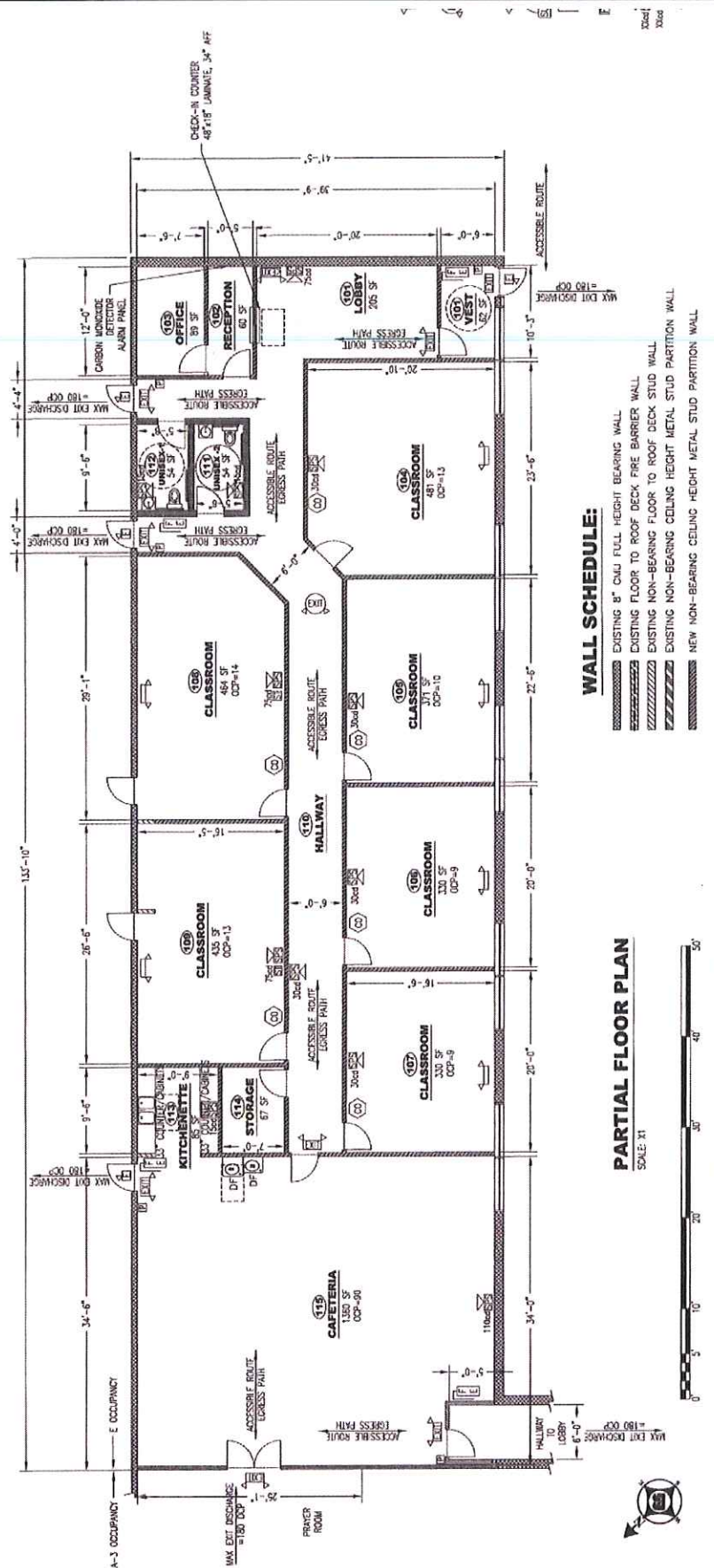
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