



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: July 15, 2022

REF: SUP-6001-22

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

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

SUBJECT: Request for a Special Use Permit for a new school at 3468 Victory Avenue.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 14, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

| | | |
|-----------|---|--|
| Request | - | Special Use Permit for a new School |
| Location | - | 3648 Victory Avenue |
| Applicant | - | Victory Academy of Toledo 3648 Victory Ave Toledo, OH 43607 |
| Owner | - | Beverly Victory Avenue Property Holdings, LLC Adam Schnelker 2125 University Park Dr Okemos, MI 48864 |
| Architect | - | Stevens Architects 209 Huron Ave Port Huron, MI 48060 |

Site Description

| | | |
|--------------|---|--|
| Zoning | - | RS9 / Single-dwelling Residential |
| Area | - | ± 10.79 Acres |
| Frontage | - | ± 120' along Byrne Road ± 465' along Victory Avenue |
| Existing Use | - | Daycare Center/ early childhood education |
| Proposed Use | - | School (grades K-8) |

GENERAL INFORMATION (cont'd)

Area Description

| | | |
|-------|---|---|
| North | - | RS9 & RM36 / Single-family dwellings & Apartments |
| South | - | RS9 / Single-family dwellings |
| East | - | RS9 / School, Single-family dwelling |
| West | - | RS6 / Dennis Ditch floodplain |

Parcel History

| | | |
|-------------|---|--|
| V-347-07 | - | Request for the Vacation of the alley north of Victory, in Dell Haven Plat II (PC Approved 6/14/07, CC Approved 10/30/07 by Ord. 697-07) |
| SUP-5004-21 | - | Special Use Permit for a Day Care Center at 3648 Victory Avenue (PC Approved 7/8/21, CC Approved 8/17/21 by Ord. 454-21). |

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant, Victory Academy of Toledo, is requesting a Special Use Permit for a new school at 3648 Victory Avenue. The subject site is roughly 10-acres with an existing 28,484 square foot building which is currently being used for early childhood education. Surrounding land uses include the single-family dwellings to the north & south, Dennis Ditch floodplain to the west, with a single-family residence and the previous Mt. Vernon School to the east along Byrne Road.

The subject property was recently approved with a Special Use Permit for a Daycare Center in July of 2021 (Ordinance 454-21). The applicant is requesting the Special Use Permit in order to expand the educational program for students from kindergarten to 8th Grade, which the previous application only covered preschool and daycare education.

The applicant has indicated there will be no physical changes to the building outside of cosmetic upgrades and landscaping improvements. The primary use of the building will be consistent with a traditional school along with tutoring and summer school programs. Typical hours of operation will be from 8am-5pm on Monday through Friday. The total enrollment will comprise of 235 students and a staff of 20 employees. Student transportation will be provided in for students attending from surrounding communities. The applicant anticipates the traffic generated and circulation patterns from the site will be similar or less than the previous school programs that have operated at this location.

STAFF ANALYSIS (cont'd)

Parking and Circulation

The site plan submitted depicts an existing lot with 112 parking spaces. This exceeds the maximum parking spaces permitted, however, because the parking lot existing and to remain unchanged, staff has found the request to be acceptable. Six (6) handicap accessible parking spaces are required, eight (8) are provided on the site plan and meet the minimum requirements.

Pursuant to TMC§1107.0300 – *Off-Street Parking Schedule "A"*, a minimum number of bicycle parking slots are required for "*Schools, Elementary and Middle*". Using the calculation one (1) bicycle parking space shall be provided for every three (3) students plus one (1) per ten (10) parking spaces for faculty and staff. However, as stated in TMC§1107.900(C), "*No more than 50 bicycle parking slots shall be required for any listed use category*". Considering the total enrollment of students and size of the existing parking lot, staff is requesting the fifty (50) bicycle parking spaces be installed on site. A revised site plan shall be submitted depicting at least fifty (50) bicycle parking spaces in accordance to TMC§1107.900 and listed as a condition of approval.

Landscaping

Pursuant to TMC§1108.0202 – *Frontage Greenbelt*, the site is required to have a fifteen-foot (15') landscape buffer along the main frontage street. The existing site has a variety of trees planted along the Victory Avenue frontage. However, as a condition of approval from the previous Special Use Permit application, five (5) additional trees shall be provided along Victory Avenue. A revised site plan shall be submitted showing the additional trees and listed as a condition of approval.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Single Family Residential land uses. Single family land uses typically include the development of dwelling units on individual lots and may also include libraries, *schools*, churches, and community centers that serve neighborhoods. The proposed use as a school conforms to the future land use designation identified in the 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit applications because the proposed use is consistent with the future land use designation identified in the 20/20 Comprehensive Plan. Additionally, the proposed use meets the stated purpose and complies with all applicable provisions of the Zoning Code. Furthermore, the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation).

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6001-22, a Special Use Permit for a new school at 3648 Victory Avenue, to Toledo City Council for the following **three (3) reasons**:

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

The Toledo City Plan Commission further recommends approval of SUP-6001-22, a Special Use Permit for a new school at 3648 Victory Avenue, to Toledo City Council subject to the following **thirty-three (33) conditions**:

The conditions of approval are as follows and 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, from One Stop Shop, (419) 245-1220.
4. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
5. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution will provide comments regarding existing and/or proposed private water mains and/or service lines.

PLAN COMMISSION RECOMMENATION (cont'd)

Fire Prevention

No comments or concerns.

Water Distribution

6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
8. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
9. 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. Contact the Division of Water Distribution (Shawn Clark: shawn.clark@toledo.oh.gov, 419-392-2032) to verify the backflow prevention requirements for the site.
10. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
11. Plans must be submitted and approved by Fire Prevention (Lynn Thompson: lynn.thompson@toledo.oh.gov, 419-245-1263).
12. *(Site Plan Corrections)* Sheet C-1:
 - a. Please show existing main on Victory Ave. for proposed connection.
 - b. There is an existing 4" fire line currently on the site (see attached mark-ups)
 - c. Proposed water is called out as "8" HT Storm Sewer" on the line, but shows a valve box and meter pit on one end, and a 4" stub on the other end.
 - d. Call out for proposed water connection should read, "6" x 4" tapping sleeve and 4" gate valve by City of Toledo at Developer's expense. Excavation, shoring, valve box, backfill and restoration by contractor.
 - e. Add "2021 Water General Notes City Large Services" (attached to e-mail) to plans.
 - f. A backflow preventer in a hot box will need to be added to the proposed water service.

PLAN COMMISSION RECOMMENATION (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
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.

Sewer & 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.

Transportation

20. Bicycle parking is required per TMC§1107.0900.
21. Existing sidewalk is required to be shown on Victory Avenue per TMC§1107.1300.

PLAN COMMISSION RECOMMENATION (cont'd)

Transportation (cont'd)

22. Existing Dumpster location is required to be shown per TMC§1107.1910.
23. All parking space dimensions are required to be clearly shown and to be a minimum of 9'X18' per TMC§1107.1911 (Existing rear parking is not in compliance).
24. Driveway to rear parking area and all two-way drive aisles are required to be a minimum of 25' wide for two-way traffic per TMC§1107.1911.
25. Existing angled parking in rear is required to be shown as removed.
26. Existing driveway in rear of property that connects to adjacent parking area of Mt. Vernon School needs to be shown and labeled closed if blocked off and not being used.
27. Transportation recommends the property lines on Victory Avenue and Byrne Road be brought into alinement with the right-of-way lines of both streets.

Plan Commissions

28. Bicycle parking shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires fifty (50) bicycle parking spaces in accordance to TMC§1107.900 – Bicycle Parking. **Not acceptable as depicted on site plan. A revised site plan shall be submitted.**
29. Five (5) additional trees shall be provided along the southern property line fronting Victory Avenue per TMC§1108.0202. **Not acceptable as depicted. A revised site plan shall be submitted.**
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. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
32. 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.

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PLAN COMMISSION RECOMMENATION (cont'd)

Plan Commissions (cont'd)

33. 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.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

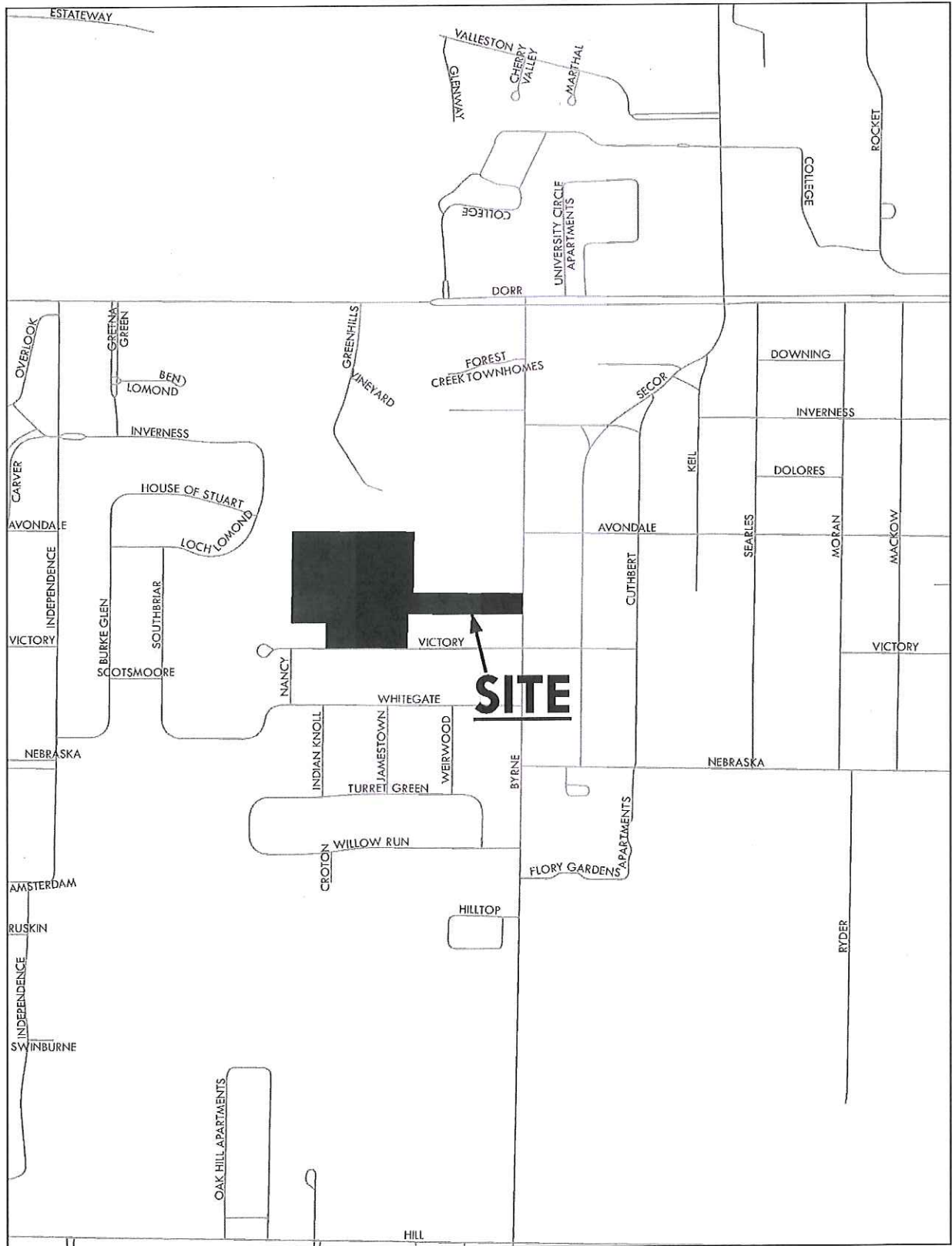
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Three (3) sketches follow

Cc: BVAPH, LLC; Adam Schnelker, 2125 University Park Drive, Okemos, MI 48864

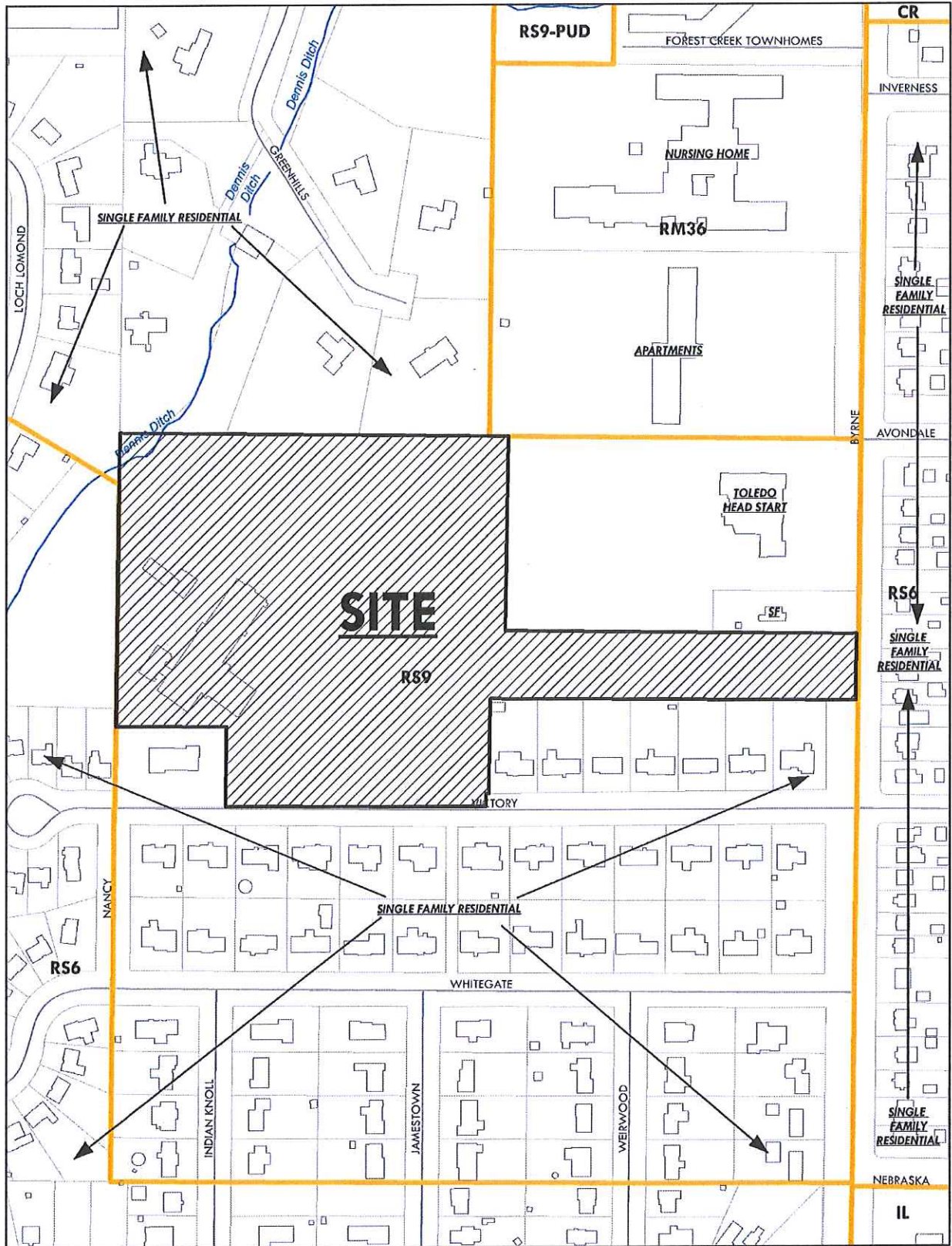
GENERAL LOCATION

SUP-6001-22
ID 83



ZONING & LAND USE

SUP-6001-22
ID 83





SUP-6001-22
ID 83

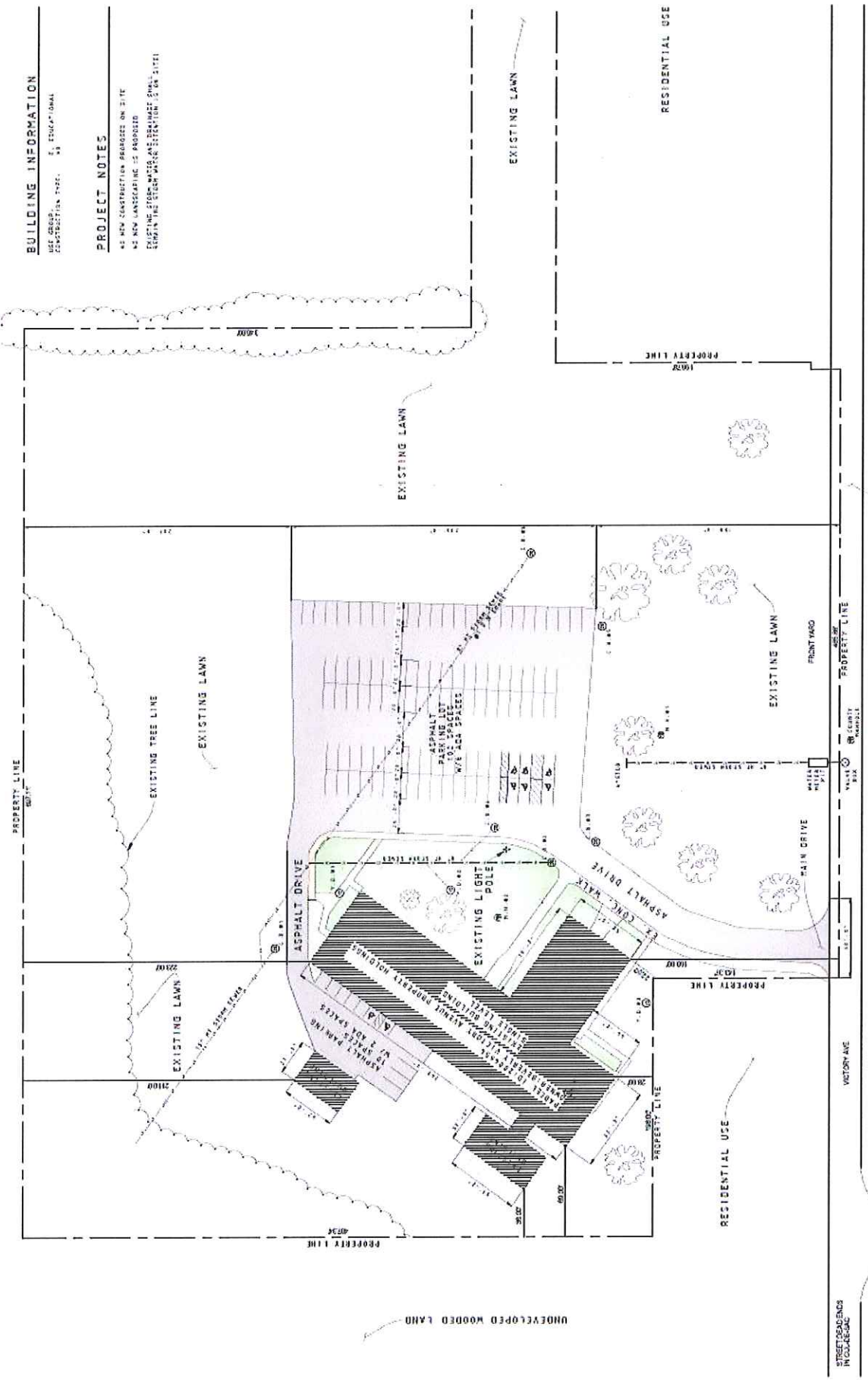
SITE PLAN

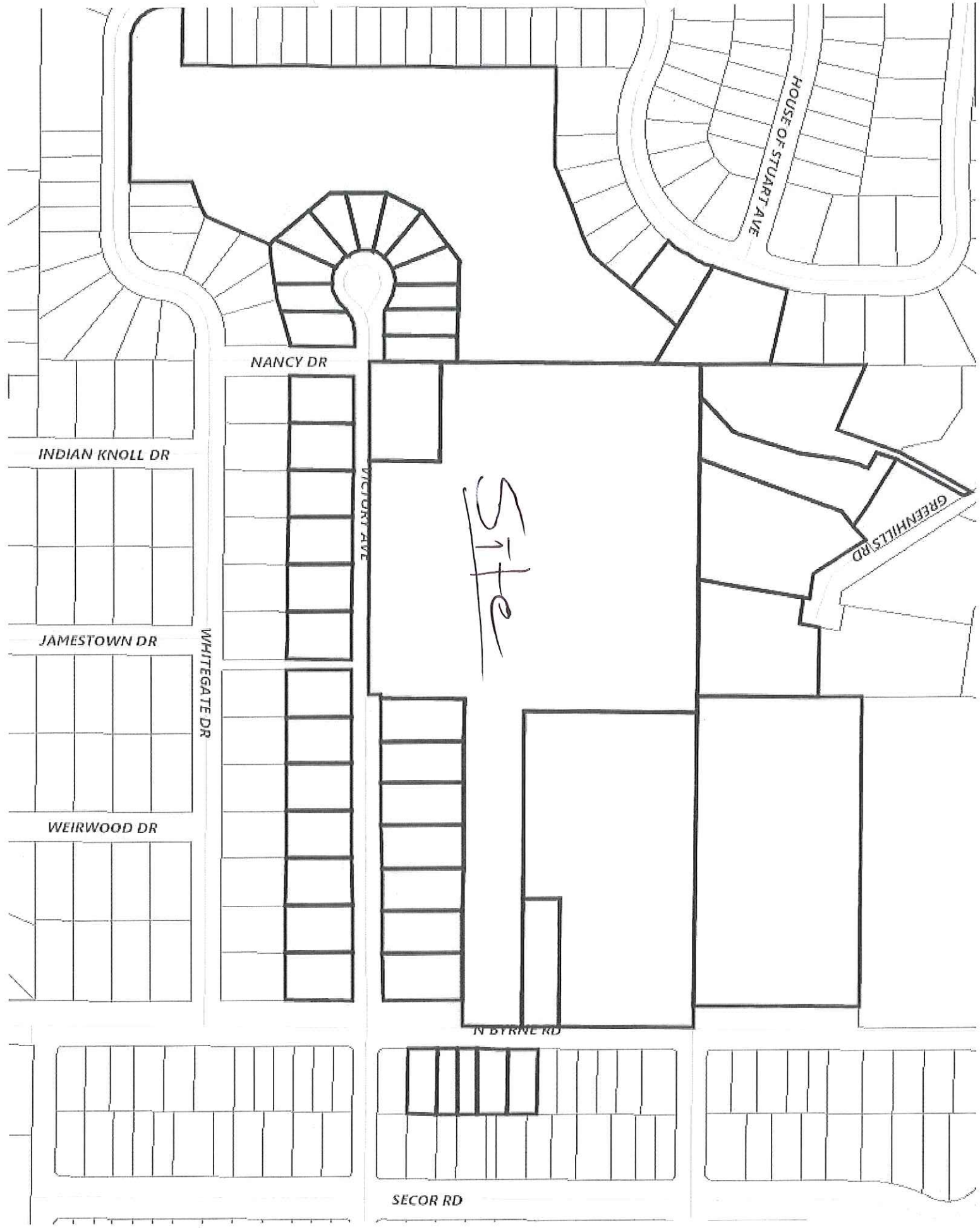
BUILDING INFORMATION

USE: OFFICE
CONSTRUCTION YEAR: 55 (2004)

PROJECT NOTES

AS NEW CONSTRUCTION PROPOSED ON SITE
AS NEW LANDSCAPING IS PROPOSED
EXISTING TREE W/ DBH 10" @ 4.5' HGT TO BE MAINTAINED





Site

HOUSE OF STUART AVE

NANCY DR

INDIAN KNOLL DR

JAMESTOWN DR

WEIRWOOD DR

VICINI AVE

WHITTEGATE DR

GREENHILLS RD

N BYRIVE RD

SECOR RD

ALLEN ROBERT & ROSA MAETRS
3515 VICTORY AVE
TOLEDO OH 43607 2563

BAILEY SHERYLL
3522 VICTORY AVE
TOLEDO OH 43607 2562

BELL RICHARD & ALICE
3565 VICTORY
TOLEDO OH 43607

BEVERLY VICTORY AVENUE
PROPERTY HOLDINGS
2125 UNIVERSITY PARK DR
OKEMOS MI 48864

TPS BOARD OF EDUCATION
1609 SUMMIT ST
TOLEDO OH 43604

BRINKER PATRICIA ANN
5009 CRANSTON DR
TOLEDO OH 43615 2913

BUMPUS RONNY DAVID
3717 LOCH LOMOND
TOLEDO OH 43607

BYRNE SENIOR HOUSING LLC
1001 N BYRNE RD
TOLEDO OH 43609

YELLOW HOUSES OF TOLEDO
6020 W BANCROFT ST # 350361
TOLEDO OH 43635

COLBERT EDWARD & DOROTHY
3512 VICTORY AVE
TOLEDO OH 43607 2562

DAVIS DEBRA
3721 VICTORY AVE
TOLEDO OH 43607 2215

DAVIS EARLIE ETAL
3506 VICTORY
TOLEDO OH 43607

DEDEAUX EDDIE & CHARLENE
4540 W CENTRAL AVE
TOLEDO OH 43615

FITCH DAVID
PO BOX 2647
TOLEDO OH 43606 0647

FLOWERS MELVENA
3655 VICTORY AVE
TOLEDO OH 43607 2566

GARDNER WILLIAM
3530 VICTORY AVE
TOLEDO OH 43607

GLOVER JOYCE
3706 VICTORY AVE
TOLEDO OH 43607 2214

GOODWIN HENRY & MARVA
3635 VICTORY AVE
TOLEDO OH 43607 2565

GRADY CHARLES & PATRICIA
3725 VICTORY AVE
TOLEDO OH 43607 2215

GREEN VALLEY PROPERTY
MANAGEMENT LLC.
8947 ROYAL OAK DR
HOLLAND OH 43528

GROWELL HOLDINGS LLC
1216 CHETCO AVE
BROOKINGS OR 97415

HAWTHORNE ERIC
3702 VICTORY AVE
TOLEDO OH 43607

HENDERSON CLARENCE & RUTH
3558 VICTORY
TOLEDO OH 43607

HENDERSON DIANE
3535 VICTORY AVE
TOLEDO OH 43607 2563

KYNARD ORLANDO
1045 KING ST
TOLEDO OH 43607

LUCAS JOVITA
3545 VICTORY AVE
TOLEDO OH 43607

MESSER-KRUSE TIMOTHY &
DIANA
1027 GREENHILLS RD
TOLEDO OH 43607 2512

MOORE CAROLYN
3650 VICTORY AVE
TOLEDO OH 43607 2564

MULFORD TIMOTHY
53945 TR 170
FRESNO OH 43824

STANLEY NITKIEWICZ TRUSTEE
1001 GREENHILLS RD
TOLEDO OH 43607

PAGE ERIC
3712 VICTORY AVE
TOLEDO OH 43607 2214

PASKER TIFFANY CAPRI
3711 VICTORY AVE
TOLEDO OH 43607 2215

PITTMAN CINDY E. TRUSTEE
3645 VICTORY AVE
TOLEDO OH 43607

REAMEY DAVID KENDALL
3615 VICTORY AVE
TOLEDO OH 43607 2565

RICHARDSON JON
1021 GREEN HILLS RD
TOLEDO OH 43607

ROACH ERMA NELL
3718 VICTORY AVE
TOLEDO OH 43607 2214

SIMMONS JACQUELINE PATRICIA
3625 VICTORY AVE
TOLEDO OH 43607

SMITH ARY
3505 VICTORY AVE
TOLEDO OH 43607 2563

SMITH CURTIS
3719 VICTORY AVE
TOLEDO OH 43607

SMITH VIRGIE
3555 VICTORY AVE
TOLEDO OH 43607

SOUTH HESTER & DUDLEY
3716 VICTORY AVE
TOLEDO OH 43607 2214

SPAULDING LILLIAN
3525 VICTORY AVE
TOLEDO OH 43607 2563

SYS SUSTAINABLE PROPERTY
DEVELOPMENT
5313 SECOR RD
TOLEDO OH 43623 5851

THOMAS MICHAEL
1553 HIGHLAND GREEN DR
TOLEDO OH 43614

TIGGS TAMYRA
3722 VICTORY AVE
TOLEDO OH 43607

WOFFORD PAMELA
2123 WHITECHAPEL DR
TOLEDO OH 43614

WOODS CHARLES
2471 FRANKLIN AVE
TOLEDO OH 43620

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ONE GOVERNMENT CENTER
SUITE 2120