

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: June 16, 2021

REF: SUP-3003-21

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 Convenience Store

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 13, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a school
Location	-	1926-36 Consaul Street and 2014 Consaul Street
Applicant	-	The Kenmore Preparatory Academy dba The Toledo Preparatory Academy 1650 Tysons Blvd #600 McLean, VA 22102
Owner	-	Roman Catholic Diocese of Toledo 1933 Spielbusch Avenue Toledo, OH 43604
Attorney	-	John Kuhl 52 E. Gay St. P.O. Box 1008 Columbus, OH 43216-1008
Architect	-	Paul R Sullivan Jr. 23 S Saint Clair St, Lower Toledo, OH 43504

Site Description

Zoning	-	CR / Regional Commercial RD6 / Duplex Residential
Area	-	±0.56 acres / Lot with Building ±0.31 acres / Lots with Parking

GENERAL INFORMATION (cont'd)

Site Description (Cont'd)

Area	-	±0.88 / Total
Frontage	-	±220' along Consaul Street ±290' along Magyar Street
Existing Use	-	Vacant School
Proposed Use	-	Middle School

Area Description

North	-	Single Family Homes / RD6 Restaurant / CR
South	-	Single Family Homes / RD6
East	-	Two Family Dwelling / CR Multi Family / RM36
West	-	Parking, Restaurant / CR Single Family Homes / RD6

Combined Parcel History

V-191-37	-	Ord. 411-37, Request for the Vacation of a portion of an alley located Southwest of Consaul St.(Approved 11/29/37)
SUP-4006-14	-	ORD. 321-14 Special Use Permit to expand an existing school at 1878 Genesee St. (PC Approved 6/12/14, CC approved 7/16/14, passed 7/29/14)

Applicable Plans & Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant, the Toledo Preparatory Academy, is requesting a Special Use Permit for the operation of a school. The site was previously used as a school (Eagle Academy) but has been closed for longer than one year, requiring a new Special Use Permit. The site is located on the St. Stephen Parish Catholic Church property. The existing building for the proposed school fronts Consaul Street and Magyar Street. The parking is located at the corner of Consaul Street and Genesee street. The school intends to employ up to ten (10) teachers and administrators and is expecting enrollment of three hundred (300) students between grades six and eight. A Special Use

STAFF ANALYSIS (cont'd)

Permit is required in all Zoning Districts, and must be obtained before the school can begin operations.

The surrounding land uses include single-family residences and commercial uses to the north, single and multi-family dwellings to the east, single-family to the south, and retail and single family to the west.

Parking and Circulation

The minimum number of off-street parking required for this site is sixteen (16) based on the Submitted Enrollment and Staff Plan. The number of parking spaces at the site will remain unchanged with thirty-seven (37) spaces. The number of parking spaces exceeds the allowed maximum dictated by *TMC§1107.0304 – Off-street Parking Schedule*. However, schools have previously occupied the building with larger enrollment numbers, and the off-street parking lot is existing. The Director has reviewed and approves of the proposed number of spaces.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in *TMC§1107.1701 – Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least one (1) van accessible space with an eight-foot (8') aisle. The site plan submitted does not show compliance with the listed requirements. A revised site plan shall be required indicating the location of at least one (1) van accessible space.

Per *TMC§1107.0901 – Bicycle Parking*, no more than fifty (50) bicycle parking slots are required, although more are encouraged for schools which often have high bicycle usage. A revised site plan shall be required indicating the location of at least fifty (50) bicycle parking spaces as a condition of approval.

Landscaping

Per *TMC§1114.0500 – Appearance Upgrade for Nonconforming Development*, existing sites are only required to bring landscaping closer into compliance. Due to the historic nature of this site as well as the general lack of setbacks on the Consaul St. and Magyar St. frontages, the existing mature landscaping along Genesee suffices and is in line with the historic character of the site.

Additionally, Per *TMC§1108.0400B – Buffers and Screening*, all sides of a dumpster shall be screened. Screening shall be a minimum of six (6) feet tall, and composed of a combination of evergreen plantings, fences, or wall structures. Access shall be incorporated through an opaque device such as a wooden gate. The aim of these regulations is to minimize the negative impacts on neighboring residential uses, as well as improve visual appeal from Consaul Street.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial and Single-Family Residential Use. Neighborhood Commercial uses are designated to curb the sprawl of strip commercial development into neighborhoods. It is intended to provide a node of commercial and retail space while minimizing residential intrusion. Schools are permitted in both commercial and residential districts, and provide an essential service to the surrounding neighborhood. Furthermore, the proximity to residential areas is in line with the Neighborhood Commercial goal of creating pedestrian accessible amenities.

Based on the current land use designation and character surrounding the site, as well as the future land use plan for the site, the proposal meets the purpose and provisions for approval laid out in *TMC§1111.0706 – Review and Decision-making criteria*.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends the approval of SUP-3003-21, a Special Use Permit for a school located at 2014 Consaul Street, to 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); and
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706.B Review & Decision-Making Criteria).

The Toledo City Plan Commission further recommends approval subject to the following **twenty-six (26) 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. 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 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

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

Sanitary Sewers: Mike Elling 419-936-2276

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

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.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. 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. 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.
8. 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.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer and Drainage Services (S&DS)

10. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
11. 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 S&DS demonstrating the lines cleaning and integrity.

Environmental Services

12. 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.
13. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
14. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
15. 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

16. One van accessible parking space with 8' loading aisle is required per TMC§1107
17. Bicycle parking is required per TMC§1107.
18. Wheel stops are required at all parking spaces abutting sidewalks, property lines, buildings, and planting areas per TMC§1107.

Fire Prevention

Fire Prevention has no comments or concerns.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission

19. A minimum of 50 bicycle parking slots are required per TMC§1107.1700. Revised site plan must indicate location and quantity of bicycle parking slots; **Acceptable as submitted.**
20. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; **Acceptable as Depicted.**
21. 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)).
22. 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. If the 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; **Acceptable as submitted;**
 - b. 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;
 - c. Dumpster location(s) shall have a concrete pad surrounded by a screening in the form of a minimum six (6) foot tall combination of evergreen plantings, fences, or wall structures per TMC §1108.0400B. Dumpsters shall not be located in any required setback; **Acceptable as submitted;**
 - d. The location, height and materials for any fencing to be installed and maintained; and,
 - e. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

23. 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.
24. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
25. 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 Major Site Plan Review.
26. 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.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

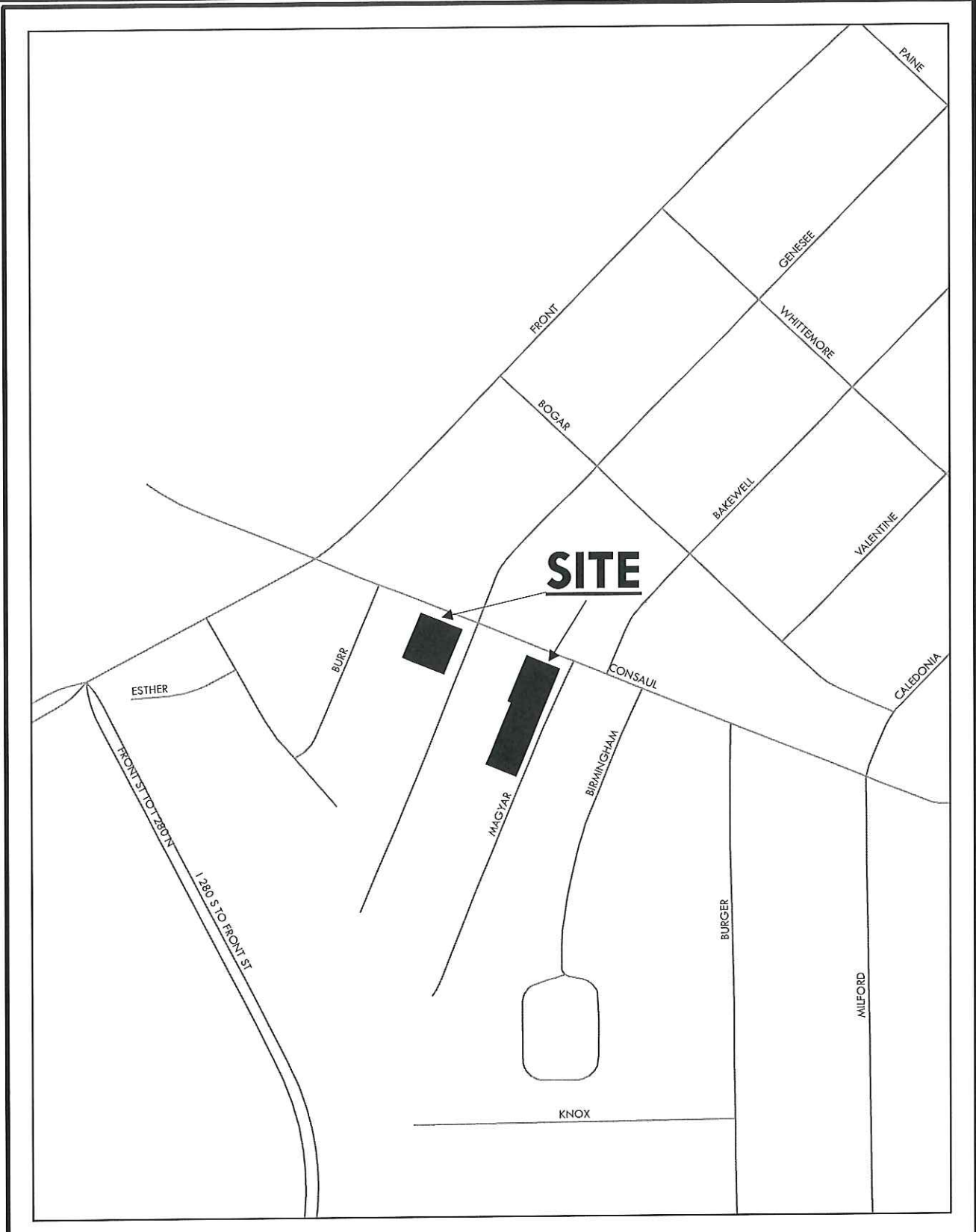
JGL

Three (3) sketches follow

Cc: The Preparatory Academy, 1650 Tysons Blvd #600 McLean VA 22102, Applicant
John Kuhl, 52 E Gay St, PO Box 1008, Columbus OH 43216-1008, Attorney
Lisa Cottrell, Administrator
Jonny Latsko, Planner

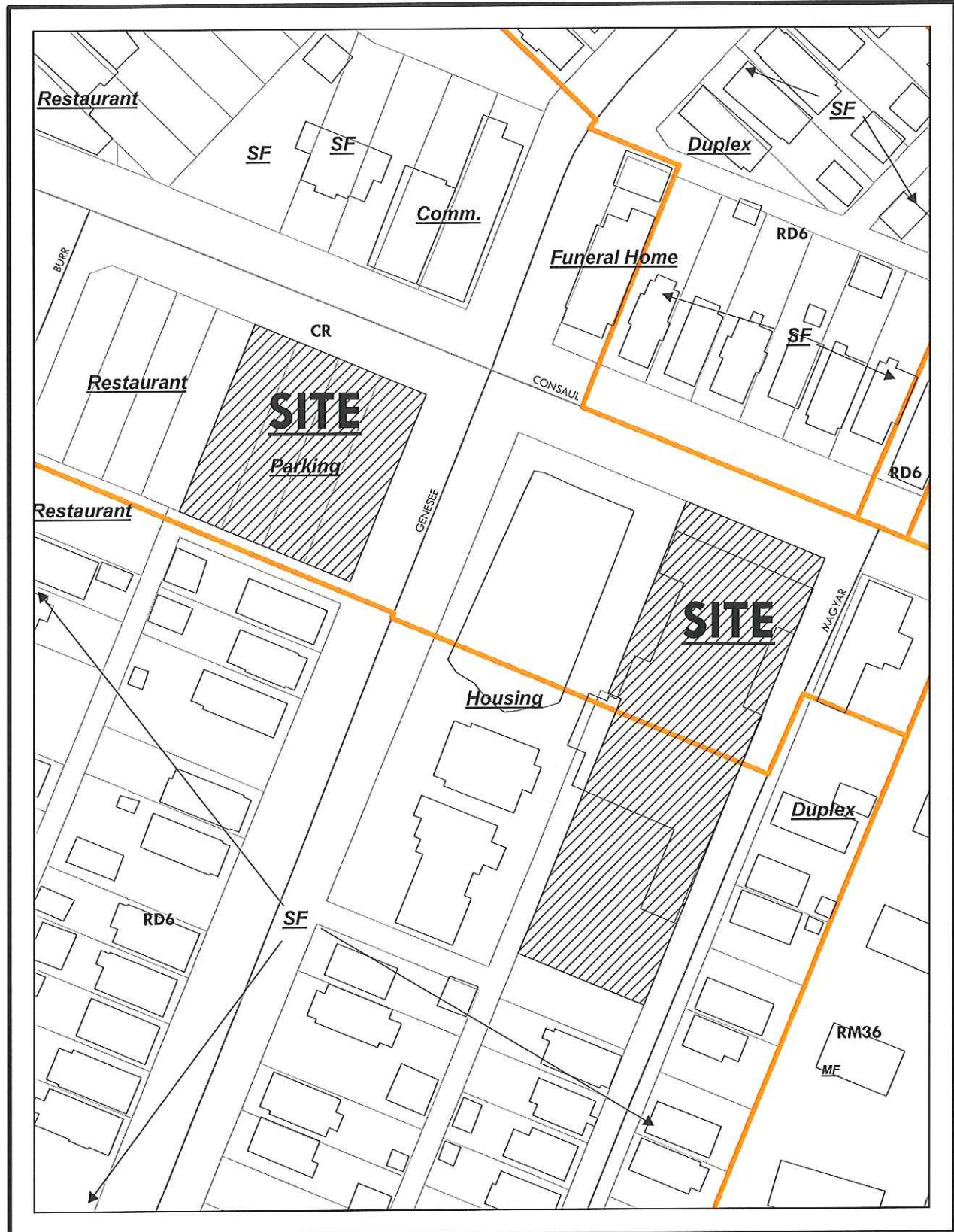
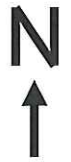
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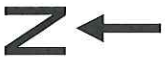
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Land Use and Zoning

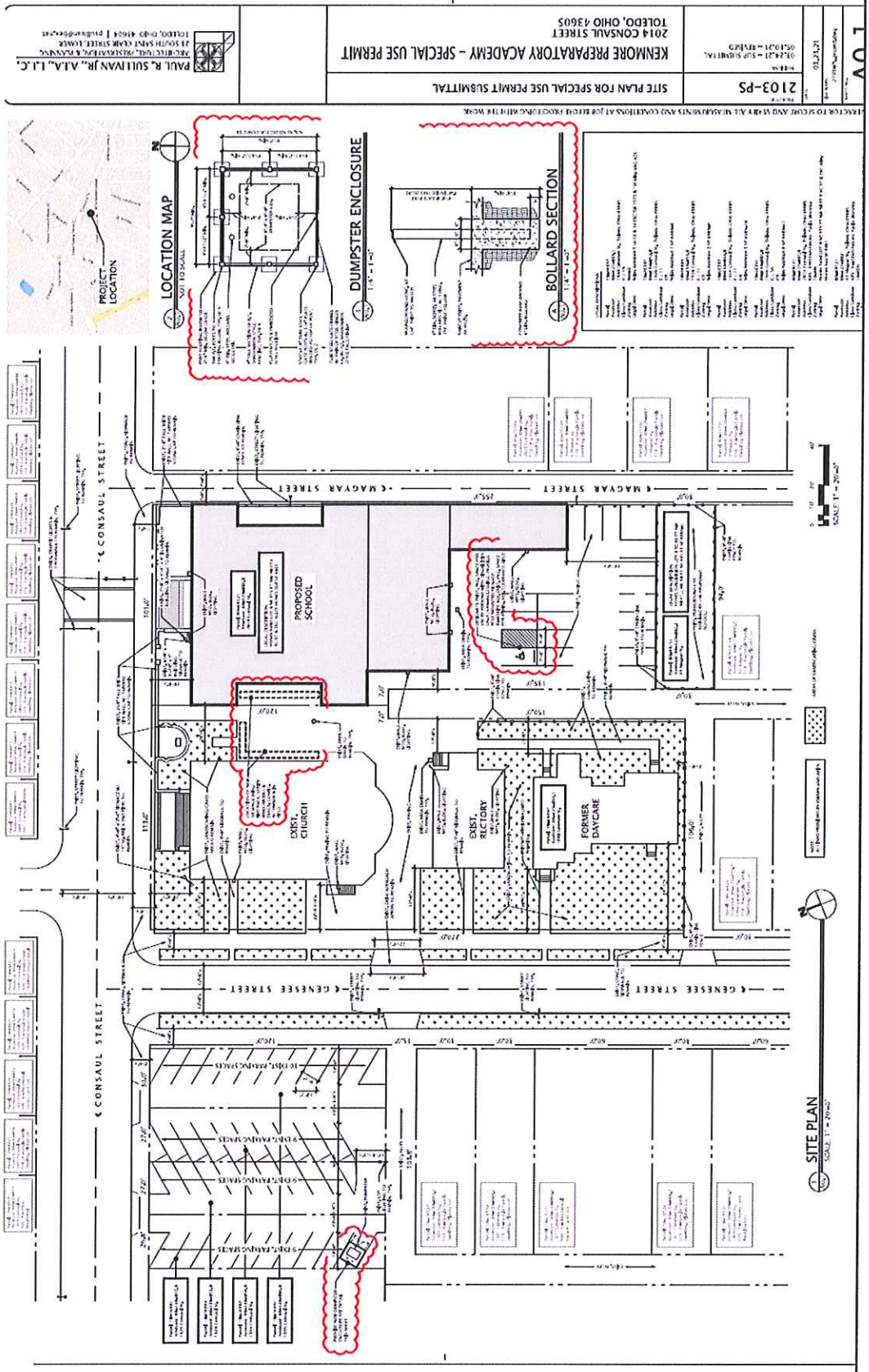
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SITE PLAN



SITE PLAN
SCALE: 1" = 20'-0"

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