



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604 PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: June 14, 2019

REF: SUP-4008-19

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 4747 Heatherdowns Boulevard.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 13, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a new school
Location	-	4747 Heatherdowns Boulevard
Applicant	-	STAR Academy of Toledo Global School Properties Ohio, LLC 1650 Tysons Boulevard, Suite 600 McLean, VA 22032
Owner	-	Midwest Creative Investments, LLC 341 E. Huron Street Ann Arbor, MI 48104
Engineer	-	Donald L. Feller, P.E. Feller, Finch & Associates, Inc. 1683 Woodlands Drive Maumee, OH 43537

Site Description

Zoning	-	RS12 / Single-Dwelling Residential
Area	-	± 11.7 acres
Frontage	-	± 580' along Cass Road
Existing Use	-	Vacant assembly hall
Proposed Use	-	School
Parking Required	-	22 spaces
Parking Provided	-	159 spaces

GENERAL INFORMATION (cont'd)

Site Description (cont'd)

Neighborhood Org.	-	None
Overlay	-	None

Area Description

North	-	Open green space, Heatherdowns Blvd., funeral home / RS12 & CN
South	-	Interstate-80 Ohio Turnpike / City of Maumee
East	-	Stranahan Theater / RS12
West	-	Cass Road, Single-family homes, water utility pump station / RS12 & RD6

Parcel History

SUP-4007-12	-	Special Use Permit for a school at 4747 Heatherdowns Boulevard (P.C. rec. approval on 6/14/2012, C.C. approved on 8/7/2012 by Ord. 395-12).
SUP-12008-17	-	Special Use Permit for an Adult Day Care Center at 4747 Heatherdowns Boulevard (P.C. rec. approval on 3/8/2018, C.C. approved on 4/24/2018 by Ord. 159-18).

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 for a new school at 4747 Heatherdowns Boulevard. The ±11.7-acre site is zoned RS12 Single-Dwelling Residential and occupied by an existing building, roughly 27,000 square feet. In recent years the building was occupied by a School, but previously operated as an assembly hall. Surrounding land uses include open green space and a funeral home to the north across Heatherdowns Boulevard, the Stranahan Theater to the east, the Ohio Turnpike to the south, and single family homes to the west across Cass Road.

STAFF ANALYSIS (cont'd)

The applicant, STAR Academy of Toledo, intends to operate a public community school out of the existing building on site. The school will teach grades K-8 with an enrollment of 200 kids at full capacity. The school will also employ 21 employees while operating 170 school days a year from 8:00AM-4:00PM, with tutoring until 6:00PM. A Special Use Permit is required for all schools in the City of Toledo.

Parking and Circulation

As listed in TMC§1107.0304 *Parking, Loading, and Access – Schedule A*, an Elementary and Middle School is required to have one (1) parking space per faculty member plus (1) parking space per three (3) staff members plus one (1) parking space per fifty (50) students for drop-off and pick-up area. Additionally, one (1) bicycle space per three (3) students plus one (1) bicycle space per ten (10) parking space for faculty and staff. The site plan and letter of intent submitted indicates there will be seventeen (17) faculty members, four (4) staff members and 200 students. Calculations conclude that a total of twenty-three (23) parking spaces are required with one (1) van-accessible parking space for physically disabled persons.

The site plan submitted depicts a total of 159 parking spaces with six (6) spaces designated for persons with disabilities and fifty (50) bicycle spaces, the maximum required. While the available parking provided is in excess of the maximum allowable parking spaces, 150% of the minimum parking requirement, an alternative parking plan will not be required because the parking is existing on site. Additionally, a shared parking/cross-access agreement shall be established and maintained with the property to the north in order to access the facility from Cass Road and Heathdowns Boulevard. In the event the cross-access is altered in any way, a re-review of the Special Use Permit shall occur and listed as a condition of approval.

Per TMC§1107.1905 – *Appearance*, the materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches must be of good appearance, easily maintained, and indicative of their function. Additionally, as stated in TMC§1107.1909 – *Maintenance*, parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. The applicant shall maintain the parking lot and driveway access from Cass Road in order to comply with the Design Standards of 1107.1900 and is listed as a condition of approval.

STAFF ANALYSIS (cont'd)

Landscaping

The site was developed before the 2004 zoning code and therefore not required to completely comply with the landscape standards of the 2004 code. However, TMC§1114.0500 *Appearance Upgrade for Nonconforming Development*, requires future changes to bring a site closer into compliance with the 2004 code. A thirty-foot (30') frontage greenbelt is required along Cass Road and shall include at least one (1) tree for every thirty-foot (30') of lot frontage located outside the right-of-way. A total of twenty (20) trees shall be required along Cass Road. Foundation plantings shall be provided along each street facing building elevation and at all major entrances. Additionally, the terminal islands in the parking lot shall be landscaped and maintained in conformance with the Parking Lot Landscaping regulations of TMC§1108.0204.

The site plan submitted depicts a landscaping area thirty-foot (30') wide but does not depict any plantings in the greenbelt, terminal islands or around the foundation of the building. A Landscaping Plan shall be submitted depicting the frontage greenbelt, foundation plantings and landscaped terminal and listed as conditions of approval.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan designates this property for Institutional Campus land uses. The Institutional Campus future land use designation is intended to accommodate large institutional uses in campus-like settings. Examples such as hospitals, schools and colleges are considered Institutional Campus land uses. The IC District is intended to promote and enhance the development and expansion of medical, educational and other institutional uses. The proposed school conforms to the future land use designation targeted in the 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit for this location because it is compatible with the established land uses along Heatherdowns Boulevard. Additionally, the site conforms to all applicable provisions of the Zoning Code. Finally, the proposed use meets the purpose of the Zoning Code as outlined in TMC§1101.0400.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-4008-19, a Special Use Permit for a new school at 4747 Heatherdowns Boulevard, 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*).

PLAN COMMISSION RECOMMENDATION (cont'd)

2. The proposed use complies with all applicable provisions of the Zoning Code (TMC§1111.0706(B) – *Review & Decision-Making Criteria*); and
3. The request 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) (TMC§1111.0706(C) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of SUP-4008-19, a Special Use Permit for a new school at 4747 Heatherdowns Boulevard, to the Toledo City Council subject to the following **thirty-eight (38)** conditions:

The conditions of approval are as follows and 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: Joe Warnka 419-245-1220
Roadway: Tim Grosjean, ph. 419-245-1344
Water: Andrea Kroma, ph. 419-936-2163
Stormwater Drainage: Lorie Haslinger, 419-245-3221; Andy Stepnick 419-245-1338
Sanitary Sewers: Mike Elling, ph. 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 and/or 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

Contact Joe Warnka at (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. The existing building currently receives water service via the Stranahan Theatre's water service lines. If this arrangement is intended to continue, the applicant will be required to show proof they have permission from the owners of the Stranahan Theatre.
7. If new water service lines are intended to serve the existing building, plans shall be submitted to the Division of Engineering Services for review and approval. Plan for disconnection from the Stranahan Theatre's water services lines 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 www.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 (419-245-1395) to verify the backflow prevention requirements for this site.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
10. Plan Commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a stormwater plan review by Division of Engineering Services. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site-plan review and approval will be required by the Division of Engineering Services, subject to the rules and regulations of the City of Toledo including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements, and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

11. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES Permit.
12. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

Division of Environmental Services

13. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
14. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
15. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
16. 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 both structural and non-structural Best Management Practices.
17. 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
18. 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.

Fire Prevention

19. Annual Fire Safety inspection shall occur prior to the occupancy by the new tenant.
20. Facility identification is required. It shall be visible to approaching Fire Department vehicles.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Transportation

21. All accessible parking spaces must be a minimum of 9'x18' with a 5' aisle for car-accessible spaces and 8' aisle for van-accessible spaces per TMC 1107.
22. Sidewalk required along Cass Road. Provide a walkway system from Cass Road to the school building per TMC 1107.
23. If not already established, cross access agreements shall be formalized with adjacent property owner to the North and the East.

Plan Commission

24. A revised site plan shall be submitted addressing the Division of Transportations conditions of approval.
25. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; **acceptable as depicted on site plan.**
26. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces; **acceptable as depicted on site plan.**
27. 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)**.
28. The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches must be of good appearance, easily maintained, and indicative of their function as stated in TMC§1107.1905 – *Appearance*.
29. 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 system subject to the regulations and approval of the Department of Public Utilities

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

30. 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)).
31. Pursuant to TMC§1107.1909 – *Maintenance*, parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the construction of paving, lighting fixtures, retaining walls, fences, curbs and benches must be continuously maintained and kept free of debris and hazards.
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. 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 thirty-foot (30’) greenbelt is required along the Cass Road frontage and shall include one (1) tree per every thirty-foot (30’) of frontage; **not acceptable as depicted on site plan. A total of twenty (20) trees shall be installed along Cass Road and shall be depicted on a completed landscaping plan.**
 - b. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances. **Shall be depicted on a completed landscaping plan.**
 - c. Landscaped terminal islands must be provided at the end of each parking. **Shall be depicted on a completed landscaping plan.**
 - 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;

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- f. 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.
 - g. The location, height and materials for any fencing to be installed and maintained; and
 - h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
34. 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 and maintained indefinitely.**
35. 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.
36. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
37. 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.
38. 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

TO: President Cherry and Members of Council
June 14, 2019
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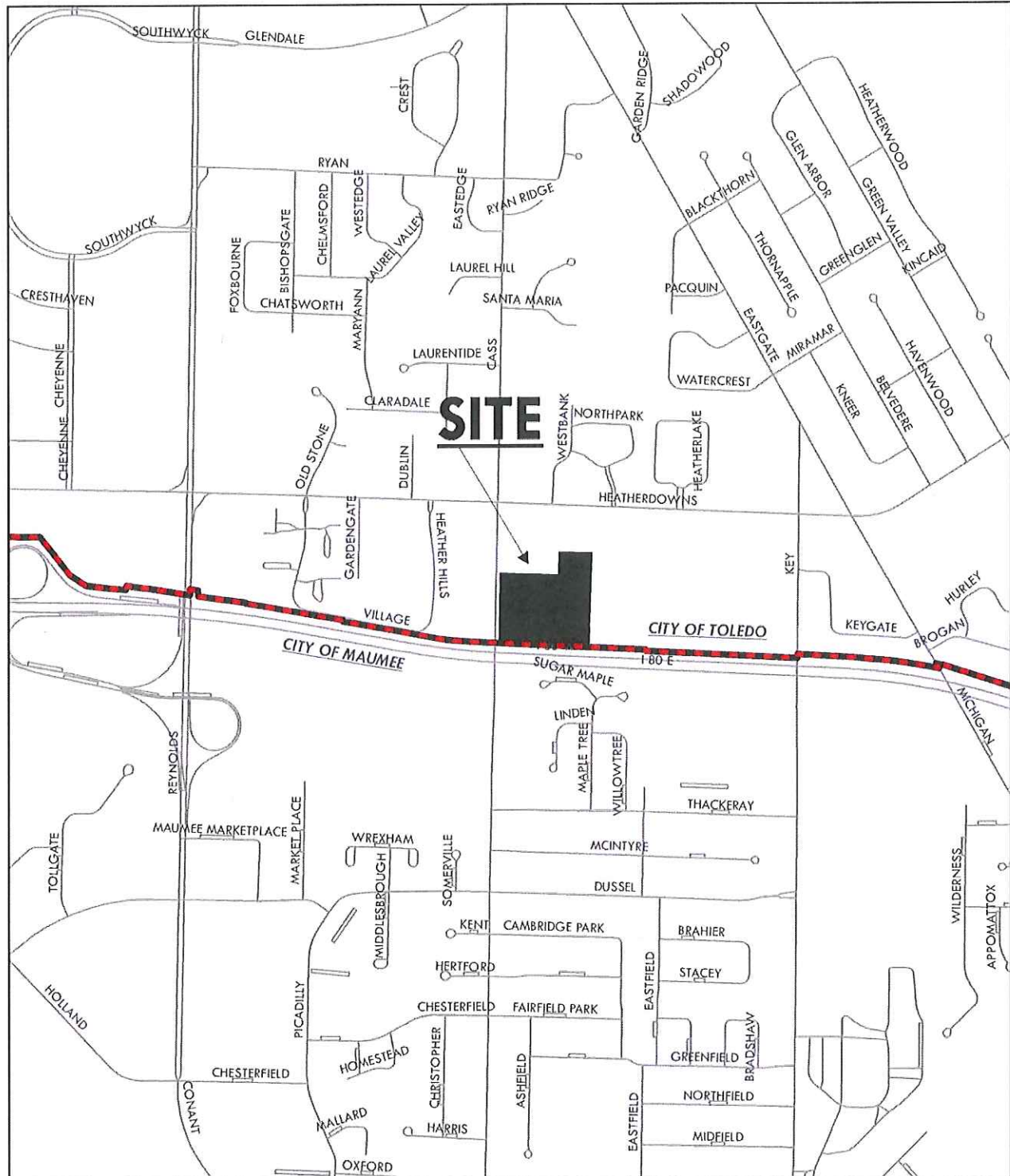
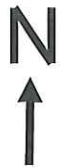
REF: SUP-4008-19

Three (3) sketches follow

Cc: Bonnie Clements; Global School Properties Ohio, LLC; 1650 Tysons Blvd, Suite 600
McLean, VA 22032
Midwest Creative Investments, LLC; 341 E. Huron Street, Ann Arbor, MI 48104
Greg Feller; Feller, Finch & Associates, Inc.; 1683 Woodlands Drive, Maumee, OH 43537
Lisa Cottrell, Administrator
Ryne Sundvold, Associate Planner

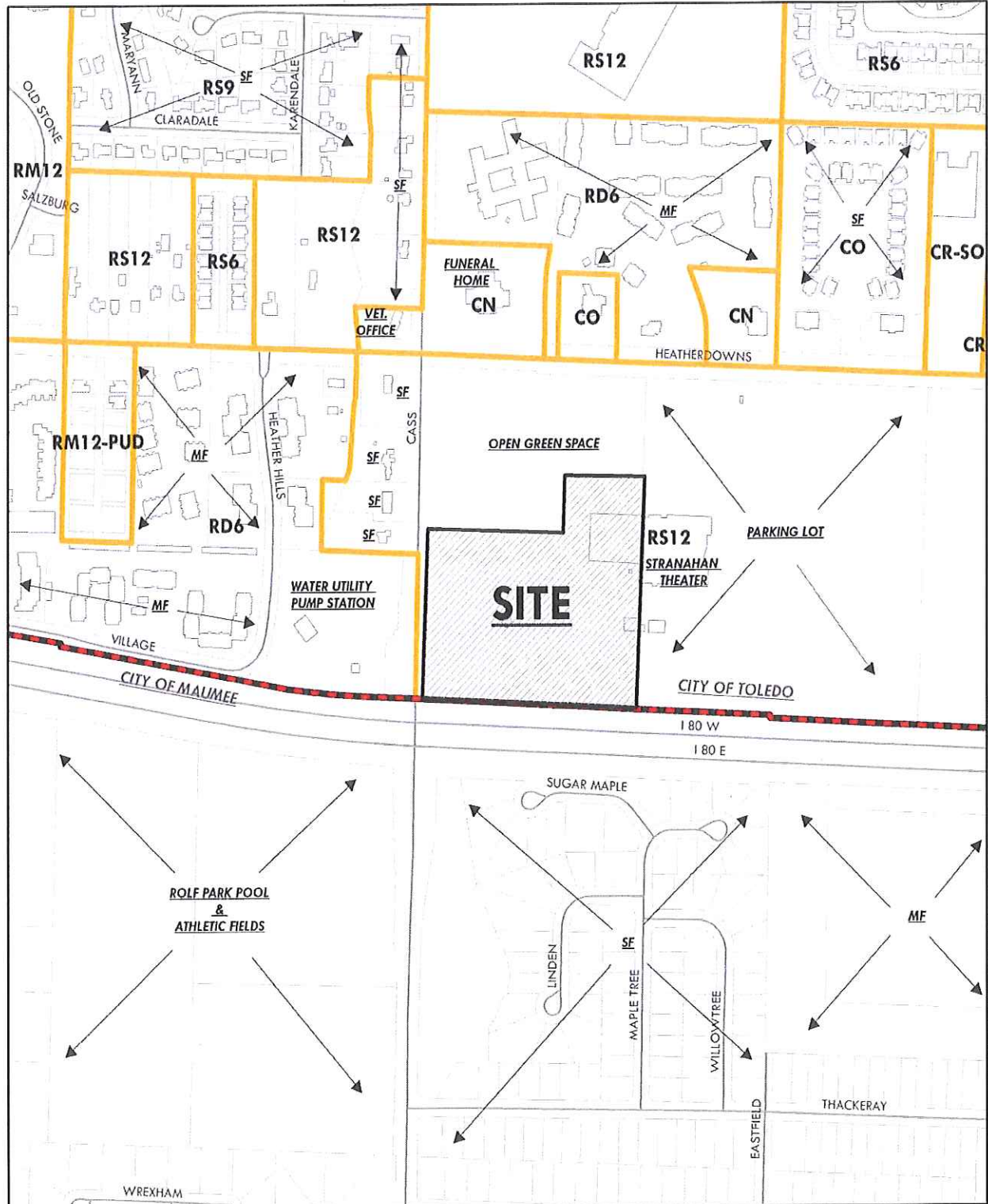
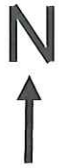
GENERAL LOCATION

SUP-4008-19
ID 142



ZONING & LAND USE

SUP-4008-19
ID 142



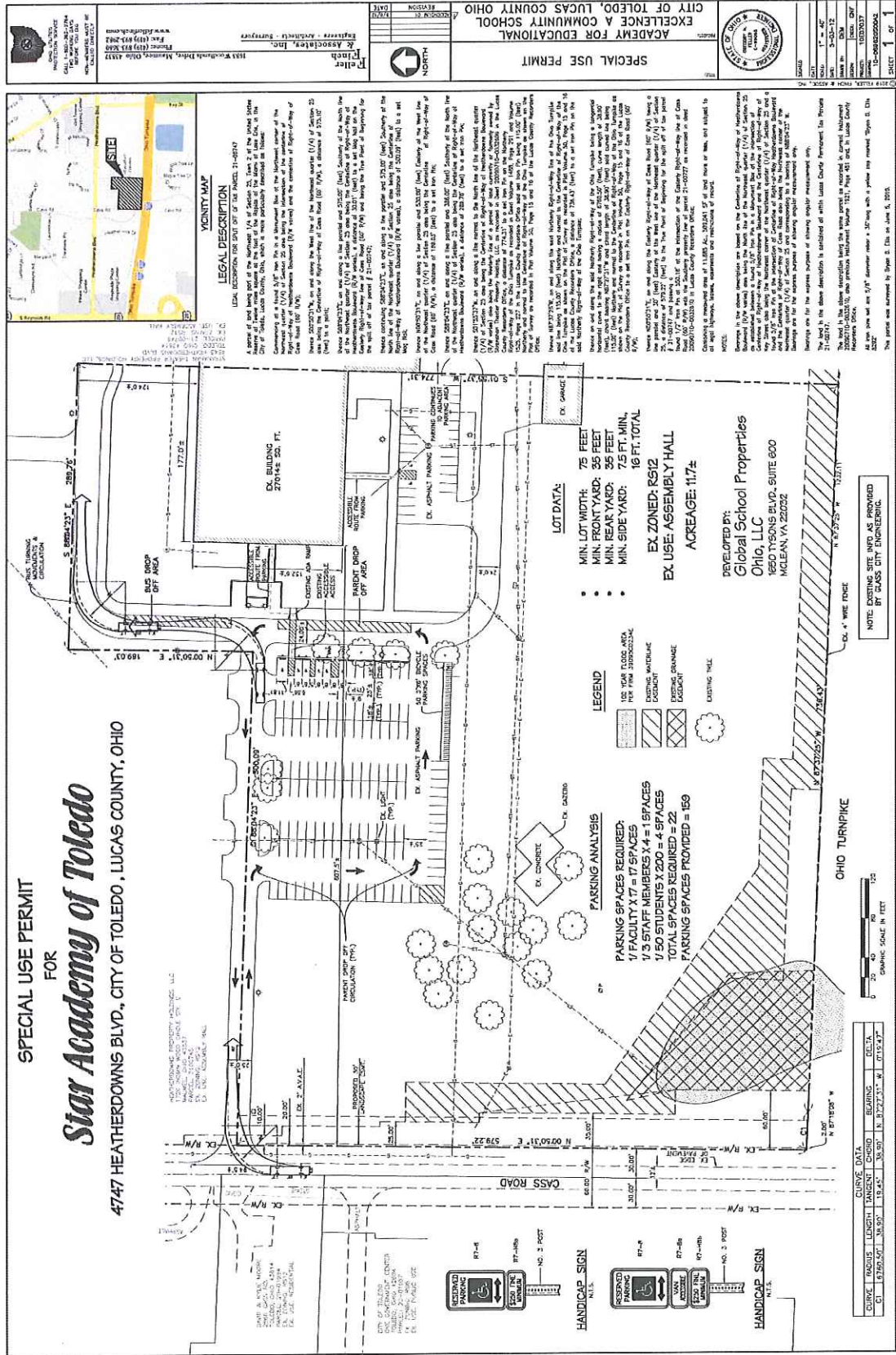
SITE PLAN

SUP-4008-19
ID 142

SPECIAL USE PERMIT
FOR

Star Academy of Toledo

4747 HEATHERDOWNS BLVD., CITY OF TOLEDO, LUCAS COUNTY, OHIO



SUP-4008-19

June 5, 2019

REF: SUP-4008-19

PLANNER: R.Sundvold

Notice of public Hearing on Thursday, June 13, 2019 2:00 pm

Toledo Planning Commission;

In response to the notice of above public hearing. My name is Betty R. Mallory and I live and own the property at 2408 Heatherlake Place. I am not able to attend the above meeting.

My vote for the Special Use Permit for a new school at 4747 Heatherdowns Blvd. is **NO**!!! Here are just some of the reasons why this permit should NOT be granted.

When the Masons abandoned their building and grounds a few years back the property was sold to a company out of Ann Arbor, Mi. It has been grossly neglected as is often the case when owners are out of state, so it has been an eyesore to our neighborhood. That company put a Charter School in a part of the old damaged Masons building. The school was not an asset to the community with several gang related fights brought to the school causing more damage to the old building as well as much stress among this basically older, calmer, neighborhood. That charter school failed and since then the building and grounds have had no services providing upkeep in almost two years.

Now we learn that this property is in the hands of another company out of state – Virginia – so most probably will still be unattended and an eyesore. There will be bus delivery to and from which adds to the congestion on Cass and Heatherdowns Rds. Newcomer Funeral Home already causes many complete traffic stops on both those Rds. Very frustrating for most drivers.

I live in a private community called Heatherlake Commons and we feel very safe and quiet back in here. My concern is we homeowners in our HOA are responsible and have the liability for our pond/lake which attracts curious children who do not obey our posted rules of No Trespassing. I and most of our community do not want to have another school in that building which may **again** bring in families who are curious of our quiet residential areas and again will do drive throughs to check us out. This is a threat to our security. Thank you.

Sincerely yours,

Betty R. Mallory, 2408 Heatherlake Place, Toledo, Ohio 43614 cell 419 270 8216

TOLEDO PLAN COMMISSION HEARING

REF: SUP-4008-19

DATE: JUNE 13, 2019

SUBMISSION BY STRANAHAN THEATER AND GREAT HALL

4645 HEATHERDOWNS BOULEVARD, TOLEDO, OHIO 43614

Submission by Stranahan Theater and Great Hall
Toledo Planning Commission Hearing
REF: SUP-4008-19
Date: June 13, 2019

1. Letter from Stephen Hyman, Executive Director of the Stranahan Theater
2. Submission by Stranahan Theater and Great Hall to March 8, 2018 Toledo Plan Commission Hearing regarding SUP-12008-17
3. Stranahan Theater and Great Hall's proposed conditions to SUP-4008-19



June 11, 2019

TO: Toledo City Plan Commission
FROM: Stephen Hyman, Executive Director, Stranahan Theater
SUBJECT: Third Special Use Request

I have been the chief executive officer for the Stranahan Theater and Great Hall since May of 2014. Upon my arrival I was apprised of a charter school residing in one of the three buildings at the complex.

I looked into the history of the Masonic Complex, consisting of the Theater, Great Hall & Lodge, and discovered that this is a Special Use in a residentially zoned district. It was approved as a Masonic Campus, and viewed as a synergistic, commonly administered complex.

Prior to my entertainment venue management career I was a municipal planner and staff to the City of Moline, IL Plan Commission and City Council. In that 15 year career, I have written a number of Special Use analysis and reports.

Simply stated an institutional special use is just that, its purpose is to place certain campus-like uses within a religious, education, and assembly setting, whose administration is singular in focus.

In my professional opinion the charter school use, from 2012, should have never been granted because it does not fit the definition of a singular administered campus, which was basis for the original approval.

That Charter School went out of operation in 2016 for a variety of reasons, but most importantly it negatively impacted this community asset. We have previously provided the Planning Commission with documentation of the problems with the prior school, and we are providing that same information again now.

Then, in 2018 the absentee landlord had his son apply for another

Special Use permit as an Adult day Care. Despite our objections that too was approved, but the work required by this Commission and the City was never completed and the Adult Day Care Center never happened.

Just a few weeks ago we learned that yet another Special Use application has been made for another Charter School. We will be in attendance at the Plan commission meeting on the 13th of June. We will again object on the grounds that it in violation of the original approval.

In closing I want to go on the record with the following:

I have been fortunate in the last 25 years to have operated five different entertainment venues across this country. The impact each and every one of those venues has had, within those communities, in terms of the quality of life and the economic impact they produce, is irreplaceable.

We often forget that they are fragile in their operations and can only survive if they can sell tickets.

Our mission needs to be: that we do everything in our power to ensure that the Stranahan Theater and Great Hall is here, as an integral part of the fabric of our region, forever.

We have not, and do not, view a non-campus use as meeting the intent of our Special Use, and are therefore requesting that this application be denied. Thank you.

Stephen Hyman

4645 Heatherdowns Boulevard
Toledo, Ohio 43614
419.381.8851
stranahantheater.org

TOLEDO PLAN COMMISSION HEARING

REF: SUP-12008-17

DATE: MARCH 8, 2018

SUBMISSION BY STRANAHAN THEATER AND GREAT HALL

4645 HEATHERDOWNS BOULEVARD, TOLEDO, OHIO 43614



March 5, 2018

Dear Toledo City Plan Commission

I am the Executive Director of the Stranahan Theater and Great Hall. This letter is written with the full support and approval of the Stranahan Theater and Great Hall Board of Trustees.

It is our understanding that the building attached to the Great Hall/Theater complex is being considered for an adult daycare use.

I would like to go back to, in our opinion, the original intent in granting this Special Use in a residentially zoned area. The proposal that was reviewed, and approved, was for a complex of three attached buildings, with common walls, and of important note, a commonality in, use, operating model, and business interest and joint operations. It was for all intent and purpose a campus that was knowingly created by granting approval.

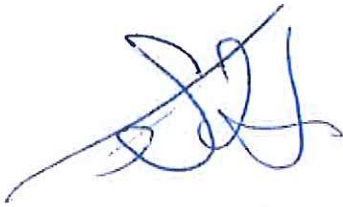
When I arrived here in 2014, to take over the day to day operations of the Theater and Great Hall, there was a charter school in operation. In the mid to later part of 2015, we were approached by an employee of the school informing us that they had concerns because another employees, who was hired to be the custodian had established an apartment within the school building.

In early January of 2016 the Toledo Police Department was summoned late on the 17th because there was apparently a party going on inside the school that resulted in an altercation and assaults to the degree that there were numerous injuries. There are Police reports on file documenting all of this (see the attached article from the Blade).

It is our contention that unless there is communality in use and operations, as originally intended with the granting of the special use as a Masonic Complex, approval should not be granted.

The Theater, Great Hall, and our grounds, have under gone a \$1.8 million dollar renovation to ensure that this important regional entertainment venue continues to play a critical role in our quality of life.

Because of the decades of operation as the Masonic Complex the community does not discern that there is an nonrelated use taking place within the campus, and holds us responsible and accountable, for all that happens or takes place. The public's perception, and belief, that this a safe environment can never be compromised or we will cease to exist.



Stephen Hyman

THE BLADE

One of America's Great Newspapers

Janitor arrested for after-hours party at Toledo charter school

1/20/2016

BLADE STAFF

An intoxicated janitor was arrested during an after-hours party at a charter school in South Toledo, authorities said.

Officers responded to a reported fight about 3:48 a.m. Sunday at the Academy of Educational Excellence, 4747 Heatherdowns Blvd. They found multiple broken bottles and blood inside the building. The school's janitor, Devon Loggins, 28, was passed out on the floor, police said.

At least four people said they were hurt in the fight and were taken to the University of Toledo Medical Center, the former Medical College of Ohio. Police cited 10 partygoers, ranging in age from 14 to 23, mostly on criminal trespassing or unruliness charges.

Mr. Loggins of the 900 block of Vinton Street pleaded no contest Tuesday in Toledo Municipal Court to an amended charge of disorderly conduct. Judge Robert Christiansen sentenced him to a suspended fine.

Superintendent Ann Harris told police he was supposed to clean and then leave the building. Ms. Harris is the grandmother of Mr. Loggins.

Bill Harris, school board president and husband of Ms. Harris, said today the party did not affect school operations. It occurred on the second floor, and classes are held on the first.

Mr. Harris said the board will review whether to fire Mr. Loggins. Board member have not yet reviewed a police report.

"We're certainly saddened and disappointed," he said.

The school enrolls 82 students from kindergarten through fourth grade.

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POLICE REPORT
TOLEDO POLICE
DEPARTMENT, TOLEDO OH

☐ No Crime ☒ Crime ☐ Supplement

VICTIM KYNARD, LINCOLN D	RB # 066971-13
Location of Occurrence 4747 HEATHERDOWNS BLVD, TOLEDO, OH 43614	CAD # TOP13280029
Location Type SCHOOL PUBLIC AND PRIVATE	Supplement Date and Time

Occurred Date and Time 11/15/2013 14:20 - 11/15/2013 14:20	Reported Date and Time 11/15/2013 14:46	Using ☐ Alcohol ☐ Drugs ☐ Comp Equip ☐ Not App
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OFFENSES	Offense Description 1. CRIMINAL TRESPASS	Violation 541.05 TMC	A/C C	F/M & Degree M4
	Offense Description 2. MENACING	Violation 537.06 TMC	A/C C	F/M & Degree M4

Viol # 1	#Victims Total 1	Victim Type ☒ Individual ☐ Financial Institution ☐ Police Officer (in the line of duty) ☐ Society ☐ Other ☐ Student ☐ Faculty ☐ Business ☐ Government ☐ Religious Organization ☐ Unknown ☐ Staff ☐ Other Person
Name KYNARD, LINCOLN D		
Address 4747 HEATHERDOWNS BLVD, TOLEDO, OH 43614		
Employer Name, Address (Street, Apt., City, State, Zip), and Phone ACADEMY OF EDUCATIONAL EXCELLENCE (419) 382-2280 PRINCIPAL		
*Age 41	*Dob 01/14/1972	*Race Black
*Sex Male	Hgt	Wgt
Hair	Eyes	Describe Injury
Resident Status RESIDENT	Assault/Homicide Circumstances	Victim/Suspect Relationship Otherwise Known
Driver's License & State	Offense/Victim Link 1,2	
Victim is also Witness ☐ PRO ☒ Owner ☐ Suspect ☐	Statements Obtained ☐ Y ☒ N	Type: ☐ Written ☐ Oral ☐ Taped ☐ Other

Address Type 4747 HEATHERDOWNS TOLEDO HI

No. 1	Name (Last, First, Middle) LINDSEY, RONALD	Age / D.O.B. 53 04/14/1960	SSN
Address			Phone
Employer Name, Address (Street, Apt., City, State, Zip) and Phone			Driver's License & State
Statements Obtained ☐ Y ☒ N	Type: ☐ Written ☐ Oral ☐ Taped ☐ Other	☐ Student ☐ Faculty ☐ Staff ☐ Other Person	

Report Made By: 1705 MRKVA, J 823 DAY	Officer(s) Name(s) I.D.# Unit No./Section	Officer Assigned to Case	Supervisor's Approval 2218 LAFORGE, T
DISPOSITION 1	A Death of Offender G Cleared by Arrest - Juvenile S Summons Sent	B Prosecution Declined H Warrant Issued V Directed to	C Extradition Denied I Investigation Pending W Closed
	D Victim Refuses to Cooperate J Inactive X Transfer to SU	E Juvenile/No Custody K Unfounded Y Return to CRS	F Cleared by Arrest - Adult R Report Written U Unknown

POLICE REPORT
TOLEDO POLICE
DEPARTMENT, TOLEDO OH

VICTIM KYNARD, LINCOLN D	RB # 065971-13
	CAD # TOP13280029

Page 2 of 2

S U S P E C T	Susp # 1	Juvenile ☐	Check Appropriate Category ☒ Suspect ☐ Arrestee ☐ Suspect/Arrestee ☐ Runaway ☐ Missing ☐ Other		☐ Student ☐ Faculty ☐ Staff ☐ Other Person		Charges Filed?
	Name (Last, First, Middle) HUMPHREY, ROBERT						
	Alias HUMPHREY, ROBERT LAQUAN						
	Address (Street, Apt., City, State, Zip) 1933 MARLOW, TOLEDO, OH 43613						Phone (419) 810-0657 (H)
	Employer Name, Address (Street, Apt., City, State, Zip), and Phone						Phone
	Place of Birth			DL#/State TN183273, OH		Occupation/School	
	*Age 22	*D.O.B. 07/11/1991	*Race Black	*Sex Male	*Height 509	*Weight 390	*Hair Black
			*Eyes Brown	Marital Status			
	Scars, Marks, Tattoos						
	Additional Descriptive						
Statements Obtained ☐ Y ☒ N Type: ☐ Written ☐ Oral ☐ Taped ☐ Other							
Suspected of Using ☐ Alcohol ☐ Drugs Potential Injuries?							
*Resident Status NOT REPORTED							
THE LISTED VICTIM IS THE PRINCIPAL AT THE LISTED CHARTER SCHOOL AND THE WITNESS IS AN ADMINISTRATIVE ASSISTANT AT SAME SCHOOL. DURING THE LISTED DATE AND TIME THE LISTED SUSPECT, WHO WAS FIRED IN OCTOBER, 2013 CAME TO THE SCHOOL TO PICK UP A CHECK. THE SUSPECT WAS TOLD NOT TO COME TO THE SCHOOL AND THAT THE CHECK WOULD BE MAILED TO HIS HOME. THIS UNIT ARRIVED AND ADVISED THE UNCOOPERATIVE SUSPECT TO LEAVE AND SAME CHALLENGED THIS OFFICER AS TO THE SUSPECT STATING HE WOULD NOT LEAVE UNTIL HE RECEIVED HIS CHECK. THE SUSPECT DID LEAVE THE LOCATION BUT SOON AFTERWARD CALLED THE SCHOOL AND TOLD THE WITNESS THAT THE VICTIM BETTER NOT COME OUT OF THE SCHOOL. THE VICTIM FELT THREATENED AND FEELS THE SUSPECT IS UNSTABLE. THIS OFFICER HAD ADVISED THE SUSPECT NOT TO RETURN TO THE SCHOOL AND VICTIM ALSO ADVISED THE SUSPECT NOT TO ENTER THE PROPERTY. VICTIM ADVISED OF FOLLOW UP WITH CITY PROSECUTORS OFFICE. NOTE: THE ADDRESS WILL NOT VALIDATE							
N A R R A T I V E							

CRIME REPORT

POLICE DEPARTMENT

TOLEDO, OHIO Form 38.1(e) Rev. 3/87

UCR Code

1. VICTIM Last, First, Middle (Firm Name if Business)
STATE OF OHIO

2. Report No.
055028-14

3. Crime (List Additional in Narrative)
SAFE SCHOOL ORDINANCE

4. Location of Occurrence
4747 Heatherdowns Blvd.

5. R.A.

6. HATE/BIAS ☐

If Hate/Bias Give Type

7. Type of Premises or Business Where Offense Was Committed
School(Academy For Educational Excellence)L.

JUVENILE ☒

8. Victim Injured

9. Date and Time Occurred
10/14/14 0830 hrs.

10. Date and Time Reported
10/15/14 1345 hr

GANG ☐

Treatment:

RELATED ☐

11. Reporting Person's Name (Last, First, Middle)
Irizarry-Kopplisch, Israel

12. Victim's Race

Sex

Age

D.O.B

Social Security Number

BAR ☐

13. Reporting Person's Residence Address

14. Res. Phone

15. Victim's Residence Address

City

Zip

16. Res. Phone

OFFICER ASSAULTED ☐

4747 Heatherdowns Blvd.

419-215-2812

CRIMP ANALYSIS ☐

17. Reporting Person's Business Address

18. Bus. Phone

19. Victim's Business Address

City

Zip

20. Bus. Phone

21. WITNESS

WITNESS NO. 1 NAME (Last, First, Middle)

Age

Residence Address

Zip Code

Res. Phone

Bus. Phone

WITNESS NO. 2 NAME (Last, First, Middle)

Age

Residence Address

Zip Code

Res. Phone

Bus. Phone

22. VEHICLE

Color

Year

Make

Model

Style

License No. (State, Year)

V.I.N.

Registered Owner's Name

Registered Owner's Address

HOLDER

TOWED BY:

23. SUSPECT

SUSPECT NO. 1 - NAME (Last, First, Middle)

24. Race

25. Sex

26. Age

27. D.O.B.

28. Hgt.

29. Weight

30. Hair

31. Eyes

Pittman, Steven

Blk

M

10

8/17/04

4'9"

80

Brn.

Brn.

32. Address (Apt. No.)

824 E. Bancroft St.

43608

419-913-7780

33. Date and Time of Arrest

34. F.C.O./Summons Court Date

35. Relation to Victim

N/A

36. Social Security #

Unk

37. Arrest

on view ☐ warrant/attachment ☐ T.P.O. ☐

38. Arrest Number

39. Clothing and Other Identifiers (Scars, Marks, Tattoos)

40. Weapon(s)
A Blk Beretta Bebe Gun 1- Blk Clip

2. Records Use Only

055028-14

SUSPECT NO. 2 - NAME (Last, First, Middle)

24. Race

25. Sex

26. Age

27. D.O.B.

28. Hgt.

29. Weight

30. Hair

31. Eyes

32. Address (Apt.)

Zip Code

Phone

33. Date and Time of Arrest

34. F.C.O./Summons Court Date

35. Relation to Victim

36. Social Security #

37. Arrest

on view ☐ warrant/attachment ☐ T.P.O. ☐

38. Arrest Number

39. Clothing and Other Identifiers (Scars, Marks, Tattoos)

40. Weapon(s)

41. PREMISES TYPE			42. POINT OF ENTRY			43. LOCATION			44. METHOD USED																									
1. ☐ Single Family	8. ☐ Hospital/Medical	15. ☐ Parking Lot/Garage	1. ☐ Door	1. ☐ Front	1. ☐ Open/Unlocked	2. ☐ Apt/Duplex	9. ☐ Office Bldg	16. ☐ Park/Playground	2. ☐ Window	2. ☐ Rear	2. ☐ Body/Force	3. ☐ Hotel/Motel	10. ☐ Manufacturer	17. ☐ Highway/Street	3. ☐ Garage Door	3. ☐ Side	3. ☐ Pry/Cutting	4. ☐ Church	11. ☐ Shopping Mall	18. ☐ Field/Woods	4. ☐ Adjacent Premise	4. ☐ Roof	4. ☐ Break Glass	5. ☐ Bar/Restaurant	12. ☐ Chain Store	19. ☐ Other	5. ☐ Wall	5. ☐ Other	5. ☐ Other Method	6. ☐ Bank	13. ☐ Small Business	6. ☐ Upper Floor	6. ☐ Other	6. ☐ Unknown

45. PROPERTY					
QTY.	S R D	PROPERTY DESCRIPTION	MODEL	SERIAL OR OAN#	VALUE
	SQRDD				
	SQRDD				
	SQRDD				
	SQRDD				

46. WHO NOTIFIED/AT SCENE 281, Records TOTAL \$0.00

47. Report Made By: Officer(s) Name(s) I.D. # Unit No./Section
Officer Penelope A. Halcomb 1917/940/Sro/4

48. Officer Assigned to Case

49. Supervisor's Approval

50. DISPOSITION: A ☐ Death of Offender B ☐ Prosecution Declined C ☐ Extradition Denied D ☐ Victim Refuses to Cooperate E ☐ Juvenile/No Custody F ☐ Cleared by Arrest - Adult G ☐ Cleared by Arrest - Juvenile H ☐ Warrant Issued I ☐ Investigation Pending J ☐ Inactive K ☐ Unfounded L ☐ Adjusted U ☐ Unknown

POLICE REPORT

TOLEDO POLICE
DEPARTMENT, TOLEDO OH☐ No Crime ☒ Crime ☐ Supplement

VICTIM ACADEMY OF EDUCATION	RB # 002540-16
Location of Occurrence 4747 HEATHERDOWNS BLVD, TOLEDO, OH 43614	CAD # TOP16011569
Location Type SCHOOL PUBLIC AND PRIVATE	Supplement Date and Time

Occurred Date and Time 01/17/2016 03:48 - 01/17/2016 03:48	Reported Date and Time 01/17/2016 03:57	Using ☐ Alcohol ☐ Comp Equip ☐ Drugs ☐ Not App
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Offense Description 1. CRIMINAL TRESPASS	Violation 2911.21 ORC	A/C C	F/M & Degree M4
Offense Description 2. DISORDERLY CONDUCT WHILE INTOXICATED ENGAGE IN CONDUCT THAT PRESENTS RISK TO PERSON OR PROPERTY	Violation 2917.11B2 ORC	A/C C	F/M & Degree M4
Offense Description 3. CONTRIBUTING TO THE UNRULINESS DELINQUENCY OF A CHILD ACT IN WAY TENDING TO CAUSE CHILD TO BECOME UN	Violation 2919.24A2 ORC	A/C C	F/M & Degree M1
Offense Description 4. POSSESSION OF DRUGS	Violation 2925.11AC2 ORC	A/C C	F/M & Degree F5
Offense Description 5. UNRULY CHILD	Violation	A/C C	F/M & Degree M4
Offense Description 6. ASSAULT	Violation 2903.13 ORC	A/O C	F/M & Degree UK

Method of Entry Burg / B&E	Burglary Entry Point	Floor	Location	Burglary Exit Point	Floor	Location
Method of Entry ☐ Force ☐ No Force	Method of Entry Vehicle		Larceny Type			
Hate Bias Type Not Reported	Premises/Structure		Criminal Activity			
Additional MO Details	Prem. Entered	If D.V., Child Present ☐ Y ☐ N	# Children Present	Weapon Used		

Offense Description 7. WARRANT SERVICE	Violation	A/C C	F/M & Degree UK
Offense Description 8. ILLEGAL USE OF SUPPLEMENTAL NUTRITION OR WIC PROGRAM BENEFITS INDIVIDUAL BUY, SELL OR ALTER	Violation 2913.46B ORC	A/O C	F/M & Degree F5

Viol # 1	#Victims Total 5	Victim Type ☒ Individual ☐ Financial Institution ☐ Police Officer (in the line of duty) ☐ Society ☐ Other ☐ Student ☐ Faculty ☐ Business ☐ Government ☐ Religious Organization ☐ Unknown ☐ Staff ☐ Other Person
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Name (Last, First, Middle) ACADEMY OF EDUCATION		Phone (419) 340-2006 (C)
Address (Street, Apt., City, State, Zip)		SSN
Employer Name and Address (Street, Apt., City, State, Zip) 4747 HEATHERDOWNS BLVD, TOLEDO, OH 43614		Occupation/School
Place of Birth	Resident Status	Driver's License & State
*Age	*DOB	*Race
*Sex	Hgt	Wgt
	Hair	Eyes
Statements Obtained ☐ Y ☒ N		Type: ☐ Written ☐ Oral ☐ Taped ☐ Other
Victim is also Witness ☐ PRO ☐ Owner ☐ Suspect ☐		Victim/Suspect Relationship
Offense/Victim Link		Assault Homicide Circumstance

Viol # 2	#Victims Total 5	Victim Type ☐ Individual ☐ Financial Institution ☐ Police Officer (in the line of duty) ☐ Society ☐ Other ☐ Student ☐ Faculty ☐ Business ☒ Government ☐ Religious Organization ☐ Unknown ☐ Staff ☐ Other Person
Name (Last, First, Middle) STATE OF OHIO		Phone
Address (Street, Apt., City, State, Zip)		SSN
Employer Name and Address (Street, Apt., City, State, Zip)		Occupation/School
Place of Birth	Resident Status	Driver's License & State
*Age	*DOB	*Race
*Sex	Hgt	Wgt
	Hair	Eyes
Statements Obtained ☐ Y ☒ N		Type: ☐ Written ☐ Oral ☐ Taped ☐ Other
Victim is also Witness ☐ PRO ☐ Owner ☐ Suspect ☐		Victim/Suspect Relationship
Offense/Victim Link		Assault Homicide Circumstance

Report Made By 2526 AGUILAR, A: 2084 SCHALLER, A 721 MIDNIGHT	Officer(s) Name(s) (L.O.# Unit No./Section)	Officer Assigned to Case	Camera on Scene No Camera Active No	Supervisor's Approval 2090 SMITH, K
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DISPOSITION 1 PENDING INVESTIGATION	DATE
--	------

002540-16

VICTIM

VICTIM

Rev. 2014-06-12

POLICE REPORT
TOLEDO POLICE
DEPARTMENT, TOLEDO OH

VICTIM
ACADEMY OF EDUCATION

RB #
002540-16
CAD #
TOP16011669

Page 2 of 6

Vict # 3	#Victims Total 5	Victim Type ☒ Individual ☐ Business	☐ Financial Institution ☐ Government	☐ Police Officer (in the line of duty) ☐ Religious Organization	☐ Society ☐ Unknown	☐ Other ☐ Student ☐ Faculty ☐ Staff ☐ Other Person
Name (Last, First, Middle) CHERRY, TIMOTHY MARTIN-LEE						Phone
Address (Street, Apt., City, State, Zip) 5407 N DETROIT AVE, TOLEDO, OH 43612						FBI BCI RID 57186185
Employer Name and Address (Street, Apt., City, State, Zip)						Alt. Phone Work Phone
Place of Birth UNKNOWN / UNKNOWN POB			Resident Status NOT REPORTED		Driver's License & State UA671881, OH	
Age 21	DOB 10/19/1994	Race White	Sex Male	Hgt 606	Wgt 195	Describe Injury NONE
Statements Obtained ☐ Y ☒ N				Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		
Victim is also Witness ☐ PRO ☐ Owner ☐ Suspect ☒				Victim/Suspect Relationship Unknown		Offense/Victim Link 6
Vict # 4	#Victims Total 5	Victim Type ☒ Individual ☐ Business	☐ Financial Institution ☐ Government	☐ Police Officer (in the line of duty) ☐ Religious Organization	☐ Society ☐ Unknown	☐ Other ☐ Student ☐ Faculty ☐ Staff ☐ Other Person
Name (Last, First, Middle) CHERRY, MARVIN JOSEPH						Phone (567) 277-6682 (H)
Address (Street, Apt., City, State, Zip) 1016 FORSYTHE ST, TOLEDO, OH 43605						FBI BCI RID 56516530
Employer Name and Address (Street, Apt., City, State, Zip)						Alt. Phone Work Phone
Place of Birth FLORIDA			Resident Status NOT REPORTED		Driver's License & State	
Age 23	DOB 06/12/1982	Race Black	Sex Male	Hgt 605	Wgt 140	Describe Injury NONE
Statements Obtained ☐ Y ☒ N				Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		
Victim is also Witness ☐ PRO ☐ Owner ☐ Suspect ☒				Victim/Suspect Relationship Unknown		Offense/Victim Link 6
Vict # 5	#Victims Total 5	Victim Type ☒ Individual ☐ Business	☐ Financial Institution ☐ Government	☐ Police Officer (in the line of duty) ☐ Religious Organization	☐ Society ☐ Unknown	☐ Other ☐ Student ☐ Faculty ☐ Staff ☐ Other Person
Name (Last, First, Middle) MORGAN, KEVIN						Phone (567) 315-5498 (H)
Address (Street, Apt., City, State, Zip) 605 POTTER ST, TOLEDO, OH 43605						FBI BCI RID 57316845
Employer Name and Address (Street, Apt., City, State, Zip)						Alt. Phone Work Phone
Place of Birth UNKNOWN / UNKNOWN POB			Resident Status NOT REPORTED		Driver's License & State UN388994, OH	
Age 18	DOB 11/18/1997	Race Black	Sex Male	Hgt 601	Wgt 160	Describe Injury NONE
Statements Obtained ☐ Y ☒ N				Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		
Victim is also Witness ☐ PRO ☐ Owner ☐ Suspect ☒				Victim/Suspect Relationship Unknown		Offense/Victim Link 6

POLICE REPORT
TOLEDO POLICE
DEPARTMENT, TOLEDO OH

VICTIM
 ACADEMY OF EDUCATION

RB #
 002540-16
 CAD #
 TOP16011569

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OTHER	Contact ☐	Parent ☐	Owner ☒	Driver ☐	Subject of Interest ☐	☐ Student ☐ Staff ☐ Faculty ☐ Other Person			
	No. 1	Name (Last, First, Middle) HARRIS, ANN			Age / D.O.B. 88 04/25/1949				
	Address 7518 HOLLOW CREEK DR. TOLEDO, OH 43617					Phone			
OTHER	Contact ☐	Parent ☒	Owner ☐	Driver ☐	Subject of Interest ☐	☐ Student ☐ Staff ☐ Faculty ☐ Other Person			
	No. 2	Name (Last, First, Middle) EISCHEN, CARRIE			Age / D.O.B.	SSN			
	Address 1904 BUCKLEW DR. TOLEDO, OH 43613					Phone (419) 490-0655 (H) Drivers License & State			
OTHER	Contact ☐	Parent ☒	Owner ☐	Driver ☐	Subject of Interest ☐	☐ Student ☐ Staff ☐ Faculty ☐ Other Person			
	No. 3	Name (Last, First, Middle) MEYER, AMANDA			Age / D.O.B.	SSN			
	Address 1625 N HOLLAND SYLVANIA RD. TOLEDO, OH 43615					Phone (419) 356-3406 (H) Drivers License & State			
ARRESTEE	Susp # 1	Juvenile ☐	Check Appropriate Category ☐ Suspect ☐ Arrestee ☒ Suspect/Arrestee ☐ Runaway ☐ Missing ☐ Other			☐ Student ☐ Staff ☐ Faculty ☐ Other Person	Charges Filed?		
	Name (Last, First, Middle) LOGGINS, DEVON C					Phone (567) 277-3159 (H)			
	Alias					FBI BCI RID 55438748			
	Address (Street, Apt., City, State, Zip) 904 VINTON ST, TOLEDO, OH 43609					Phone			
	Employer Name and Address (Street, Apt., City, State, Zip)					Occupation/School	Employer Phone		
	Place of Birth OHIO			Resident Status NOT REPORTED		Driver's License & State	Marital Status		
	*Age 28	*DOB 06/10/1987	*Race Black	*Sex Male	*Hgt 603	*Wgt 185	*Hair Black	*Eyes Brown	Potential Injuries?
	Scars, Marks, Tattoos TAT RE ARM; TAT CHEST; TAT R ARM;								
	Additional Descriptive								
	Statements Obtained ☐ Y ☒ N			Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		Gang Affiliation			
Suspected of Using ☐ Alcohol ☐ Drugs		Armed With		Arrest 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order Type 2. ☒ On View 4. ☐ Summons 6. ☐ Other					
Arrest Info -									
Arrest Date 01/17/2016 03:57		Summons Date:		ITN/Booking #	Multiple Arrests ☐ Count Arrestee ☐ Multiple Arrestee Indicator ☒ N/A				
Offense(s) DISORDERLY CONDUCT WHILE INTOXICATED ENGAGE IN CONDUCT THAT PRESENTS RISK TO PERSON OR PROPERTY, CONTRIBUTING TO THE UNRULINESS DELINQUENCY OF A CHILD ACT IN WAY TENDING TO CAUSE CHILD TO BECOME UN, WARRANT SERVICE									
Arrest Location 4747 HEATHERDOWNS BLVD. TOLEDO, OH 43614					Suspect Read Rights NO				
SUSPECT	Susp # 1	Juvenile ☐	Check Appropriate Category ☒ Suspect ☐ Arrestee ☐ Suspect/Arrestee ☐ Runaway ☐ Missing ☐ Other			☐ Student ☐ Staff ☐ Faculty ☐ Other Person	Charges Filed?		
	Name (Last, First, Middle) UNKNOWN					Phone			
	Alias					FBI BCI RID			
	Address (Street, Apt., City, State, Zip)					SSN	Alt. Phone		
	Employer Name and Address (Street, Apt., City, State, Zip)					Occupation/School	Employer Phone		
	Place of Birth			Resident Status UNKNOWN		Driver's License & State	Marital Status		
	*Age 00-00	*DOB	*Race Unknown	*Sex Unknown	*Hgt	*Wgt	*Hair	*Eyes	Potential Injuries?
	Additional Descriptive								
	Statements Obtained ☐ Y ☒ N			Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		Gang Affiliation			
	Suspected of Using ☐ Alcohol ☐ Drugs		Armed With		Arrest 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order Type 2. ☐ On View 4. ☐ Summons 6. ☐ Other				

POLICE REPORT
TOLEDO POLICE
DEPARTMENT, TOLEDO OH

VICTIM ACADEMY OF EDUCATION	RB # 002540-16
	CAD # TOP16011569

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ARRESTEE	Susp # 2	Juvenile ☐	Check Appropriate Category ☐ Suspect ☐ Arrestee ☒ Suspect/Arrestee ☐ Runaway ☐ Missing ☐ Other _____				☐ Student ☐ Faculty ☐ Staff ☐ Other Person		Charges Filed?
	Name (Last, First, Middle) KING, KENNETH JAYMES								Phone
	Address (Street, Apt., City, State, Zip) 2032 BERKSHIRE PL, TOLEDO, OH 43613				FBI	BCI	RID	56526709	
	Employer Name and Address (Street, Apt., City, State, Zip)				All. Phone		Employer Phone		
	Place of Birth OHIO				*Resident Status NOT REPORTED		Driver's License & State		
	*Age 19 *DOB 08/18/1996 *Race White *Sex Male *Hgt 600 *Wgt 100 *Hair Brown *Eyes Brown				Potential Injuries?				
	Scars, Marks, Tattoos								
	Additional Descriptive								
	Statements Obtained ☐ Y ☒ N				Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		Gang Affiliation		
	Suspected of Using ☐ Alcohol ☐ Drugs				Armed With		Arrest 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order Type 2. ☒ On View 4. ☐ Summons 6. ☐ Other		
Arrest Info -									
Arrest Date 01/17/2016 03:57			Summons Date:		JTN/Booking #		Multiple Arrests ☐ Count Arrestee ☐ Multiple Arrestee Indicator ☒ N/A		
Offense(s) CRIMINAL TRESPASS, ILLEGAL USE OF SUPPLEMENTAL NUTRITION OR WIC PROGRAM BENEFITS INDIVIDUAL BUY, SELL OR ALTER									
Arrest Location 4747 HEATHERDOWNS BLVD, TOLEDO, OH 43614								Suspect Read Rights NO	
ARRESTEE	Susp # 3	Juvenile ☐	Check Appropriate Category ☐ Suspect ☐ Arrestee ☒ Suspect/Arrestee ☐ Runaway ☐ Missing ☐ Other _____				☐ Student ☐ Faculty ☐ Staff ☐ Other Person		Charges Filed?
	Name (Last, First, Middle) ALEXANDER, KENDAL JAMES								Phone (567) 315-0447 (H)
	Address (Street, Apt., City, State, Zip) 39 S CENTENNIAL RD, HOLLAND, OH 43628				FBI	BCI	RID	56494919	
	Employer Name and Address (Street, Apt., City, State, Zip)				All. Phone		Employer Phone		
	Place of Birth OHIO				*Resident Status NOT REPORTED		Driver's License & State		
	*Age 20 *DOB 01/30/1995 *Race Black *Sex Male *Hgt 509 *Wgt 250 *Hair Black *Eyes Brown				Potential Injuries?				
	Scars, Marks, Tattoos TAT L ARM:								
	Additional Descriptive								
	Statements Obtained ☐ Y ☒ N				Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		Gang Affiliation		
	Suspected of Using ☐ Alcohol ☐ Drugs				Armed With		Arrest 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order Type 2. ☒ On View 4. ☐ Summons 6. ☐ Other		
Arrest Info -									
Arrest Date 01/17/2016 03:57			Summons Date:		JTN/Booking #		Multiple Arrests ☐ Count Arrestee ☐ Multiple Arrestee Indicator ☒ N/A		
Offense(s) CRIMINAL TRESPASS									
Arrest Location 4747 HEATHERDOWNS BLVD, TOLEDO, OH 43614								Suspect Read Rights NO	

POLICE REPORT
TOLEDO POLICE
DEPARTMENT, TOLEDO OH

VICTIM ACADEMY OF EDUCATION	RB # 002540-16
	CAD # TOP16011569

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S U S P E C T	Susp # 4	Juvenile ☐	Check Appropriate Category ☒ Suspect ☐ Arrestee ☐ Suspect/Arrestee ☐ Runaway ☐ Missing ☐ Other						☐ Student ☐ Faculty ☐ Staff ☐ Other Person		Charges Filed?	
	Name (Last, First, Middle) SULLIVAN, DEION MICHAEL										Phone (419) 407-5919 (H)	
	Address (Street, Apt., City, State, Zip) 1131 BROOKE PARK DR, TOLEDO, OH 43612										Alt. Phone 56213288	
	Employer Name and Address (Street, Apt., City, State, Zip)										Employer Phone	
	Place of Birth OHIO				Resident Status				Driver's License & State		Marital Status	
	*Age 23	*DOB 03/18/1992	*Race Black	*Sex Male	*Hgt 608	*Wgt 140	*Hair Black	*Eyes Brown	Potential Injuries?			
	Scars, Marks, Tattoos SC FACE; SC R EYE; SC L ARM;											
	Additional Descriptive											
	Statements Obtained ☐ Y ☒ N						Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		Gang Affiliation			
	Suspected of Using ☐ Alcohol ☐ Drugs						Armed With		Arrest 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order Type 2. ☐ On View 4. ☐ Summons 6. ☐ Other			
S U S P E C T	Susp # 5	Juvenile ☐	Check Appropriate Category ☒ Suspect ☐ Arrestee ☐ Suspect/Arrestee ☐ Runaway ☐ Missing ☐ Other						☐ Student ☐ Faculty ☐ Staff ☐ Other Person		Charges Filed?	
	Name (Last, First, Middle) HERNANDEZ, BRET MICHAEL										Phone (419) 262-0118 (H)	
	Address (Street, Apt., City, State, Zip) 3708 ALMEDA DR, TOLEDO, OH 43612										Alt. Phone	
	Employer Name and Address (Street, Apt., City, State, Zip)										Employer Phone	
	Place of Birth OHIO				Resident Status				Driver's License & State OH		Marital Status	
	*Age 23	*DOB 01/14/1993	*Race White	*Sex Male	*Hgt 511	*Wgt 130	*Hair Brown	*Eyes Blue	Potential Injuries?			
	Additional Descriptive											
	Statements Obtained ☐ Y ☒ N						Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		Gang Affiliation			
	Suspected of Using ☐ Alcohol ☐ Drugs						Armed With		Arrest 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order Type 2. ☐ On View 4. ☐ Summons 6. ☐ Other			
	S U S P E C T	Susp # 6	Juvenile ☒	Check Appropriate Category ☒ Suspect ☐ Arrestee ☐ Suspect/Arrestee ☐ Runaway ☐ Missing ☐ Other						☐ Student ☐ Faculty ☐ Staff ☐ Other Person		Charges Filed?
Name (Last, First, Middle) DUBOIS, CARLEY										Phone (419) 490-0665 (C)		
Address (Street, Apt., City, State, Zip) 1904 BUCKLEW DR, TOLEDO, OH 43613										Alt. Phone		
Employer Name and Address (Street, Apt., City, State, Zip)										Employer Phone		
Place of Birth				Resident Status				Driver's License & State		Marital Status		
*Age 14		*DOB 01/20/2001	*Race White	*Sex Female	*Hgt	*Wgt	*Hair	*Eyes	Potential Injuries?			
Additional Descriptive												
Statements Obtained ☐ Y ☒ N						Type: ☐ Written ☐ Oral ☐ Taped ☐ Other		Gang Affiliation				
Suspected of Using ☐ Alcohol ☐ Drugs						Armed With		Arrest 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order Type 2. ☐ On View 4. ☐ Summons 6. ☐ Other				

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Address Type
 SCHOOL

Address (Street, City, State, Zip)
 5601 CLEGG TOLEDO OH

SUSPECT	Susp #	Juvenile	Check Appropriate Category						☐ Student ☐ Staff		☐ Faculty ☐ Other Person	Charges Filed?
	7	☒	☒ Suspect	☐ Arrestee	☐ Suspect/Arrestee	☐ Runaway	☐ Missing	☐ Other				
	Name (Last, First, Middle)										Phone	
	MEYER, ALEXIS										(419) 356-3406 (C)	
	Address (Street, Apt., City, State, Zip)										SSN	
	1625 N HOLLAND SYLVANIA RD, TOLEDO, OH 43615											
	Employer Name and Address (Street, Apt., City, State, Zip)										Occupation/School	
											Employer Phone	
	Place of Birth										Driver's License & State	
											Marital Status	
*Age 16 *DOB 11/11/1999 *Race White *Sex Female *Hgt *Wgt *Hair *Eyes										Potential Injuries?		
Additional Descriptive												
Statements Obtained ☐ Y ☒ N						Type: ☐ Written ☐ Oral ☐ Taped ☐ Other			Gang Affiliation			
Suspected of Using ☐ Alcohol ☐ Drugs						Armed With			Arrest Type 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order 2. ☐ On View 4. ☐ Summons 6. ☐ Other			

Address Type
 SCHOOL

Address (Street, City, State, Zip)
 5665 SEAMAN OREGON OH 43616

SUSPECT	Susp #	Juvenile	Check Appropriate Category						☐ Student ☐ Staff		☐ Faculty ☐ Other Person	Charges Filed?
	8	☐	☒ Suspect	☐ Arrestee	☐ Suspect/Arrestee	☐ Runaway	☐ Missing	☐ Other				
	Name (Last, First, Middle)										Phone	
	LANING, ERICA										(419) 308-8425 (C)	
	Address (Street, Apt., City, State, Zip)										SSN	
	207 INDEPENDENCE RD, TOLEDO, OH 43607											
	Employer Name and Address (Street, Apt., City, State, Zip)										Employer Phone	
	Place of Birth										Driver's License & State	
											Marital Status	
*Age 18 *DOB 11/08/1997 *Race White *Sex Female *Hgt *Wgt *Hair *Eyes										Potential Injuries?		
Additional Descriptive												
Statements Obtained ☐ Y ☒ N						Type: ☐ Written ☐ Oral ☐ Taped ☐ Other			Gang Affiliation			
Suspected of Using ☐ Alcohol ☐ Drugs						Armed With			Arrest Type 1. ☐ Complaint 3. ☐ Warrant 5. ☐ Protection Order 2. ☐ On View 4. ☐ Summons 6. ☐ Other			

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*Property Status	1 None 2 Burned	3 Counterfeited/Forged 4 Destroyed/Damaged/Vandalized	5 Stolen/Lost 6 Seized	7 Recovered 1 Involved	E Evidence ED Digital Evidence	Total Items 2	Total Value 0.00
*Prop. Status E	Quantity 1	Description OTHER PROPERTY Ohio direction card (Sandra Grohowski)-1622 Spielbush, Woody, booked into central property room by this unit					Value
Make/Brand	Model		Value Recovered		Date Recovered		From Veh. No.
Serial Number	NCIC Number		Other Number				
*Prop. Status E	Quantity 1	Description DRUGS/NARCOTICS 1 white crushed pill-4747 Heatehdwns, Shirey 2541, booked into central property room by this unit					Value
Make/Brand	Model		Value Recovered		Date Recovered		From Veh. No.
Drug Details: 1.0							
Owner SULLIVAN, DEION MICHAEL							
Serial Number	NCIC Number		Other Number				

S1 warrants- Maumee NOL 07TRD04450-a
 Maumee theft 12CRB00100-A
 D/V CRB-15-06740-0102
 Assault CRB-15-06740-0202
 Obstructing CRB-15-08326-0101
 NOL TRD-15-05615-0103
 Turn Signal TRD-15-05615-0203
 Seat belt TRD-15-05615-0303

NARRATIVE

On the above listed date/time, this unit responded to the above listed location for a fight. This unit observed a rear southwest door propped open. This unit located multiple people inside the location and multiple with injuries. This unit also observed numerous bottles of alcohol, bottles of alcohol that were shattered and blood all inside the location. This unit located Victim3: Cherry, Timothy Martin-lee, Victim4: Cherry, Marvin Joseph, and Victim5: Morgan, Kevin with injuries and were transported to UPMC for treatment by rescue 11. V3, V4, V5 all stated that they were struck with bottles by unknown suspects. This unit identified Suspect1: Loggins, Devon C that was passed out on floor intoxicated near where he had vomit on the second floor. This unit identified Suspect2: King, Kenneth Jaymes, Suspect3: Alexander, Kendal James, Suspect4: Sullivan, Delon Michael, Suspect5: Hernandez, Bret Michael, Suspect6: Dubois, Carley, Suspect7: Meyer, Alexis, Suspect8: Laning, Erica, Suspect9: Cherry, Timothy Martin-lee, Suspect10: Cherry, Marvin Joseph, Suspect11: Morgan, Kevin that were all detained inside the location. S6 and S7 are juveniles. S4 stated that the suspects that started the fight were part of the cholo gang. According to the suspects inside the location they stated that everyone was there for Suspect1: Loggins, Devon C birthday party. S1 stated that he was the janitor and that his aunt Person's1: Harris, Ann owns the school. Units 720W (Villanueva 2448 and Woody 2424), 806 (Smith 2090), 821 (Scott 2137) were onscene. Unit 821 took photos of the location. Person's1: Harris, Ann arrived onscene and stated that no persons should be inside the building and that S1 was only suppose to be cleaning and then leave. There was no signs of forced entry. 212 was notified and advised this unit. S6, S7, and S8 were released to S7 Parent: Meyer, Amanda. S6 and S7 were issued a summons for unruly. S8 was issued a summons for criminal trespass. S5, S9, and S10 were issued warrants for criminal trespass. S11 was issued warrants for criminal trespass and contributing to unruliness. S5, S9, S10, and S11 were issued warrants due to being transported to the hospital. S4 was arrested for criminal trespass, Ofc. Shirey 2541 search incident to arrest on S4 found a white pill crushed inside a \$5 bill in S4 right pocket. S4 stated that the pill was a percocet. S4 was also charged with drug abuse. S3 was arrested for criminal trespass. S2 was arrested for criminal trespass. S1 was arrested for D/C Intox, contributing to unruliness and warrants. This unit ran S1 through 281 and 281 confirmed the above listed warrants. Unit 720 transported S1, S2, and S3 to LCJ and

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booked without any incident. While booking S2, S2 was found in possession of an Ohio direction card belonging to (Sandra Grohowski) which he does not know. Det. Schaller 2084 was notified and advised. S2 was charge with Illegal use of food stamp benefits. This unit transported S4 to the safety building per Det. Schaller without any incident. Unit 710 day shift assisted this unit by transporting S4 to LCJ and booked without any incident. This unit booked the drug and Ohio direction card into central property room.

REF: SUP-4008-19
DATE: JUNE 13, 2019

GENERAL INFORMATION

Subject

- | | | |
|-----------|---|--|
| Request | - | Special Use Permit for a new school |
| Location | - | 4747 Heatherdowns Boulevard |
| Applicant | - | STAR Academy of Toledo
Global School Properties Ohio, LLC
1650 Tysons Boulevard, Suite 600
McLean, VA 22032 |
| Owner | - | Midwest Creative Investments, LLC
341 E. Huron Street
Ann Arbor, MI 48104 |
| Engineer | - | Donald L. Feller, P.E.
Feller, Finch & Associates, Inc.
1683 Woodlands Drive
Maumee, OH 43537 |

Site Description

- | | | |
|----------------------|---|------------------------------------|
| Zoning | - | RS12 / Single-Dwelling Residential |
| Area | - | ± 11.7 acres |
| Frontage | - | ± 580' along Cass Road |
| Existing Use | - | Vacant assembly hall |
| Proposed Use | - | School |
| Parking Required | - | 22 spaces |
| Parking Provided | - | 159 spaces |
| Neighborhood
Org. | - | None |
| Overlay | - | None |

Area Description

- | | | |
|-------|---|--|
| North | - | Open green space, Heatherdowns Blvd., funeral home/RS12 & CN |
| South | - | Interstate-80 Ohio Turnpike I City of Maumee |
| East | - | Stranahan Theater/ RS12 |
| West | - | Cass Road, Single-family homes, water utility pump station/ RS12 & RD6 |

GENERAL INFORMATION (cont'd)

Parcel History

- | | |
|--------------|---|
| SUP-4007-12 | - Special Use Permit for a school at 4747 Heatherdowns Boulevard (P.C. rec. approval on 6/14/2012, C.C. approved on 8/7/2012 by Ord. 395-12). |
| SUP-12008-17 | - Special Use Permit for an Adult Day Care Center at 4747 Heatherdowns Boulevard (P.C. rec. approval on 3/8/2018, C.C. approved on 4/24/2018 by Ord. 159-18). |

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 for a new school at 4747 Heatherdowns Boulevard. The ±11.7-acre site is zoned RS12 Single-Dwelling Residential and occupied by an existing building, roughly 27,000 square feet. In recent years the building was occupied by a School, but previously operated as an assembly hall. Surrounding land uses include open green space and a funeral home to the north across Heatherdowns Boulevard, the Stranahan Theater to the east, the Ohio Turnpike to the south, and single family homes to the west across Cass Road.

The applicant, STAR Academy of Toledo, intends to operate a public community school out of the existing building on site. The school will teach grades K-8 with an enrollment of 200 kids at full capacity. The school will also employ 21 employees while operating 170 school days a year from 8:00AM-4:00PM, with tutoring until 6:00PM. A Special Use Permit is required for all schools in the City of Toledo.

Parking and Circulation

As listed in TMC§1107.0304 *Parking, Loading, and Access – Schedule A*, an Elementary and Middle School is required to have one (1) parking space per faculty member plus (1) parking space per three (3) staff members plus one (1) parking space per fifty (50) students for drop-off and pick-up area. Additionally, one (1) bicycle space per three (3) students plus one (1) bicycle space per ten (10) parking space for faculty and staff. The site plan and letter of intent submitted indicates there will be seventeen (17) faculty members, four (4) staff members and 200 students.

Calculations conclude that a total of twenty-three (23) parking spaces are required with one (1) van-accessible parking space for physically disabled persons.

The site plan submitted depicts a total of 159 parking spaces with six (6) spaces designated for persons with disabilities and fifty (50) bicycle spaces, the maximum required. While the available parking provided is in excess of the maximum allowable parking spaces, 150% of the minimum parking requirement, an alternative parking plan will not be required because the parking is existing on site. Additionally, a shared parking/cross-access agreement shall be established and maintained with the property to the north in order to access the facility from Cass Road and Heatherdowns Boulevard. In the event the cross-access is altered in any way, a re-review of the Special Use Permit shall occur and listed as a condition of approval.

Per TMC§1107.1905 – *Appearance*, the materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches must be of good appearance, easily maintained, and indicative of their function. Additionally, as stated in TMC§1107.1909 – *Maintenance*, parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. The applicant shall maintain the parking lot and driveway access from Cass Road in order to comply with the Design Standards of 1107.1900 and is listed as a condition of approval.

Landscaping

The site was developed before the 2004 zoning code and therefore not required to completely comply with the landscape standards of the 2004 code. However, TMC§1114.0500 *Appearance Upgrade for Nonconforming Development*, requires future changes to bring a site closer into compliance with the 2004 code. A thirty-foot (30') frontage greenbelt is required along Cass Road and shall include at least one (1) tree for every thirty-foot (30') of lot frontage located outside the right-of-way. A total of twenty (20) trees shall be required along Cass Road. Foundation plantings shall be provided along each street facing building elevation and at all major entrances. Additionally, the terminal islands in the parking lot shall be landscaped and maintained in conformance with the Parking Lot Landscaping regulations of TMC§1108.0204.

The site plan submitted depicts a landscaping area thirty-foot (30') wide but does not depict any plantings in the greenbelt, terminal islands or around the foundation of the building. A Landscaping Plan shall be submitted depicting the frontage greenbelt, foundation plantings and landscaped terminal and listed as conditions of approval.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan designates this property for Institutional Campus land uses. The Institutional Campus future land use designation is intended to accommodate large institutional uses in campus-like settings. Examples such as hospitals, schools and colleges are considered Institutional Campus land uses. The IC District is intended to promote and enhance the development and expansion of medical, educational and other institutional uses. The proposed school conforms to the future land use designation targeted in the 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit for this location because it is compatible with the established land uses along Heatherdowns Boulevard. Additionally, the site

conforms to all applicable provisions of the Zoning Code. Finally, the proposed use meets the purpose of the Zoning Code as outlined in TMC§1101.0400.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-4008-19, a Special Use Permit for a new school at 4747 Heatherdowns Boulevard, 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 the Zoning Code (TMC§1111.0706(B) – *Review & Decision-Making Criteria*); and
3. The request 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) (TMC§1111.0706(C) – *Review & Decision-Making Criteria*).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-4008-19, a Special Use Permit for a new school at 4747 Heatherdowns Boulevard, to the Toledo City Council subject to the following **forty (40)** conditions:

The conditions of approval are as follows and 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: Joe Warnka 419-245-1220
Roadway: Tim Grosjean, ph. 419-245-1344
Water: Andrea Kroma, ph. 419-936-2163
Stormwater Drainage: Lorie Haslinger, 419-245-3221;
Andy Stepnick 419-245-1338
Sanitary Sewers: Mike Elling, ph. 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 existing substandard sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards.

Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.

Commented [JJL1]: Condition 3 from ORD 159-18; see also Condition 1 from ORD 395-12

- ~~34.~~ 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 and/or 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.
- ~~45.~~ 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 Joe Wamka at (419) 245-1341 for inspection of above-mentioned items.
- ~~65.~~ Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
- ~~67.~~ The existing building currently receives water service via the Stranahan Theatre's water service lines. If this arrangement is intended to continue, the applicant will be required to show proof they have permission from the owners of the Stranahan Theatre.
- ~~78.~~ If new water service lines are intended to serve the existing building, plans shall be submitted to the Division of Engineering Services for review and approval. Plan for disconnection from the Stranahan Theatre's water services lines shall be submitted to the Division of Water Distribution for review and approval.
- ~~89.~~ 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 www.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 (419-245-1395) to verify the backflow prevention requirements for this site.
- ~~910.~~ Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
- ~~4011.~~ Plan Commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a stormwater plan review by Division of Engineering Services. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing

storm sewer, a full site-plan review and approval will be required by the Division of Engineering Services, subject to the rules and regulations of the City of Toledo including stormwater detention and postconstruction storm water BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements, and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

~~44~~12. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES Permit.

~~42~~13. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

Sewer & Drainage Services

~~43~~14. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.

~~44~~15. 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

~~45~~16. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.

~~46~~17. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

~~47~~18. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

~~48~~19. 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 both structural and non-structural Best Management Practices.

~~49~~20. Any effort made to plant non-invasive trees, shrubs and perennials is highly Encouraged.

http://ohiodnr.gov/portals/O/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf

2021. 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.

Fire Prevention & Division of Building Inspections

2422. Annual Fire Safety inspection shall occur prior to the occupancy by the new tenant.

2423. Facility identification is required. It shall be visible to approaching Fire Department vehicles.

24. Occupation of this facility as an educational facility will cause a change of use as defined in the Ohio Building Code (OBC). The proposed use of the building most closely falls into the Educational Group E (OBC 305.1) use group. Applicant shall comply with applicable OBC requirements, including, without limitation, installation of appropriate fire safety equipment, sprinklers, alarms, extinguishers, and other measures, for this use group.

Commented [JJL2]: Modeled on Conditions 13-20 of ORD 159-18

25. A change of use in the function of a building or space will require the services of a registered design professional. He/She must assign an occupancy type to the educational facility, calculate an occupant load, submit all construction documents required by the OBC and obtain a new Certificate of Occupancy from our building official.

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26. A registered design professional or other expert paid for by the Stranahan Theater shall be entitled to at least three (3) business days' notice of and attendance at all building, fire, and other inspections required by this Special Use Permit.

Division of Transportation

2327. All accessible parking spaces must be a minimum of 9'x18' with a 5' aisle for car-accessible spaces and 8' aisle for van-accessible spaces per TMC 1107.

2428. Four-foot (4') wide concrete sidewalk required along Cass Road and Heatherdowns Boulevard. Provide four-foot (4') wide concrete sidewalk as a walkway system from Cass Road to the school building per TMC 1107. All sidewalks must meet City of Toledo Construction Standards.

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Commented [JJL4]: Condition 8 of ORD 395-12; Conditions 28-29 of RD 159-18

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28. To the extent bus routing traffic has not been shown on the site plan, revise to include. If necessary, geometric modifications to the property to accommodate for bus turning radii, stacking area and drop-off/pick-up shall be made.

Commented [JJL5]: Modeled on Condition 6 in ORD 395-12

2529. If not already established, cross access agreements shall be formalized with adjacent property owner to the North and the East.

Plan Commission

2630. The business hours of operations shall be limited from 7:00 AM to 6:00 PM EST.

Commented [JJL6]: Condition 30 of ORD 159-18.

31. State licensing and permits shall be provided to the Director of the City of Toledo Plan Commission and to the adjoining owner before a Certificate of Occupancy is issued. Applicant shall comply with any and all requirements for opening and operating a community school, including, without limitation, Ohio Department of Education Sponsor Opening Assurances, Ohio Department of Education School Emergency Management Plan requirements, and applicable state and county health and safety inspections.

Commented [JJL7]: Modeled on Condition 31 of ORD 159-18

32. If the second floor is to be occupied in the future, all proper occupancy and building permits shall be obtained.

Commented [JJL8]: Condition 32 of ORD 159-18

33. Applicant shall obtain a valid real estate interest in the property in question following the conclusion of or within the litigation currently pending in Lucas County Common Pleas, captioned as *Stranahan Theater Property Holdings, LLC v. Midwest Creative Investments, LLC, et al.*, Case No. CI201901959, before a Certificate of Occupancy is issued.

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34. A revised site plan shall be submitted addressing the Division of Transportation's conditions of approval.

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2735. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; acceptable as depicted on site plan.

2836. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces; acceptable as depicted on site plan.

2937. 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).

3038. The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches must be of good appearance, easily maintained, and indicative of their function as stated in TMC§1107.1905–Appearance.

3139. 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 system subject to the regulations and approval of the Department of Public Utilities.

3340. 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)).

3341. Pursuant to TMC§1107.1909–*Maintenance*, parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the construction of paving, lighting fixtures, retaining walls, fences, curbs and benches must be continuously maintained and kept free of debris and hazards.

3442. 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.

3543. 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 thirty-foot (30’) greenbelt is required along the Cass Road frontage and shall include one (1) tree per every thirty-foot (30’) of frontage; **not acceptable as depicted on site plan. A total of twenty (20) trees shall be installed along Cass Road and shall be depicted on a completed landscaping plan.**
- b. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances. **Shall be depicted on a completed landscaping plan.**
- c. Landscaped terminal islands must be provided at the end of each parking. **Shall be depicted on a completed landscaping plan.**
- 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. 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.

- g. The location, height and materials for any fencing to be installed and maintained; and
- h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

~~3644.~~ 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 and maintained indefinitely.

~~3745.~~ 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.

~~3846.~~ Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

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~~3947.~~ 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.

~~4048.~~ 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.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-4008-19
DATE: June 13, 2019
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: July 17, 2019
TIME: 4:00 P.M.

RS
Three (3) sketches follow