



Legislation Details (With Text)

File #: O-165-24 **Version:** 1 **Name:**

Type: Ordinance **Status:** In Committee

File created: 4/1/2024 **In control:** Zoning & Planning Committee

On agenda: 4/10/2024 **Final action:** 4/10/2024

Title: Granting a Special Use Permit for a School for a site located at the 3547 Quast Lane, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Video: City Council 4/10/2024

Date	Ver.	Action By	Action	Result
4/10/2024	1	City Council	Suspension	Pass
4/10/2024	1	City Council	Emergency	Pass
4/10/2024	1	City Council	Passage	Pass

3547 Quast Lane
Zoning & Planning Committee

Granting a Special Use Permit for a School for a site located at the 3547 Quast Lane, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-11003-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a **school, for the property located at 3547 Quast Lane, in the City of Toledo, Lucas County, Ohio;** was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 14, 2024, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit for a **School for the property located at 3547 Quast Lane, in the City of Toledo, Lucas County, Ohio;**

On March 26, 2024 Toledo City Council, with a waiver established by Ord. 68-24, Planning and Zoning Committee reviewed, and recommended approval the request for a Special Use Permit for a **School for the property located at 3547 Quast Lane, in the City of Toledo, Lucas County, Ohio;** and all other things required by law to be done, have been done.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That granting a Special Use Permit for a **School for the property located at 3547 Quast Lane, in the City of Toledo, Lucas County, Ohio;** be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

PROPERTY LEGAL DESCRIPTIONS (Separate Parcels):

Parcel I.D. 2336742:

KETCHAMS SUBURBAN PLACE LOT 93 & 94...N 275 FT W 5 00 FT & EXC PT IN RD

Parcel I.D. 2336743

KETCHAMS SUBURBAN PLACE LOT 94 EXC N 200 FT W 500 FT & LOT 93 N 82 FT
EXC S 7 FT W 150 FT ALSO EXC N 7 5 FT W 500 EXC PT IN RD

Parcel I.D. 2336447

KETCHAMS SUBURBAN PL LOT 57 W 50 FT

Parcel I.D. 2336434

KETCHAMS SUBURBAN PL LOT 57 E 75 FT W 125 FT

Parcel I.D. 2336441

KETCHAMS SUBURBAN PL LOT 57 E 75 FT W 200 FT

Parcel I.D. 2336444

KETCHAMS SUBURBAN PL LOT 57 E 80 FT W 280 FT

Parcel I.D. 2336427

KETCHAMS SUBURBAN PL LOT 57 E 50 FT W 330 FT

Parcel I.D. 2336456

KETCHAMS SUBURBAN PL LOT 58 W 430 FT N 1/2

Parcel I.D. 2336453

KETCHAMS SUBURBAN PL LOT 58 S 1/2 W 430 FT

Parcel I.D. 2336464

KETCHAMS SUBURBAN PL LOT 59 60 & 61...W 430 FT & W 63 FT LOT 62

Parcel I.D. 2336471

KETCHAMS SUBURBAN PL LOT 61 N 50 FT E 200 FT & S 10 FT E 200 FT LOT 60

Parcel I.D. 2336697

KETCHAMS SUBURBAN PL LOT 90 S 1/2 E 430 FT

Parcel I.D. 2336701

KETCHAMS SUBURBAN PL LOT 90 N 1/2 EXC S 50 FT W 150 FT

Parcel I.D. 2336717

KETCHAMS SUBURBAN PL LOT 91 E 430 FT

Parcel I.D. 2336724

KETCHAMS SUBURBAN PL LOT 92 E 430 FT & LOT 93 S 118 FT E 480 FT

SECTION 2. That the approval of the granting of a Special Use Permit for a **School for the property located at 3547 Quast Lane, in the City of Toledo, Lucas County, Ohio** be subject to compliance with the 45 conditions as follows:

The following forty-five (45) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. All proposed sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
2. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with

8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.

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

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

4. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
5. A hydrant flow test is recommended to ensure that the available water flow and pressure in the area meet the anticipated demands of the facility. The Division of Water Distribution performs flow tests for a fee of \$150. Contact the Division of Water Distribution (419-245-1395) to schedule a flow test.
6. A review and approval of a full stormwater submittal is required, which requires multiple items:
 - a. Items are listed on the regional SWP3 submittal coversheet at <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3> A version for use in Toledo has been provided to the SWP3 designer for this proposal.
 - b. Plans according to the 2014 Infrastructure Requirements document found in the drop down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>
7. Following the stormwater review, additional items are needed for approval:
 - a. As listed on the regional SWP3 submittal cover sheet (stage 2). Long term operation and maintenance instructions for the post-construction measures are to be added by the applicant to a campus-wide stormwater O&M document for WLS sites.
 - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit. A fee calculation and submittal form has been provided to the SWP3 designer.
 - c. Construction inspection and completion of obligations in the stormwater permit.
8. Work within a flood hazard zone will require a flood hazard development permit from the Floodplain Administrator, for which the application is posted in the drop-down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>. Being in or adjacent to a flood hazard zone, this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full. An escrow agreement may be required if a Conditional Letter of Map Revision or Letter of Map Revision are required to be submitted to the Federal Emergency Management Agency per TMC 1110.

9. Any work below the ordinary high water mark, or dredging, filling, clearing, or otherwise altering wetlands is prohibited without first providing proof of compliance with the following permits: Section 401 of the Clean Water Act, Ohio EPA Isolated Wetland Permit, and Section 404 of the Clean Water Act. If a permit does not apply, provide a letter from a qualified professional certifying that they have surveyed the site and determined that the permit is not applicable. All certifications and delineations shall include written concurrence from the U.S. Army Corps of Engineers and/or Ohio EPA, as appropriate, in accordance with protocols currently accepted by the U.S. Army Corps of Engineers.
10. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
11. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
12. Flow meter shall be installed in downstream manhole to verify capacity is available in downstream sewer system.

Sewer & Drainage Services

13. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
14. S&DS requires that the existing private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Environmental Services

15. 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.
 - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
 - b. Construction BMPs shall be in place prior to the start of construction activities.
 - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
16. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
17. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.

18. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. [Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>](https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants); a list of invasive plants and alternative species can be downloaded from https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf
19. 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.

Fire Prevention

20. The proposed new building will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
21. Fire Department to receive and review building construction plans when submitted to the Building Department. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1)
22. All threaded connections on hydrants, standpipes and non-Storz FDC's are required to be Toledo threads. (OFC 903.3.6, 903.3.7 & 912.3)
23. Private fire service mains and appurtenances will be required and location approved by the Fire Prevention Bureau. (OFC507.5.1 / TMC1511.03 Ohio Fire Code Amendments)
24. A Knox Box key box is required for after hours access for life saving and fire fighting purposes (OFC 506.1)
25. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2)
26. A radio signal strength test will be needed in the building, and possible radio signal enhancements based on the results of the test. (OFC510.1 - for new buildings)
27. Security gates shall have an approved means of emergency operations. (OFC 506.1)
28. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Transportation

29. Wheel stops are required at all parking spots abutting property lines, sidewalk, planting strips and buildings per TMC 1107.1907.
30. One-way signage and do not enter signage is required where traffic switches from one way and two way patterns.
31. Lane arrows are needed for the drive off Quast.
32. Sidewalks required, location to be approved by the Department of Transportation.

Plan Commission

33. All parcels within the proposed project site shall be combined.
34. Per TMC§1107.0600 - Off-Street Parking Schedule “A” Per Parking Schedule A, the minimum number of parking spaces required for a middle school is one (1) per faculty member, plus one (1) per three (3) staff members, plus one (1) space per fifty (50) students for student drop-off and pick-up. **Applicant is proposing 196 spaces - acceptable as depicted per the Planning Director.**
35. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **Acceptable as depicted.**
36. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. **Acceptable as depicted.**
37. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater treatment facility subject to the regulations and approval of the Department of Public Utilities.
38. 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)).
39. 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.
40. A detailed site, lighting, fencing and four (4) copies of a revised 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’) frontage greenbelt is required along Harvest Lane and Quast Lane and shall include one (1) tree per every thirty feet (30’) of frontage; **not acceptable as depicted; applicant shall obtain a waiver of TMC§1108.0202.**
 - b. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public rights-of-way. A minimum of at least one canopy tree must be provided for each thirty (30) linear feet, plus a continuous shrub with a minimum height of eighteen inches (18”); **not acceptable as depicted on site plan; applicant shall obtain a waiver of a portion of TMC§1108.0204 requirements and perimeter shrubs shall be provided along the entry drive off of Harvest Lane to adequately screen abutting residential lots;**
 - c. Interior landscaping required in parking lots is 20 sq ft per parking space. Two (2) canopy trees are required to be installed in interior landscape areas for each ten (10) parking spaces within the

parking lot. Six (6) shrubs are required to be installed in interior landscape areas of each ten (10) parking spaces within the parking lot; **acceptable as depicted**;

- d. Topsoil must be back filled to provide positive drainage of the landscape areas;
- e. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage;
- f. 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;
- g. 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; **not acceptable as depicted; applicant shall obtain a waiver of TMC§1108.0406.**
- h. The location, height, and materials for any fencing to be installed and maintained; **fence as proposed shall be board on board wood and maintained indefinitely.**
- i. The location and direction of any proposed lighting (**any lighting is to be directed away from adjacent residential properties**).

- 41. Building elevations shall be of quality materials as stated in TMC§1109.0500. Architectural metal shall have a minimum 22 gage face sheet. **Acceptable as depicted (brick masonry (48%), architectural metal (33%), and glass and glazing (19%))**.
- 42. 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.
- 43. 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.
- 44. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 45. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. **Chapter 1106 Intensity and Dimensional Standards Sec. 1106.0206 Height** - The maximum height in RS6-Single Family Residential zoning districts for schools is sixty (60) feet per TMC§1106.0206.

Approve waiver for additional seven feet and two inches (7'2") over the maximum height requirement as the proposed school is set back far enough from the abutting residential parcels.

SECTION 4. **Chapter 1108 Landscaping and Screening Sec. 1108.0202 Frontage Greenbelt** - For properties over 5 acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum

of 30 feet wide measured perpendicular from the street or place right-of-way abutting the property.

Approve waiver for the frontage greenbelt requirement. The site plan depicts a twenty-five-foot (25') frontage greenbelt along a portion of Quast Lane and is acceptable as depicted. Most of the frontage greenbelt meets the thirty-foot (30') requirement.

SECTION 5. Sec. 1108.0204 Parking Lot Landscaping (Perimeter) - A perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-ways. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches (when installed as to achieve full screening at maturity).

Approve waiver for the perimeter landscape requirement along western side of the west parking lot, where three (3) trees are missing. The proposed fencing will provide adequate screening between abutting residential lots.

Approve waiver for perimeter landscaping along entry drive off of Quast Lane and entry drive off of Harvest Lane. The trees along both drives are further than thirty feet (30') apart there are no proposed shrubs in the landscape plan. The depicted trees are adequate due to expected size. The missing shrubs along the Quast entry drive are acceptable, as there is a proposed fence that will provide adequate screening between abutting residential lots. The applicant will provide the shrubs missing along the Harvest Lane entry drive, as there is no proposed fence along this drive.

SECTION 6. Sec. 1108.0406 Irrigation/Watering - Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation shall be required for projects of over ½ acre in site area. Irrigation plans must be submitted with development plans and must contain all construction details.

Approve a waiver to not require irrigation for the site. The funding source for construction of the new school does not cover costs for an irrigation system. Additionally, the project is seeking to be LEED certified, and irrigation is not permitted in order to obtain certification. The landscaping schedule shows native plantings with high tolerance to drought.

SECTION 7. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 8. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 11, nays 0.

Passed: April 10, 2024, as an emergency measure: yeas 11, nays 0.

Attest:

Julie A. Gibbons

Carrie Hartman

Clerk of Council

President of Council

Approved:

April 11, 2024
Wade Kapszukiewicz
Mayor