



## Legislation Details (With Text)

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**File created:** 10/14/2022      **In control:** Zoning & Planning Committee12324  
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**Title:** Granting a Special Use Permit, for a site located at 4909 W. Sylvania Ave., in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
10/25/2022	1	City Council		
10/25/2022	1	City Council		
10/25/2022	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit, for a site located at 4909 W. Sylvania Ave., in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-7007-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a building addition for a site located at 4909 W. Sylvania Av., in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 8, 2022, the Toledo City Plan Commission recommended approval for the request for an amendment to the Special Use Permit for a building addition for a site located at 4909 W. Sylvania Av., in the City of Toledo, Lucas County, Ohio.

On October 12, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved the amendment to a Special Use Permit for a building addition for a site located at 4909 W. Sylvania Ave., 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 a Special Use Permit, for a building addition for a site located at 4909 W. Sylvania Av., in the City of Toledo, Lucas County, Ohio; 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:

Situated in the Northeast Quarter of the Northwest Quarter of Section 24 of Town 9 South, Range 6 East, in the City of Toledo, Ohio, being lands conveyed to Ohio Conference Association of the Seventh Day Adventist Church in Instrument No. 89 242D01 and 82 148D04, and being more particularly described as follows:

COMMENCING on the centerline of Sylvania Avenue and the north line of said Section 24 at the west line of the northeast quarter of the northwest quarter of Section 24;

thence on and along the west line of the northeast quarter of the northwest quarter of Section 24, S 1° 15' 10" E, a distance of 50.00 feet to the southerly right of way line of Sylvania Avenue and the TRUE POINT OF BEGINNING;

thence continuing on and along the west line of the northeast quarter of the northwest quarter of Section 24 and the west line of Sylvania Park Plat One recorded in Plat Volume 60, Page 72, S 1° 15' 10" E, a distance of 521.14 feet to the northerly Limited Access Right of Way Line of Interstate 475;

thence on and along the northerly Limited Access Right of Way Line of Interstate 475, N 73° 04' 16" W, a distance of 774.83 feet to a point;

thence continuing on and along the northerly Limited Access Right of Way Line of Interstate 475, N 78° 20' 14" W, a distance of 20.92 feet to the southeast corner of land conveyed to Toledo Muslim Community Center in Instrument No. 20101221-0053978;

thence on and along the easterly line of Toledo Muslim Community Center, N 10° 17' 20" E, a distance of 175.78 feet to a point;

thence continuing on and along the easterly line of Toledo Muslim Community Center, N 28° 13' 15" W, a distance of 125.41 feet to the southerly right of way line of Sylvania Avenue;

BEGINNING;

containing in all 6.886 acres of land more or less and described further as follows:

2.143 acres are within Lucas County Auditor Tax Parcel 2406117,

1.037 acres are within Lucas County Auditor Tax Parcel 2406073 and

3.706 acres are within Lucas County Auditor Tax Parcel 2406111.

thence on and along the southerly right of way line of Sylvania Avenue and parallel with the north line of Section 24 and the centerline of Sylvania Avenue, N 89° 25' 56" E, a distance of 778.30 feet returning to the TRUE POINT OF

SECTION 2. That the approval of the amendment to the Special Use Permit for a building addition for a site located at 4909 W. Sylvania Av., in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 33 conditions as follows:

The following thirty-three 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, from One Stop Shop, (419) 245-1220.
4. A full stormwater review requires submittal of multiple items.
  - As outlined on the regional SWP3 submittal cover sheet <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
  - 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>
5. Following the stormwater review, additional items are needed:
  - a. As outlined on the regional SWP3 submittal cover sheet
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
  - c. Construction inspection and completion of obligations in the stormwater permit.
6. Stormwater O&M obligations shall include the outfall at the receiving stream.
7. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
8. 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.

#### Environmental Services

9. 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.
10. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
11. 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.
12. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from [https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives\\_to\\_ohio\\_invasive\\_plant\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)

13. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

#### Sewer & Drainage

14. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
15. 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.

#### Fire Prevention

16. The proposed new buildings will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
17. Approved Premises identification is required.

#### Transportation

18. Wheel stops are required at all parking spaces abutting sidewalks, property lines, planting strips and buildings per TMC 1107.1907.
19. All parking space locations, drive aisles and driveways must be clearly dimensioned and shown to comply with TMC 1107.1911 (25' drive aisle is required for two way traffic locations.)
20. All parking spaces are required to be a minimum size of 9'X8' including accessible parking spaces per TMC 1107.1911.
21. "Do Not Enter" signage is required at exit onto W. Sylvania Avenue to prevent wrong way traffic flow.
22. Painted directional arrows on pavement are required to prevent wrong way traffic flow.

#### Plan Commission

23. Parcels 24-06111 and 24-06073 shall be combined.
24. Per TMC§1107.0600 - Off-Street Parking Schedule "A" Per Parking Schedule A, the minimum number of parking spaces required for a 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. The minimum number of spaces for a religious assembly is one (1) per six (6) seats or one (1) per 100 square feet of seating area, whichever is greater. Both the school use and the religious assembly require a total of at least forty-three (43) and no more than sixty-two (62) spaces. Applicant provided an alternative parking plan to state the reason for parking in excess of sixty-two (62) spaces, which was received 09/07/2022.

Plan Director approves of the alternative parking plan.

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.
26. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted. School use requires twenty-eight (28) spaces and the religious assembly use requires eleven (11). Eighteen (18) spaces exist. Applicant is requesting a waiver of this requirement.
27. 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 approval of the Department of Public Utilities.
28. 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)).
29. Building elevations shall be of quality materials as stated in TMC§1109.0500. Acceptable as depicted.
30. 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. 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 30 linear feet, plus a continuous shrub with a minimum height of 18 inches; acceptable as depicted,
  - b. Interior landscaping required in parking lots is 20 square feet per parking and stacking space. Two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. One (1) canopy tree may substitute for three (3) shrubs. Trees do not need to be equally spaced; acceptable as depicted,
  - c. Topsoil must be back filled to provide positive drainage of the landscape areas;
  - 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;
  - f. 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;

- g. Dumpster location and screening, Dumpster location subject to Plan Director approval;
- h. The location, height, and materials for any fencing to be installed and maintained;
- i. The location and direction of any proposed lighting.

- 31. 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.
- 32. 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.
- 33. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 4909 W Sylvania Ave., in the City of Toledo, Lucas County, Ohio:  
Chapter 1107 Parking, Loading, and Access

Sec. 1107.0304, Schedule A - the minimum number of bicycle parking slots required for a school is one (1) per three (3) students plus one (1) per ten (10) parking spaces for faculty and staff.

Approve a waiver to allow the proposed eighteen (18) bicycle parking slots. Twenty-eight (28) slots are required per the school’s enrollment and faculty numbers. The church requires eleven (11). The eighteen (18) slots are adequate for the site.

SECTION 4. 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 5. 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 \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
 Clerk of Council

\_\_\_\_\_  
 President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
 Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by  
Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council