



Legislation Details (With Text)

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Title: Granting a Special Use Permit, for a School for a site located at 1853 South Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.

Sponsors:

Indexes:

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Attachments: 1. Plan Commission Report, 2. Audio: Agenda Review 9/5/2023, 3. Video: City Council 9/12/2023

Date	Ver.	Action By	Action	Result
9/12/2023	1	City Council	Suspension	Pass
9/12/2023	1	City Council	Emergency	Pass
9/12/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

Granting a Special Use Permit, for a School for a site located at 1853 South Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-5004-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a School for a site located at 1853 South Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 13, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a school for a site located at 1853 South Avenue, the City of Toledo, Lucas County, Ohio.

On August 16, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval for a request of a Special Use Permit for a school for a site located at 1853 South Avenue, 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 School for a site located at 1853 South Avenue, 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 1

LEGAL DESC: 3 9 SE 1/4 PT LAWRENCE LANDS PT BET DETROIT AVE & CRK...E 2.89 AC N 9.46 AC & E .37 AC S 4.64 AC N 14.096 AC ALSO E 220 FT S 10 RDS N 40 RDS

Property 2

LEGAL DESC: EXTN OF HIGHLAND PARK LOTS 50 51 & 52 & 1/2 BONF IELD DR ADJ VAC SP 4469
Property 3

LEGAL DESC: EXTN OF HIGHLAND PARK LOT B PT E OF E LINE OF LO MOND DR SP 4469 3

SECTION 2. That the approval of the Special Use Permit for a School for a site located at 1853 South Avenue, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 31 conditions as follows:

The following thirty-one (31) 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. 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. Comments regarding existing and/or proposed private water mains and/or service lines will be provided by the Division of Water Distribution.
5. The City of Toledo does not have a complete record for the existing storm sewer system on site and per the City's MS4 permit all storm sewers must be mapped. The Developer/Owner/Consultant is required to provide information on the existing storm sewers, by sharing original site drawings they may have and/or by taking inventory on site and reporting the findings to the satisfaction of the City.

Bureau of Fire Prevention

6. Private fire service mains and appurtenance will be required'
7. The proposed new building will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.

8. Approved Premises identification is required.

Division of Transportation

9. Bicycle parking is required per TMC§1107.0900.
10. Accessible parking signage must be provided at a height of no less than sixty inches (60”) and no more than seventy-two inches (72”) above pavement per TMC§1107.1704.
11. The accessible parking space must be the closest space to the ramp leading to the accessible entrance per the Americans with Disabilities Act (ADA).
12. Traffic Management recommends perpendicular parking to be changed to angled parking if one-way traffic is being utilized in rear parking area.
13. Existing angled parking that is in the right of way of South Avenue must be removed.
14. “Do Not Enter” signage must be provided at the exit to Bonfield Drive to prevent wrong way traffic flow.
15. Traffic Management recommends that the property line on South Avenue be brought into alignment with the right-of-way.

Division of Environmental Services

16. 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.
17. Applicant shall maintain compliance with Ohio EPA’s General Storm Water NPDES permit programs.
18. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
19. 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
20. 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.

Division of Sewer and Drainage Services

21. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
22. 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.
23. S&DS would also like to note that the Swan Creek Levee is in close proximity. The division of SB&H may also note this and any comments they and the USACE may have. Based upon what was submitted, it does not appear that anything will impede or encroach, but it is the responsibility of the owner/developer to make certain all require access is maintained.

Plan Commission

24. Per TMC§1107.0304 three (3) spaces paved off-street area for dropping off and picking up students at the school must be provided Not acceptable as depicted. Drop-off and pick-up spaces shall be shown on a revised site plan.
25. Per TMC§1107.1906 All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
26. One (1) van and three (3) standard accessible parking spaces shall be required. Acceptable as depicted on site plan.
27. Per TMC§1107.0900, fifty (50) bike parking spaces are required. Not acceptable as depicted. Bike parking spaces shall be shown on a revised site plan.
28. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
29. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
30. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission. Major adjustments will require an amendment to the Special Use Permit.

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

SECTION 3. 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 4. 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 12, nays 0.

Passed: September 12, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

September 12, 2023
Wade Kapszukiewicz
Mayor