



Legislation Details (With Text)

**File #:** O-631-23      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Approved

**File created:** 11/15/2023      **In control:** City Council

**On agenda:** 11/21/2023      **Final action:** 11/21/2023

**Title:** Granting a Special Use Permit for a School for a site located at 6004 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Video: Zoning & Planning Committee 11/15/2023, 3. Video: City Council 11/21/2023

Date	Ver.	Action By	Action	Result
11/21/2023	1	City Council	Suspension	Pass
11/21/2023	1	City Council	Emergency	Pass
11/21/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit for a School for a site located at 6004 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-7002-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a School for a site located at 6004 Hill Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On October 12, 2023, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit for a School for a site located at 6004 Hill Avenue, in the City of Toledo, Lucas County, Ohio.

On November 15, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval for the request for a Special Use Permit for a School for a site located at 6004 Hill 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 granting a Special Use Permit for a School for a site located at 6004 Hill Avenue, 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:

PARCEL ID: 2000797

2 3 SE 1/4 NE 3 AC SW 8 AC EXC NW 400 FT ALSO NE 3 AC SW 11 AC EXC NW 450 FT OF THT PT E  
1/2 SE OF T & I RY EXC PT IN RD

SECTION 2. That the approval of the granting of a Special Use Permit for a School for a site located at 6004 Hill Avenue, in in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 28 conditions as follows:

The following twenty-eight (28) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### Engineering & Construction

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 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 systems does not appear to impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.

#### Bureau of Fire Prevention

5. This change from the current use of a PreSchool to a K - 5 school will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4) - Fire alarm and sprinkler system annual maintenance is overdue. This must be completed.
6. Fire Department to receive and review any building construction plans when submitted to the Building Department. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1).
7. A Knox Box key box is required for after hours access for life saving and fire fighting purposes (OFC 506.1).

#### Division of Transportation

8. Bicycle parking is required per TMC 1107.0900.
9. Sidewalk is required on Hill Avenue per TMC 1107.1300.

10. Accessible parking signage is required per TMC 1107.1704.
11. Ground painted arrows are required for one-way traffic at rear of building.
12. "Do Not Enter" signage is required where one-way traffic pattern empties into two-way parking area to prevent wrong-way traffic flow behind building.

#### Division of Environmental Services

13. 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.
14. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
15. 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.
16. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
17. 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

18. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
19. 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.

#### Plan Commission

20. Off-street parking shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0304). Minimum number of off-street parking spaces required for a school is one (1) parking space per faculty member plus one (1) per three (3) staff members. Acceptable as depicted.
21. Per TMC§1107.0304 one (1) space 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 space shall be shown on a

revised site plan.

22. Per TMC§1107.0900, twenty-six (26) bike parking spaces are required. Not acceptable as depicted. Bike parking spaces shall be shown on a revised site plan.
23. 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.
24. 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 five-foot (5') greenbelt is required along the property line fronting Hill Avenue and Holland-Sylvania Road. The frontage greenbelt shall include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. Not acceptable as depicted on site plan. Applicant shall submit a landscaping plan showing the greenbelt buffer;
  - b. TMC§1108.0204(B)(9) requires perimeter landscaping to be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line. Not acceptable as depicted. Applicant shall submit a landscaping plan showing perimeter landscaping along the north and west property lines;
  - c. Landscape islands shall be added to the existing parking lot, the number and location shall subject to approval by the Plan Director;
  - d. Top soil must be back filled to provide positive drainage of the landscaped area;
  - 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards;
  - g. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
  - h. Because the site is greater than ½ acre large, 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;
  - i. The location, height and materials for any fencing to be installed and maintained.

- j. The location and direction of any proposed lighting shall be identified (lights are to be directed away from adjacent residential properties).
- 25. 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.
- 26. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 27. 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.
- 28. 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 \_\_\_\_\_, 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