



## Legislation Details (With Text)

**File #:** O-403-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 8/16/2019      **In control:** City Council  
**On agenda:** 8/20/2019      **Final action:** 8/20/2019

**Title:** Granting a Special Use Permit, for a school for a site located at 874 Orchard Street, 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. Audio: Zoning & Planning Committee 8/14/2019, 3. Audio: TCPC 7/11/2019, 4. Audio: City Council 8/20/2019

Date	Ver.	Action By	Action	Result
8/20/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
8/20/2019	1	City Council	declare emergency	Pass
8/20/2019	1	City Council	passage	Pass

Zoning & Planning Committee

### **Granting a Special Use Permit, for a school for a site located at 874 Orchard Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

By application (SUP-5006-19) filed with the City of Toledo Central Permit Center, a request for a school for a site located at 874 Orchard Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 11, 2019, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a school for a site located at 874 Orchard Street, in the City of Toledo, Lucas County, Ohio;

On August 14, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a school for a site located at 874 Orchard Street, 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 874 Orchard Street, 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 no. 15-02214

THAYERS ADDITION LOT 146 TO 151 & E 23 FT L OT 152 SEE 15-02216 FOR TAXABLE PT OF PROPERTY

SECTION 2. That the approval of the Special Use Permit for a school for a site located at 874 Orchard Street, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 26 conditions as follows;

The following twenty-six (26) conditions 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 419-245-1341  
Roadway: Tim Grosjean 419-245-1344  
Water: Andrea Kroma 419-936-2163  
Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338  
Sanitary Sewers: Mike Elling 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/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.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. 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 [BSIonlinetracking.com](http://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 (419-936-2839) to verify the backflow prevention requirements for this site.
8. Any site with an existing building, or proposed addition or additional building: The design professional or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service line, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.

#### Division of Transportation

10. Wheel stops required at all parking spots that abut the building. Wheel stops not required at parking spaces on this site that abut property lines because there is fencing surrounding the site.
11. Bicycle parking spaces required per TMC§1107.0300. One (1) bicycle slot per three (3) students plus one (1) bicycle slot per ten (10) parking spaces for faculty and staff.
12. All parking spaces need to be a minimum of nine (9) feet by eighteen (18) feet, and clearly dimensioned per TMC§1107.

13. Two (2) and two (2) van accessible parking spaces must meet the minimum dimension requirements. (9) feet by eighteen (18) feet with abutting five (5) foot aisle for car and eight (8) foot aisle for van per TMC§1107
  
14. Parking spots are not allowed to perpendicularly abut other parking spots the two (2) parking spots at the northeast corner of the building, which abut the adjacent parking spot, are not allowed. These two spots shall be replaced with a curbed landscape island or re-stripped with hatched lines to delineate “no parking.”

Department of Public Utilities

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

19. Any effort made to plan non-invasive trees, shrubs and perennials is highly encouraged.
  
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.

Plan Commission

21. A decorative fence shall be installed to replace the existing chain-link fence along the Broadway Street and part of the Orchard Street frontages and surrounding the existing playground, subject to the review of the director. This fence shall be comprised of heavy gauge metal or other decorative material. Fencing shall be anchored by two (2) brick or masonry columns flanking the entrance to the site along Broadway Street and one (1) column at the corner of Broadway Street and Orchard Street. Staff recommends additional brick or masonry columns supporting fencing around the perimeter of the site, as approved by the Plan Director. **The location, height, and materials for this fencing shall be shown in a revised site plan.**
  
22. 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.
  
23. 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.
  
24. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

25. 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.

26. 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. 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