



Legislation Details (With Text)

**File #:** O-356-19      **Version:** 1      **Name:**

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

**File created:** 7/12/2019      **In control:** City Council

**On agenda:** 7/23/2019      **Final action:** 8/6/2019

**Title:** Approving the site plan for a Religious Assembly located at 3900 Emmajejan Road, Toledo, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attorney memorandum, 2. Audio: ZPC 7/17/2019, 3. Plan Commission Report, 4. Audio: TCPC 6/13/19, 5. Audio: Agenda Review 7/30/2019, 6. Audio: City Council 8/6/2019

Date	Ver.	Action By	Action	Result
8/6/2019	1	City Council	declare emergency	Pass
8/6/2019	1	City Council	passage	Pass
7/23/2019	1	City Council		
7/23/2019	1	City Council		

Zoning & Planning Committee

**Approving the site plan for a Religious Assembly located at 3900 Emmajejan Road, Toledo, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

An appeal has been filed on the approval by the Plan Commission of a site plan (SPR-19-19) for a Religious Assembly located at 3900 Emmajejan Road, and subject to thirty-eight (38) conditions.

On June 13, 2019, said matter was considered by the Toledo City Plan Commission and the request for the approval of the site plan for a Religious Assembly located at 3900 Emmajejan Road, Ohio, was approved and all things required by law to be done, have been done. An appeal has been filed and a requested amendment to the site plan with a condition added that would limit the use to Religious assembly only.

On July 17, 2019 the Zoning and Planning Committee heard the appeal on SPR-19-19 and sent to the Full council without a recommendation.

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

SECTION 1. That the site plan for a Religious Assembly located at 3900 Emmajejan Road, Toledo, Ohio is hereby approved subject to the 38 conditions set forth herein below, for that part of the City of Toledo more fully described as follows:

PARCEL SPLIT  
*A 10.4937-ACRE PARCEL*

*CITY OF TOLEDO, LUCAS COUNTY, OHIO*

SITUATED IN PART OF THE NORTHWEST 1/4 OF FRACTIONAL SECTION 31 AND NORTHEAST 1/4 FRACTIONAL SECTION 31, TOWN 9 SOUTH, RANGE 7 EAST IN THE CITY OF TOLEDO (FORMERLY ADAMS TOWNSHIP), COUNTY OF LUCAS, STATE OF OHIO, AND BEING:

- PART OF A 20.8149-ACRE PARCEL NOW OR FORMERLY OWNED BY CHANA HOLDINGS LLC, COMPOSED THE FOLLOWING:
  - o ALL OF A 1.6410-ACRE PARCEL NOW OR FORMERLY OWNED CHANA HOLDINGS LLC (INST: 20151015-004684)
  - o ALL OF A 1.6225-ACRE PARCEL NOW OR FORMERLY OWNED CHANA HOLDINGS LLC (INST: 20151015-004684)
  - o PART OF A 17.5513-ACRE PARCEL NOW OR FORMERLY OWNED BY CHANA HOLDINGS LLC (INST: 20151015-004683)

ALL RECORDS REFER TO THE RECORDER'S OFFICE OF LUCAS COUNTY, OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A 1" IRON PIPE (FOUND) AT THE CENTER OF FRACTIONAL SECTION 31, SAID POINT BEING THE SOUTHWEST CORNER OF SAID 20.8149-ACRE PARCEL, ALSO BEING THE SOUTHEAST CORNER OF A 10.967-ACRE PARCEL NOW OR FORMERLY OWNED BY SCOTT M. RORICK (INST: 20080114-0002024), SAID POINT ALSO BEING NORTH 89° 01' 26" EAST, A DISTANCE OF 2,594.16 FEET OF A RAILROAD SPIKE (FOUND) ON THE SOUTH LINE OF BOSHARTS HILLANDALE ESTATES AT THE CENTERLINE OF RICHARDS ROAD (R/W VARIES);

THENCE NORTH 01° 41' 50" WEST, ALONG THE NORTH-SOUTH CENTERLINE OF FRACTIONAL SECTION 31 WITH THE EAST LINE OF SAID 10.967-ACRE PARCEL AND THE WEST LINE OF SAID 20.8149-ACRE PARCEL, A DISTANCE OF 794.19 FEET TO AN IRON PIN (FOUND), PASSING A 5/8" IRON PIN (FOUND) AT A DISTANCE OF 600.00 FEET;

THENCE NORTH 72° 53' 32" WEST WITH THE NORTH LINE OF SAID 10.967-ACRE PARCEL AND THE SOUTH LINE OF SAID 20.8149-ACRE PARCEL, A DISTANCE OF 556.85 FEET TO AN IRON PIN (FOUND), SAID POINT ON THE EAST LINE OF THE BOSHARTS HILLANDALE ESTATES EXTENSION (PV 50 PAGE 25 & 26) AND THE WEST LINE OF SAID 10.967-ACRE PARCEL; SAID POINT ALSO BEING NORTH 01° 46' 45" WEST, A DISTANCE OF 199.19 FEET OF AN IRON PIN (FOUND IN CONC) AT THE SOUTHEAST CORNER OF SAID BOSHARTS HILLANDALE ESTATES EXTENSION;

THENCE NORTH 01° 46' 45" WEST, WITH THE EAST LINE OF SAID BOSHARTS HILLANDALE ESTATES EXTENSION AND WEST LINE OF SAID 20.8149-ACRE PARCEL, A DISTANCE OF 4.96 FEET TO AN IRON PIN (FOUND), SAID POINT BEING THE SOUTHWEST CORNER OF THE EMMAJEAN ROAD EXTENSION (PB 20150914 PAGE 0038608);

THENCE SOUTH 78° 17' 02" EAST, ALONG THE SOUTH LINE OF SAID EMMAJEAN ROAD EXTENSION, A DISTANCE OF 10.00 FEET TO AN IRON PIN (FOUND);

THENCE NORTH 01° 46' 45" WEST, ALONG THE EAST LINE OF SAID EMMAJEAN ROAD EXTENSION, A DISTANCE OF 61.70 FEET TO AN IRON PIN (FOUND);

THENCE NORTH 78° 17' 02" WEST, ALONG THE NORTH LINE OF SAID EMMAJEAN ROAD EXTENSION, A DISTANCE OF 10.00 FEET TO AN IRON PIN (FOUND), SAID POINT ON THE EAST

LINE OF SAID BOSHARTS HILLANDALE ESTATES EXTENSION AND WEST LINE OF SAID 20.8149-ACRE PARCEL;

THENCE NORTH 01° 46' 45" WEST, WITH THE EAST LINE OF SAID BOSHARTS HILLANDALE ESTATES EXTENSION AND WEST LINE OF SAID 20.8149-ACRE PARCEL, A DISTANCE OF 204.15 FEET TO AN IRON PIN (FOUND), SAID POINT BEING THE NORTHEAST CORNER OF SAID BOSHARTS HILLANDALE ESTATES EXTENSION, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE ANGOLA & WESTERN RAILROAD;

THENCE SOUTH 72° 53' 32" EAST, WITH THE SOUTHERLY LINE OF SAID ANGOLA & WESTERN RAILROAD AND THE NORTH LINE OF SAID 20.8149-ACRE PARCEL, A DISTANCE OF 557.26 FEET TO A 1" IRON PIPE (FOUND), SAID POINT ON THE NORTH-SOUTH CENTERLINE OF FRACTIONAL SECTION 31;

THENCE SOUTH 71° 28' 13" EAST, CONTINUING WITH THE SOUTHERLY LINE OF SAID ANGOLA & WESTERN RAILROAD AND THE NORTH LINE OF SAID 20.8149-ACRE PARCEL, A DISTANCE OF 93.66 FEET TO AN IRON PIN (SET);

THENCE CROSSING SAID 20.8149-ACRE PARCEL, THE FOLLOWING THREE (3) COURSES:

SOUTH 03° 58' 54" EAST, A DISTANCE OF 175.67 FEET TO AN IRON PIN (SET);

SOUTH 36° 25' 33" EAST, A DISTANCE OF 465.50 FEET TO AN IRON PIN (SET);

SOUTH 26° 06' 13" EAST, A DISTANCE OF 416.36 FEET TO AN IRON PIN (SET), SAID POINT ON THE SOUTH LINE OF SAID 20.8149-ACRE PARCEL AND THE NORTH LINE OF A 5.641-ACRE PARCEL NOW OR FORMERLY OWNED BY KIMBERLY S. ISABELL ETAL (INST: 20170719-0030556);

THENCE SOUTH 63° 53' 47" WEST, ALONG THE SOUTH LINE OF SAID 20.8149-ACRE PARCEL AND THE NORTH LINE OF SAID 5.641-ACRE PARCEL, A DISTANCE OF 240.00 FEET TO AN IRON PIN (FOUND), SAID POINT ON THE EAST-WEST CENTERLINE OF FRACTIONAL SECTION 31;

THENCE SOUTH 89° 01' 26" WEST, WITH THE SOUTH LINE OF SAID 20.8149-ACRE PARCEL, THE NORTH LINE OF A 6.740-ACRE PARCEL NOW OR FORMERLY OWNED BY KIMBERLY S. ISABELL ETAL (INST: 20170719-0030556) AND THE EAST-WEST CENTERLINE OF FRACTIONAL SECTION 31, A DISTANCE OF 313.59 FEET TO A 1" IRON PIPE (FOUND),

SAID POINT ALSO BEING THE POINT OF BEGINNING, CONTAINING 10.4937-ACRES (457,104.61 SF) OF LAND, MORE OR LESS, SUBJECT TO LEGAL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

BASIS OF BEARING FOR THE HEREIN DESCRIPTION BEING THE EAST LINE OF BOSHART'S HILLANDALE ESTATES EXTENSION & BOSHART'S HILLANDALE ESTATES & NORTH-SOUTH CENTERLINE OF FRACTIONAL SECTION 31 BEING AS SOUTH 01°46'45" EAST PER MONUMENTS AS OBSERVED WITH GPS AND SHOULD BE USED ONLY FOR THE PURPOSES OF DESCRIBING HORIZONTAL ANGULAR MEASUREMENT.

PRIOR DEED REFERENCES:

17.5513-ACRE PARCEL - CHANA HOLDINGS LLC (INST: 20151015-004683)

1.6410-ACRE PARCEL - CHANA HOLDINGS LLC (INST: 20151015-004684)

1.6225-ACRE PARCEL - CHANA HOLDINGS LLC (INST: 20151015-004684)

THE HEREIN DESCRIBED PARCEL BEING PART OF THE FOLLOWING TRACTS OF LAND  
PARCEL #20-03715

ALL IRON REBARS SET ARE 5/8 INCH DIAMETER IRON REBARS WITH IDENTIFICATION CAP MARKED "DRF S-8131".

THE ABOVE DESCRIPTION BASED ON A FIELD SURVEY PERFORMED BY DEAN R. FREDERICK, OHIO PROFESSIONAL SURVEYOR No. S-8131, DATED FEBRUARY 2019.

SECTION 2. That the approval of the site plan is subject to the following conditions:

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: 419-245-1341  
Roadway: 419-245-1344  
Water: 419-936-2163  
Stormwater Drainage: 419-245-3221; 419-245-1338  
Sanitary Sewers: 419-936-2276
2. All existing substandard sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. 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.
4. 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.
5. 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.

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. Detailed plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
8. 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 [BSIonline@tracking.com](mailto:BSIonline@tracking.com) @ 800-414-4990. Contact the Division of Water Distribution to verify the backflow prevention requirements for this site.
9. For domestic water service lines greater than 150 feet in length, the meter and backflow preventer typically are required to be near the right-of-way line. Contact the Division of Water Distribution for requirements associated with the domestic water service line, water meter setting, and backflow preventer.
10. If water service lines cross adjacent parcels, an easement shall be obtained from the parcel owner.
11. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
12. 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 to schedule a flow test.
13. The footprint of the storm water retention area is not defended with calculations and may be too small. Stormwater detention and post-construction stormwater best management practices (BMP's) must comply with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre-and post-construction land use. [<http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>](http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/)
14. No construction work, including any earth disturbing work will be permitted without approved site plans. Submit the following for review & approval:
  - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
  - Detailed site grading plan
  - A Storm Water Pollution Prevention Plan (SWP3) including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at [<http://www.tmacog.org/storc/swp3.htm>](http://www.tmacog.org/storc/swp3.htm).
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.
15. 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. Application shall be made for a Floodplain Hazard Development Permit through City Building Inspection One Stop Shop. 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.

16. Drainage Plans that incorporate low impact development solutions such as indicated on this proposal are eligible for a reduction in the property's stormwater utility fee through the Stormwater Credit Program, upon application to the program as explained at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit->
17. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
18. 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.
19. All sanitary sewer manholes in the project area shall have solid lids installed on them.

#### Division of Transportation

20. Wheel stops required at all parallel to sidewalk and parking spots along the south edge of the parking lot per TMC 1107.
21. Accessible parking signage required for accessible parking spaces per TMC 1107.
22. If not already established, cross access agreements shall be formalized with adjacent property owner to the east and the west.

#### Plan Commission

23. On the primary (northwest) facade, wall articulation shall be provided by offering a clearly defined entrance, such as a trabeated porch structure, a porch that extends at least 20% of the length of the facade, and/or a change in texture or masonry pattern around the entrance. (1109.0205.C.1) This shall be shown on revised elevations.
24. On the primary (northwest) facade, the door shall be located at the center of the elevation so that the door is located under the peaked roof form. (1102.0205.C.3) This shall be shown on revised elevations.
25. On the primary (northwest) facade, symmetrical fenestration shall be provided by mirroring the number and size of windows on the south half of the façade with the same number and size of windows on the north half. (TMC 1109.0205.C.2) This shall be shown on revised elevations.
26. Elevations indicate hardi-plank siding, which is appropriate. Roof material is not specified. Roof material shall be detailed on revised elevations.
27. A walkway shall be provided from the main entrance to the street (TMC 1109.0204.A).
28. Dumpster screening shall be depicted on a revised plan and shall be designed in accordance with TMC§1108.0200.G.1-7

29. Site plan depicts forty-eight (48) parking spaces. The minimum number of parking spaces for this use at this site is twenty-seven (27) and thus the maximum number of spaces is forty (40). An alternative parking plan must be submitted to the director justifying a need for additional parking.
30. Applicant shall obtain a waiver of 1107.1202.A.1. If the waiver is granted, applicant shall preserve as many of the existing trees between the parking lot and Emmajean Road as possible.
31. Applicant shall provide one (1) bicycle parking slot for every ten (10) parking spaces.
32. Applicant shall provide a connection to the University Parks Trail. This connection shall be shown in a revised site plan.
33. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; acceptable as depicted on site plan.
34. Four (4) copies of a detailed site, lighting, fencing, and landscaping plan shall be submitted to the Plan Director for review and approval (separate from the building and site plans). Such plan shall include:
  - a. Per TMC§1108.0202, a Fifteen (15) foot Frontage Greenbelt is required along Emmajean Road. Typically, one (1) tree for every thirty (30) feet of lot frontage would be required. However, staff recommends that existing trees be preserved in their current state.
  - b. Per TMC§1108.0204, Site requires 960 square feet of interior landscaping in the parking lot.
  - c. Per TMC§1108.0204.B.4, All parking spaces must be within 100 linear feet of a landscape area.
  - d. Ten (10) trees and thirty (30) shrubs are required within the interior landscape areas for this site.
  - e. A ten (10) foot perimeter landscape buffer is required around the parking lot.
  - f. Topsoil must be back filled to provide positive drainage of the landscape area.
  - g. 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.
  - h. 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.
  - i. If 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.
  - j. The location, height and materials for any fencing to be installed and maintained; and
  - k. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

35. 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.
36. Landscaping shall be installed and maintained indefinitely.
37. 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.
38. 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 3900 Emmajean Road, in the City of Toledo, Lucas County, Ohio:

Chapter 1107 Parking, Loading, and Access

1107.1202 - Setbacks

A. Residential Districts

1. In residential districts no parking space may be located within the front yard, except that parking spaces for detached houses, attached houses, and duplexes may be located on a driveway.

Approve waiver to allow for parking within the front yard, subject to the preservation of existing trees between the parking lot and Emmajean Road.

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 11, nays 1.

Passed: August 6, 2019, 2019, as an emergency measure: yeas 11 nays 1.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

August 6, 2019  
Wade Kapszukiewicz  
Mayor