



## Legislation Details (With Text)

**File #:** O-630-23      **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 Lucas County Detention Facility for a site located at 1819 Canton 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. 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 Lucas County Detention Facility for a site located at 1819 Canton Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-8004-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for the Lucas County Detention Center for a site located at 1819 Canton Street, 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 the Lucas County Detention Center for a site located at 1819 Canton Street, in the City of Toledo, Lucas County, Ohio.

On November 15, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval the request for a Special Use Permit for the Lucas County Detention Center for a site located at 1819 Canton Street, 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 the Lucas County Detention Center for a site located at 1819 Canton Street, 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:

Lots 202 thru 211, 225 thru 234 & alley (to be vacated October 2023) adjoining the south line of Lots 203 thru 209 and 211 and adjoining the north line of Lots 227 thru 233 and Lot 225 in Woodruffs Addition (P.V page 71), in the City of Toledo, Lucas County, Ohio;

Commencing at a drill hole in a stone found in a monument box, at the intersection of Southard Avenue West (60 foot full right-of-way width) and North 12<sup>th</sup> Street (80 foot full right-of-way width);

Thence, South 00° 56' 1 1" East, along said North 12<sup>th</sup> Street, a distance of 67.00 feet to a point at the westerly prolongation of the south right-of-way line of Southard Avenue East (60 foot full right-of-way width);

Thence, South 89° 03' 49" East, along said prolonged line a distance of 40.00 feet to a KLF pin set at the northwest corner of Lot 202, said KLF pin being the Point of Beginning of the real property herein described;

Thence continuing, North 89° 03' 49" East, along the said south right-of-way line of Southard Avenue east, a distance of 503.00 feet to a KLF pin set at the northeast corner of Lot 210 and intersecting the west right-of-way line of Canton Street (60 foot full right-of-way width);

Thence, South 00° 56' 07" East along said west right-of-way line, a distance of 251 .00 feet to a KLF pin set at the southeast corner of Lot 226 and intersecting the north right-of-way line of vacated Smith Street by Ord. 823-06 and 236-18;

Thence, South 89° 03' 49" West along said north right-of-way line a distance of 502.99 feet to a KLF pin set at the southwest corner of Lot 234 and intersecting the east right-of-way line of said North 12<sup>th</sup> Street;

Thence, North 00° 56' 1 1" West, along said east right-of-way line a distance of 251 .00 feet to the Point-of-Beginning.

This legal description was prepared by Steven D. Coder, P.S. 7962 of Kleinfelder Inc. and is based upon an actual field survey performed under my direct supervision in October 2022. Basis of Bearing; from State Plane Co-ordinates; Ohio VRS, 3401 Ohio north, adj.201 1 . The property described in the name of Board of Lucas County Commissioners, claims title by O.R20070430-00251 55 and 20230531-0016956 contains as follows:

LC Parcel#	Acres	
1 631204	1.3625	O.R 20070430-00251 55
1631304	0.6839	O.R 23230531-001 6956
1 631324	0.4077	O.R 23230531-001 6956
1 631291	0.2709	O.R 23230531-001 6956
1 5' wide Alley	<u>0.1732</u> 2.8982	

SECTION 2. That the approval of the granting of a Special Use Permit for the Lucas County Detention Center for a site located at 1819 Canton Street, in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 35 conditions as follows:

The following thirty-five (35) 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 & Construction

##### Right-of-Way

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 Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. The existing 6-inch diameter public water main in vacated Smith Street shall be abandoned by the City of Toledo at the developer's expense. The final location of the hydrants on this line shall be within the City rights-of-way of North 12<sup>th</sup> Street and Canton Avenue.
5. Comments regarding existing and/or proposed private water mains and/or service lines will be provided by the Division of Water Distribution.
6. Stormtech underground storm detention system (noted on plans as per SPR 21-23) shall be installed to serve this project. The construction SWP3 should be expanded and treated as a singular construction SWP3 to serve both projects. As part of the closure of the SWP3 obligations, responsible party/parties for the O&M of the underground system shall be confirmed, as well as storm drainage easements as may be needed. If Lucas County will be the responsible party for long term O&M, the instructions shall be added to its collection of various properties' similar stormwater obligations to be checked and reported on to the City annually.
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.
9. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developers cost.
10. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
11. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

### Fire Prevention

12. The proposed new building will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
13. Fire Department to receive and review building construction, fire alarm and sprinkler system plans when submitted to the Building Department. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1)
14. New buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2)
15. A radio signal strength test will be needed in the building, and possible radio signal enhancements based on the results of the test. (OFC510.1)
16. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

#### Sewer and Drainage Services (S&DS)

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

#### Division of Environmental Services

19. 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.
1. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
2. 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.
3. 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)

4. 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 Transportation

5. One auto and one van accessible parking spaces with 5' loading aisle for auto and 8' loading aisle for van is required in the underground parking area per TMC 1107.1701 & 1107.1702.

#### Plan Commission

25. Each building within the -DOD is limited to one (1) building identification sign. Projecting signs are not allowed as building identification signage and a separate sign permit shall be submitted for review to determine compliance.
26. A bike rack is provided on the southwest corner of the site, staff recommends that a bike rack be installed near the public main entrance at the corner of Southard Ave and Canton Street.
27. Planter beds along 12<sup>th</sup> Street, Canton Street and Southard Avenue will include a combination of shrubs, perennials and grasses.
28. Maple trees will be set into the sidewalks with attention to ADA compliance on the sidewalk and facility entrance. Street trees to the satisfaction of the Department of Parks, Recreation and Forestry, light standards, street signs, etc., should be placed so that the trees are between the street lanes and any pedestrian walkway. Trees should be spaced at distances so that each tree can attain the appropriate form and shape at maturity. Do not plant trees directly in front of entrances or other significant architectural features.
29. Pursuant to Urban Commercial Landscaping Standards, as outlined in TMC§1108.0303(B), one understory tree must be provided for every thirty (30) feet of frontage, with a minimum tree pit size of four (4) feet by four (4) feet. Tree grates, or other walkable surface material treatments for the open pits, shall be required.
30. An eight (8') foot ornamental fencing with brick columns placed approximately forty (40') feet apart in addition to four (4') foot planters with perennials will separate the reconfigured parking lot for the law firm to the south and the proposed detention facility.
31. Existing and future transit stop locations should have ample space for patron amenities and waiting.
32. All structures shall utilize durable building materials such as brick, stone, metal, or concrete. Proposed materials on building are acceptable as depicted.
33. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
34. 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.

35. 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