



Legislation Text

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Zoning & Planning Committee

**Granting a Special Use Permit, for a School for a site located at 1936 and 2010 Northover Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-9002-20) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a School for a site located at 1936 and 2010 Northover Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 14, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a School for a site located at 1936 and 2010 Northover Road, in the City of Toledo, Lucas County, Ohio.

On February 17, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for School for a site located at 1936 and 2010 Northover Road, 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 School for a site located at 1936 and 2010 Northover Road, 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:

PROPERTY:

WERNERT-JACKMAN ELEMENTARY SCHOOL  
1936 NORTHOVER ROAD  
TOLEDO, OHIO 43613

PROPERTY LEGAL DESCRIPTION:

7 9 9 NE ¼ E 660 FT W 1320 FT S 822 F T EXC TRI NE COR BEING 251.1 FT ON N LINE & 100.2 FT ON E LINE EXC PT IN RD

PROPERTY:

WERNERT-JACKMAN ELEMENTARY SCHOOL  
2010 NORTHOVER ROAD  
TOLEDO, OHIO 43613

PROPERTY LEGAL DESCRIPTION:

7 9 9 NE ¼ S 822 FT W 660 FT EXC NORTHOVER RD & EXC BUCKLEW DR.

SECTION 2. That the approval of the Special Use Permit for a School for a site located at 1936 and 2010 Northover Road, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 49 conditions as follows:

The following forty-nine (49) 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. 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 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.

Contact (419) 245-1341 for inspection of above-mentioned items.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. 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.
7. The current version of “WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LINES AND LARGE SERVICES” shall be included on the plans and can be obtained

from the City of Toledo Division of Engineering Services.

8. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
9. 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 @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site. Contractors performing work on new or existing fire systems shall be licensed by the State of Ohio Fire Marshall and certified by the City of Toledo Fire & Rescue Department.
11. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
12. New water service taps will be installed by City of Toledo at the developer's expense.
13. If existing public water facilities are in conflict and must be relocated, they will be relocated by the City of Toledo at the owner's cost.
14. Do not construct permanent structures over unmetered water services.
15. Plans for the water service lines shall be submitted to and approved by the Ohio EPA prior to starting construction of the water service lines.
16. Completion of the stormwater review requires submittal of the following:
  - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.  
<http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>
  - Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's.
  - A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.
17. Following the review process, the following will be needed for final stormwater approval:
  - Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
  - SWP3 contact list for responsible parties. Form is available at <http://www.tmacog.org/storc/swp3.htm>.
  - Covenant for the approved O&M plan.
18. 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-program/>

19. Dredging, filling, clearing, or otherwise altering wetlands is prohibited without first providing proof of compliance with the following permits: Section 401 of the Clean Water Act, Ohio EPA Isolated Wetland Permit, and Section 404 of the Clean Water Act. If a permit does not apply, provide a letter from a qualified professional certifying that they have surveyed the site and determined that the permit is not applicable. All certifications and delineations shall include written concurrence from the U.S. Army Corps of Engineers and/or Ohio EPA, as appropriate, in accordance with protocols currently accepted by the U.S. Army Corps of Engineers.
20. Engineer is proposing a different sanitary discharge location than the existing school discharges to. Engineer shall verify there is adequate capacity in this different line to handle the flow from the new school.
21. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
22. 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.
23. 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.
24. 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.
25. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
26. S&DS requires that the private sanitary lines (after they have 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.

#### Environmental Services

27. 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. The minimum setback as required for any wetland areas is to be maintained by all contractors and construction activities.
  - d. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.

28. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
29. 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.
30. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\\_to\\_Ohio\\_Invasive\\_Plant\\_Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
31. 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.

#### Fire Prevention

32. Public and private hydrant locations to be approved by the site engineer and the Fire Prevention Dept.
33. Post Indicator Valve (PIV) and Fire Dept. Connection (FDC) locations to be approved by the site engineer and the Fire Prevention Dept.
34. Fire apparatus access roads shall be designed and maintained to support imposed loads of fire apparatus and shall be surfaced to support all- weather driving capabilities.
35. Key boxes are required on all access road gates.

#### Transportation

36. Cross walk is required at Oldham with pedestrian ramps on all four corners.
37. Traffic parking for play fields not shown.

#### Plan Commission

38. Per Parking Schedule A, the minimum number of parking spaces required for an elementary school is one (1) per faculty member plus one (1) per three (3) staff members plus one (1) space per fifty (50) students for student drop-off and pick-up. An Alternative Parking Plan was approved on 10/22/2020 by the Plan Director. Alternative Parking Plan must be filed with the Lucas County Recorder's Office.
39. Any 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.
40. Per TMC§1107.0400, Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per three (3) students plus one (1) per ten (10) parking spaces for faculty and staff. Acceptable as depicted.
41. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks

or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. Acceptable as depicted on site plan.

42. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities.
43. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)).
44. 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. If the 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; acceptable as depicted, Plan Commission approved a waiver of TMC§1108.0406 - *Irrigation/Watering* on 01/14/21,
  - b. A thirty-foot (30') frontage greenbelt is required along Northover Road and shall include one (1) tree per every thirty feet (30') of frontage; acceptable as depicted on landscape plan,
  - c. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public right-of-ways. A minimum of at least one canopy tree must be provided for each thirty (30) linear feet, plus a continuous shrub with a minimum height of eighteen inches (18"); acceptable as depicted on landscape plan,
  - d. Interior landscaping required in parking lots is 20 sqft per parking space. Two (2) canopy trees are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. Six (6) shrubs are required to be installed in interior landscape areas of each ten (10) parking spaces within the parking lot; acceptable as depicted on landscape plan,
  - e. Topsoil must be back filled to provide positive drainage of the landscape areas;
  - f. 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;
  - g. 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; acceptable as depicted on landscaping plan;
  - h. The location, height and materials for any fencing to be installed and maintained. Pursuant to TMC§1105.0302(A)(1), fences may not exceed 3 ½ feet in height in the required front setback, acceptable as depicted; and,

- i. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
- 45. New free-standing signs are limited to a height of forty-two inches (42") from grade and a width of twelve (12) feet. Any proposed signage must meet the requirements of Toledo Municipal Code Title Nine - Sign Code.
- 46. 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.
- 47. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 48. 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.
- 49. 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