



Legislation Text

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File #: O-510-20, Version: 1

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Zoning & Planning Committee

**Granting a Special Use Permit, for a New School, for a site located at 2032 E. Harbor Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-9003-20) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a new school for a site located at 2032 E. Harbor Avenue, in the City of Toledo, Lucas County, Ohio ; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 5, 2020, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a new school for a site located at 2032 E. Harbor Avenue, in the City of Toledo, Lucas County, Ohio;

On December 9, 2020, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for a new school for a site located at 2032 E. Harbor 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 a Special Use Permit for a new school for a site located at 2032 E. Harbor 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: 8324544 (Washington Township)

8 9 8 LOT 1 @ ASHKUSH & KETUKKEE TRACT...PT S OF CREEK & NW OF CTR E HARBIR AVE EXT N & NE OF CTR WHITEHOUSE DR EXTN & BEING 434 FT IN

-PARCEL ID: 8329379 (Washington Township)

AUSHKUSH & KETUKEE IRREG 8.12 AC PCE SE OF EA ST HARBOR AVE BEING 536.05 FT ON SW LINE SHORELAND 4T H & 317.49 FT ON W LINE TRACT

-PARCEL ID: 2330057 (City of Toledo)

GROSS POINTE MANOR PL 5 LOT 118 & WLY 20 FT VAC EA ST HARBOR DR ADJ

SECTION 2. That the approval of the Special Use Permit for a new school for a site located at 2032 E. Harbor Avenue, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 31 conditions as follows:

The following thirty-five (31) 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: 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.

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

5. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
6. The Lucas County Engineer's office has agreed to take responsibility for the portion of the site that is in the City; Lucas County stormwater staff will review and approve the entirety of this site, and provide construction inspection, and the monitoring of the stormwater controls over the years for the entirety of the site. Therefore, for stormwater SUP approval conditions, refer to the concurrent Lucas County SPR conditional approval letter.
7. New school shall discharge into existing Lucas County sanitary sewer.

### Sewer & Drainage Services

8. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
9. 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

10. 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.

### Environmental Services (cont'd)

11. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
12. 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.
13. 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)
14. 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

15. Public and private hydrant locations to be approved by the site engineer and the Fire Prevention Dept.
16. Post Indicator Valve (PIV) and Fire Dept. Connection (FDC) locations to be approved by the site engineer and the Fire Prevention Dept.
17. 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.
18. Key boxes are required on all access road gates

### Transportation

19. "One way" signage and "do not enter" signage required on entrances and exists for drop off loop on E. Harbor Drive. Traffic arrows required for one way traffic flow.

20. Stop bars required at all exists on E. Harbor Drive.
21. Traffic Impact Study comments will be coordinated with Lucas County, meeting pending. Additional comments on this site may be necessary.

#### Plan Commission

22. Per 1803(C) - *Parking Space Requirements* of the Washington Township Zoning Resolution, Elementary Schools (K-9) require two (2) parking spaces per classroom and one (1) for each sixty (60) square feet of gross floor area in the auditorium or assembly hall. Acceptable as depicted.
23. 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.
24. 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. However, Washington Township does not have a bicycle requirement. Applicant is encouraged to provide additional bicycle parking, not exceeding fifty (50) bicycle parking spaces.
25. 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.
26. 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)).
27. 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 thirty-foot (30’) frontage greenbelt is required along East Harbor Avenue and shall include one (1) tree per every thirty feet (30’) of frontage; acceptable as depicted on landscape plan,
  - b. 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”); not acceptable as depicted, a continuous shrub row shall be installed along the southern and western portions of the property,
  - c. 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,

- d. The proposed water quality basin must have native plants and grasses and meet the requirements of the Lucas County Engineer's Office,
  - 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; and,
  - i. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
28. 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.
29. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
30. 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.
31. 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 12, nays 0.

Passed: December 15, 2020, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger

Matt Cherry

Clerk of Council

President of Council

Approved:

December 17, 2020  
Wade Kapszukiewicz  
Mayor