



Legislation Details (With Text)

File #: O-546-18 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 12/6/2018 **In control:** City Council
On agenda: 12/18/2018 **Final action:** 12/18/2018
Title: Granting an amendment to a Special Use Permit for a school for a site located at 4109 Indian Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Audio: O-546-18 Council Meeting 12/18/2018

Date	Ver.	Action By	Action	Result
12/18/2018	1	City Council	Dispense with the rules of Council requiring...	Pass
12/18/2018	1	City Council	declare emergency	Pass
12/18/2018	1	City Council	passage	Pass

Zoning & Planning Committee

Granting an amendment to a Special Use Permit for a school for a site located at 4109 Indian Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-9004-18) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit for a school for a site located at 4109 Indian Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 1, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for an amendment to a Special Use Permit for a school for a site located at 4109 Indian Road, in the City of Toledo, Lucas County, Ohio.

On December 5, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved an amendment to a Special Use Permit for a school for a site located at 4109 Indian Road, 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 an amendment to a Special Use Permit for a school for a site located at 4109 Indian Road, 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:

That part of the West 1/2 of the Northwest 14 of Section 3, Town 9, Range 7 in the City of Toledo, Lucas County, Ohio, which lies South of the highway commonly known as the Indian Road and East of the West 17 acres of said quarter section, except the East .50 acres thereof, also excepting therefrom the following: Commencing at a brass plate monument located at the intersection of the West line of said Section 30 and the centerline of said Indian Road; thence South 55°39'42" East, 339.75 feet; thence South, 36.33 feet, along the line of Plant No. 4 of Ottawa Hills as recorded in Volume 41 page 46 of the plats, to the point of beginning; thence South 55°39'42" East, 467.77 feet along a line parallel with and 30 feet distant from the centerline of said Indian Road; thence South, 270.50 feet parallel with the said West line of Section 30; thence south 60° 60'00" West, 140.00 feet thence South, 180.00 feet parallel with the said West line of Section 30; thence West, 265.00 feet on a line perpendicular to the said West line of Section 30 to a point on the line of said Plat No. 4 of Ottawa Hills; thence North, 783.86 feet along the line of said plat to the point of beginning. Containing 5.182 acres more or less
Taxing Parcel No. 25-00200

SECTION 2. That the approval of an amendment to a Special Use Permit for a school for a site located at 4109 Indian Road, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 51 conditions as follows:

The following fifty-one (51) 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:

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.
6. Contact (419) 245-1341 for inspection of above mentioned items.
7. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
8. Based on the inspector copy of the plan for the existing 8-inch diameter private water main, the water main will be in conflict with the proposed building additions. Plans for relocation of the water main shall be submitted to the Division of Engineering Services for review and approval. Maintain a minimum of 5 feet separation between the existing/proposed water main and the proposed building foundation.
9. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
10. 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.
11. 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. 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 (419-245-1395) to verify the backflow prevention requirements for this site.
12. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, 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.
13. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
14. 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.
15. The plan submitted for plan commission review indicates earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Stormwater Pollution Prevention Plan (SWP3) , calculations, plans for stormwater service and a maintenance plan & maintenance agreement for Post-Construction Stormwater Best Management Practices (BMP's) for this project shall be submitted directly to the Division of Engineering Services for stormwater review & approval.

16. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>, including the requirements for stormwater detention and post-construction stormwater BMP's. Drainage from the St. Ursula site drains into Ottawa Hills MS4. The City will require approval of the detention and post-construction BMPs requirements from Ottawa Hills. A meeting was held in February to discuss this coordination and stormwater requirements to satisfy both municipalities. It is our understanding that the Design Team was going to look at utilizing the existing detention and stormwater post construction BMP, provided that it had the additional capacity to treat and detain the additional impervious surfaces plan. And ensure that the existing facility was maintained and functioning to capacity.
17. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES permit.
18. All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.
19. All sites disturbing 2,500 sq. ft. or more shall develop a site specific Stormwater Pollution Prevention Plan (SWP3) which shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Stormwater NPDES permit and shall submitted with a completed submittal cover sheet, contact list, contractor certification form and the Ohio EPA SWP3 Checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
20. Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and may be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program.
21. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
22. No construction work, including any earth disturbing work will be permitted without approved plans and inspection.
23. 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.
24. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

Division of Environmental Services

25. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
26. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
27. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
28. 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.
29. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.
<http://ohiodnr.gov/portals/0/pdfs/invasives/ohio-invasive-plants-r0400.pdf>
30. 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

31. Aisle widths for two way traffic need to be a Minimum of 25' per TMC 1107.
32. 7 car and 1 van handicap accessible parking spots required per TMC 1107.
33. Bicycle parking slots shall be provided subject to the review and approval of the Director of the Plan Commission.
34. Provide do not enter and one way signage at entrances where required.
35. Provide arrows and one way signage within the parking lot to facilitate proper traffic flow.

Plan Commission

36. 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)).
37. 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. New signage must meet the criteria listed in TMC Part 13 Building Code, Title 9 Sign Code

38. 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.
39. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
40. The minimum number of parking spaces designed for persons with disabilities that must be provided shall adhere to the table in TMC§1107.1701.
41. Required spaces for persons with disabilities must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.
42. Lights and light fixtures used to illuminate any parking or loading areas must be selected and arranged to direct and reflect the light away from any adjacent residential property and public ways and away from the sky above the light fixture.
43. Bicycle parking slots shall be provided subject to the review and approval of the Director of the Plan Commission.
44. The building materials shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*, to allow for no more than fifteen (15%) percent of exterior insulation and finish systems (E.I.F.S) or equivalent product when thirty-six (36”) inches above grade. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Metal is proposed as the primary façade material for the two building additions. This is acceptable because the facades are not visible from any right-of-way and the facades will match the existing building material.
45. The building design shall meet the requirements of TMC§1109.0200 *Commercial, Mixed Use and Institutional Design Standards*. The building materials of the façade improvements shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Acceptable as depicted on building elevation.
46. Any 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.
47. Four (4) landscaping plans separate from the Building Plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A thirty (30’) foot frontage greenbelt is required along the Indian Road right-of-way (TMC§1108.0202[B]3) Applicant shall obtain a waiver to TMC§1108.0202(B)3, for 12’4” reduction along the northerly parking lot to allow for the proposed 17’8” frontage greenbelt; or submit a revised site plan indicating compliance with the required greenbelt. Applicant shall

obtain a waiver to TMC§1108.0202(B)3, for 19'5" reduction along the easterly parking lot to allow for the proposed 10'5" frontage greenbelt; or submit a revised site plan indicating compliance with the required greenbelt. The greenbelt requires 41 trees (55 are proposed, which is acceptable). A continuous hedge is required to screen the parking lots; 117 evergreen shrubs are required.

- b. Additional vegetative screening shall be added along the rear property line to protect neighboring single-family homes from any adverse impact of the proposed athletic fields. This shall be depicted on a revised landscape plan - location and number of plantings shall meet the approval of the Plan Director.
 - c. 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 cover, unless approved as part of the stormwater treatment facility;
 - d. Topsoil must be back filled to provide positive drainage of the landscape peninsula or island, unless landscape peninsula or island is being utilized as a stormwater management practice.
 - e. Foundation plantings are required along all portions of the building that are visible from the public right-of-ways and landscaping at all major building entrances.
 - 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, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards.
 - h. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
 - i. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed;
 - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties)
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. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year.
50. Per TMC§1111.0814, if a building permit is not issued within one year of the approval date, then the site plan approval shall become null and void.
51. 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 4109 Indian Road, in the

City of Toledo, Lucas County, Ohio:

Chapter 1108 Landscape Standards

Sec. 1108.0202 Frontage Greenbelt.B.3

Frontage greenbelts shall be a minimum width of 15 feet. For properties over 5 acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum of 30 feet wide measured perpendicular from the street or place right-of-way abutting the property.

Approve a waiver of 12'4" of the required minimum width of 30' for the frontage greenbelt, to allow a 17'8" wide frontage greenbelt along the northerly parking lot.

Approve a waiver of 19'5" of the required minimum width of 30' for the frontage greenbelt, to allow a 10'5" wide frontage greenbelt along the easterly parking lot.

SECTION 4. 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 5. 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