



## Legislation Details (With Text)

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**Title:** Adopting the Institutional Master Plan for the property located at 4747 Heatherdowns Boulevard, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

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**Attachments:** 1. Plan Commission Report, 2. Audio: City Council 9/28/2021

Date	Ver.	Action By	Action	Result
9/28/2021	1	City Council	Suspension	Pass
9/28/2021	1	City Council	Emergency	Pass
9/28/2021	1	City Council	Passed	Pass

Zoning & Planning Committee

### **Adopting the Institutional Master Plan for the property located at 4747 Heatherdowns Boulevard, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

An application (Z-6003-21) for the adoption of an Institutional Campus Master Plan for the property located at 4747 Heatherdowns Boulevard, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 12, 2021, the Toledo City Plan Commission recommended approval of the request for the Institutional Campus Master Plan for the property located at 4747 Heatherdowns Boulevard, Toledo, Ohio.

On September 22, 2021, the Toledo City Council recommended approval of the request for the Institutional Campus Master Plan, for the property located at 4747 Heatherdowns Boulevard, Toledo, Ohio.

The following is the proposed Institutional Campus Master Plan for the project site. Master Plans must be updated on at least a six (6) year cycle and include any changes to the institution's mission, objectives, existing property and uses, needs of the institution, development envelope, transportation management, pedestrian circulation, design guidelines, and neighborhood protection strategy. This proposed plan is responsive to the factors listed in Toledo's Zoning Code at Section 1111.1304, each of which are set forth below along with the applicant's responses.

**TMC 1111.1304(A): *Planning Horizon: Expiration and Lapse of Approval.*** The Institutional Master Plan shall cover at least a 6-year period unless City Council approves a different Planning Horizon at the time of Institutional Master Plan approval.

**RESPONSE:** Davis College is an accredited career training institution through the Accrediting Commission for Business Schools since 1953. If the rezoning petition is granted, then the College intends to use the Property to bring its classes and offerings to a total of three hundred (300) students within the next two-year period (while simultaneously retaining use of the 433 N Summit Street location). Within the next six years, the College anticipates an increase in the number of students to as many as seven hundred (700). This will be done through its blended offerings included long-distance learning, classroom settings, and online education.

**TMC 1111.1304(B): *Mission and Objectives.*** The Institutional Master Plan shall include a statement that defines the organizational mission and objectives of the institution and description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the institution. The statement should describe the population to be served by the institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to residents in adjacent neighborhoods and in other areas of the region.

**RESPONSE:** Davis College continues to excel in career training by being recognized by the State Board of Career Colleges and Schools (State of Ohio Certificate of Registration No. 81-02-073 IB), having its programs authorized by the Ohio Board of Higher Education, as well as being continuously accredited by The Higher Learning Commission (HLC) since 1991. Due to its success in increasing its enrollment, the College has found itself looking to expand its current footprint in Toledo, while maintaining its current offices/location at the 433 N. Summit Street address. A mixed approach of online and in-person education will aid in the effective management and mitigation of congestion as would otherwise be typical in classroom/in-person only settings. Permitting the Property to be used and operated as a campus is significantly in alignment with the originally intended use (as a school) and will provide for and cater to the educational needs of the community, permitting a cost-effective means to allow the College's students access to quality learning experience, marketable skills, and increased employability.

**TMC 1111.1304(C): *Existing Property and Uses.*** The Institutional Master Plan shall include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the Institutional Master Plan. At a minimum, the following information shall be required: 1. Illustrative site plans showing the footprints of each existing and proposed building and structure, roads, sidewalks, parking, landscape features and other significant site improvements; 2. Land and building uses; 3. Floor area in square feet; 4. Building height in stories and feet; 5. Landscaping and lighting concept plans; and 6. A description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility.

**RESPONSE:** The Property, although already developed for use as a place of education (see, enclosed Floor Plan - noting numerous classrooms, library and study spaces, gymnasium area, nurses' office, etc.), its present zoning permits only use as a school (as a special use in RS-12). As such, the Property's current layout, existing structure, and geographic location make it the ideal candidate for the College to grow and expand its educational offerings within Toledo as set forth. (see, existing topographical map/site plan as well as attached Floor Plan depicting current layout and features). Additionally, as required under **TMC 1111.1304 (C)** (1-6), the following must be identified: 1. Depiction of existing structure, roads, sidewalks, landscape features, and improvements, 2. Land and Building Uses (*exhibit B*), and 3. Floor Area in Square Feet/Building Stories: 54,009 Sq. Ft.; 2 Stories Tall.

**TMC 1111.1304(D): *Needs of the Institution.*** The Institutional Master Plan shall include a summary and

projection of the institution's current and future needs for the following facilities: 1. Academic; 2. Service; 3. Research; 4. Office; 5. Housing; 6. Patient care; 7. Public assembly; 8. Parking; and 9. Other facilities related to the institutional use.

**RESPONSE:** Due to the features of the Property and its existing structures, it is optimal in nature for the College's intended purpose and use. The classrooms, libraries, study areas, offices, and other facilities function harmoniously to provide the community's educational needs and promote its mission statement: to provide marketable skills that enhance the employability of our graduates. Fortunately, this can all be done without any significant change to the current layout of the Property. Presently, the College has no plans or intentions to further develop the Property, place new structures, construct roadways/access paths. Furthermore, any congestion or significant influx in traffic will be mitigated by the distance/remote learning component of the College's offerings. Here, the needs of the institution and are all satisfactorily serviced without any development, major renovation, or other significant change to the Property, being the criteria identified in TMC 1111.1304 (D) (1-9): 1. Academic, 2. Service, 3. Research; 4. Office; 5. Housing; 6. Patient care; 7. Public assembly; 8. Parking; and 9. Other facilities related to the institutional use.

**TMC 1111.1304(E):** Development Envelope. The Institutional Master Plan shall include a description of the land area and "development envelope" within which future development will occur. The development envelope shall be described in narrative and through the use of drawings or models. The intent of this provision is to provide the institution with certainty regarding the future development potential of the site subject to the Institutional Master Plan while protecting the integrity of adjacent neighborhoods. The Institutional Master Plan shall include the following in describing the development envelope: 1. Floor area ratio; 2. Average daily and peak-hour traffic; 3. Height; 4. Setbacks; 5. Total site area of open space; and 6. Total number of parking spaces to be provided.

**RESPONSE:** As the College has no plans for "future development to occur" under TMC 1111.1304(E), there is nothing to be submitted hereunder.

**TMC 1111.1304(F):** Transportation Management Plan. The Institutional Master Plan shall include a transportation and parking management plan that identifies any traffic mitigation measures to be employed.

**RESPONSE:** The ingress and egress to and from the Property will be facilitated through the access points from Cass Road (to the east) and Heatherdowns Blvd. (from the north). The class offerings and in person learning should not have a significant effect on traffic as: (i) the courses will be scattered throughout the day/week; (ii) congestion is avoided via online offerings; and (iii) is not anticipated to materially alter the traffic data depicted on Exhibit "D".

**TMC 1111.1304(G):** Pedestrian Circulation Plan. The Institutional Master Plan shall include pedestrian circulation guidelines and objectives, including a description of the circulation system to be provided through the campus and plans for ensuring the accessibility of pedestrian areas and open spaces.

**RESPONSE:** Pedestrian access to the Property shall be facilitated in and through the existing roadways, access paths, and sidewalks presently located upon the Property.

**TMC 1111.1304(H):** Urban Design Guidelines. The Institutional Master Plan shall include design guidelines and objectives for new and renovated buildings and structures to assure their appropriateness with surrounding neighborhoods and districts and to minimize potential adverse impacts on such neighborhoods. Urban design

guidelines shall include listings of appropriate materials, height, bulk, massing, and colors that will be used to guide the course of proposed and future development.

**RESPONSE:** As the College has no plans for "new or renovated buildings/structures" under **TMC 111 I.1304(H)**, there is nothing to be submitted herein.

**TMC 1111.1304(I):** Neighborhood Protection Strategy. The Institutional Master Plan shall identify standards and programs that will be put in place to ensure that the quality of the surrounding neighborhoods is maintained or enhanced.

**RESPONSE:** The nucleus of the neighborhood protection plan is centered on securing the sole structure located upon the Property. This will be done with the use of cameras, locked and secured entrances, and, as presently intended, the use of private security personnel for nocturnal hours once enrollment figures have raised to the level projected above. Otherwise, the remaining open areas of the Property, being vast greenspace will be utilized in a well-maintained and scholarly aesthetic, in compliance with existing zoning and use regulations.

NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by Adopting the Institutional Campus Master Plan of that part of the City of Toledo more fully described as follows:

A parcel of land being part of the Northeast 1/4 of Section 25, Town 2 of the United States Reserve of Twelve miles square at the foot of the Rapids of the Miami of Lake Erie, in the City of Toledo, Lucas County, Ohio, which is more particularly described as follows: Commencing at a found 5/8" Iron Pin in a Monument Box at the Northwest corner of the Northeast quarter (1/4) of Section 25 also being the intersection of the centerline of Right-of-Way of Heatherdowns Boulevard (R/W varies) and the centerline of Right-of-Way of Cass Road (60' R/W); thence S00°50'31"W, on and along the West line of the Northeast quarter (1/4) of Section 25 also being the Centerline of Right-of-Way of Cass Road (60' R/W), a distance of 575.10' (feet) to a point; thence S88° 04'23"E, on and along a line parallel and 575.00' (feet) Southerly of the North line of the Northeast quarter (1/4) of Section 25 also being the Centerline of Right-of-Way of Heatherdowns Boulevard (R/W varies), a distance of 30.01' (feet) to a set Mag Nail on the Easterly Right-of-Way line of Cass Road (60' R/W) and being the True Point of Beginning for the split off of tax parcels # 21-00727 and 21-00745; thence continuing S88° 04'23"E, on and along a line parallel and 575.00' (feet) Southerly of the North line of the Northeast quarter (1/4) of Section 25 also being the Centerline of Right-of-Way of Heatherdowns Boulevard (R/W varies), a distance of 500.09' (feet) to a set Mag Nail; thence N00°50'31"E, on and along a line parallel and 530.00' (feet) Easterly of the West line of the Northeast quarter (1/4) of Section 25 also being the Centerline of Right-of-Way of Cass Road (60' R/W), a distance of 189.03' (feet) to a set Iron Pin; thence S88°04'23"E, on and along a line

parallel and 386.00' (feet) Southerly of the North line of the Northeast quarter (1/4) of Section 25 also being the Centerline of Right-of-Way of Heatherdowns Boulevard (R/W varies), a distance of 289.76' (feet) to a set Iron Pin; thence  $S01^{\circ}55'37''W$ , on and along a line normal to the North line of the Northeast quarter (1/4) of Section 25 also being the Centerline of Right-of-Way of Heatherdowns Boulevard (R/W varies) also being the Westerly line of a parcel of land currently or formerly owned by Stranahan Theater Property Holding, LLC, as recorded in Deed 20090710-0032609 in the Lucas County Recorders Office, a distance of 774.31' to a set Iron Pin on the Northerly Right-of-Way of the Ohio Turnpike as recorded in Deed Volume 1488, Page 291 and Volume 1525, Page 227 in the Lucas County Recorders Office said set Iron Pin being 115.00' (feet) Northerly and normal to the Centerline of Right-of-Way of the Ohio Turnpike as shown on the Plat of Survey as recorded in Plat Volume 50, Page 15 and 16 of the Lucas County Recorders Office; thence  $N87^{\circ}37'25''W$ , on and along the said Northerly Right-of-Way line of the Ohio Turnpike said line being 115.00' (feet) Northerly and normal to the Centerline of Right-of-Way of the Ohio Turnpike as shown on the Plat of Survey as recorded in Plat Volume 50, Page 15 and 16 of the Lucas County Recorders Office, a distance of 736.43' (feet) to a set Iron Pin on the said Northerly Right-of-Way of the Ohio Turnpike; thence on and along the said Northerly Right-of-Way of the Ohio Turnpike being a tangential horizontal curve to the right and having a radius of 6760.50' (feet), curve length of 38.90' (feet), chord bearing  $N87^{\circ}27'31''W$  and chord length of 38.90' (feet) said curved line being 115.00' (feet) Northerly and normal to the Centerline of Right-of-Way of the Ohio Turnpike as shown on the Plat of Survey as recorded in Plat Volume 50, Page 15 and 16 of the Lucas County Recorders Office to a set Iron Pin on the Easterly Right-of-Way of Cass Road (60' R/W); thence  $N00^{\circ}50'31''E$ , on and along the Easterly Right-of-Way of Cass Road (60' R/W) being a line parallel and 30' (feet) Easterly of the West line of the Northeast quarter (1/4) of Section 25, a distance of 579.22' (feet) to the True Point of Beginning for the split off of tax parcels # 21-00727 and 21-00745 and passing a found Iron Pin at 550.18' at the intersection of the Easterly Right-of-Way line of Cass Road (60' R/W) with the Southerly property line of parcel 21-00727 as recorded in deed 20090710-0032610 in Lucas County Recorders Office; Containing a measured area of 11.685 Ac., 509,041 SF of land more or less, and subject to all legal highways, leases, easements and restrictions of record. NOTE: Bearings used in the above description are based on the Centerline of Right-of-Way of Heatherdowns Boulevard (R/W varies) also being the North line of the Northeast quarter (1/4) of Section 25 as established between a found 5/8" Iron Pin in a Monument Box at the intersection of Centerline of Right-of-Way of Heatherdowns Boulevard and the Centerline of Right-of-Way of Key Street also being the Northeast corner of the Northeast quarter (1/4) of Section 25 and a found 5/8" Iron Pin at the intersection of Centerline of Right-of-Way Heatherdowns Boulevard and the Centerline of Right-of-Way of Cass Road also being the Northwest corner of the Northeast quarter 1/4) of Section 25 and corresponding to a bearing of  $N88^{\circ}04'23''W$ . Bearings are

for the express purpose of showing angular measurement only. Bearings are for the express purpose of showing angular measurement only. The land in the above description is contained all within Lucas County Permanent Tax Parcels 21-00727 and 21-00745. The land in the above description being the same parcel as recorded in current Instrument 20090710-0032610, also previous Instrument Volume 1921, Page 481 and, in Lucas County Recorders Office. All iron pins set are 5/8" diameter rebar x 36" long with a yellow cap marked "Bryan D. Ellis 8292". This parcel was surveyed by Bryan D. Ellis on June 5, 2010. Tax Parcel Number: 21-00747

SECTION 2. That the approval of the Institutional Campus Master Plan for a site located at 4747 Heatherdowns Boulevard, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 6 conditions as follows:

The following six (6) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### Plan Commission

1. Applicant shall provide a Transportation Management Plan that includes the number of parking spaces available, the number needed for the proposed 700 students. The plan shall include information listed in TMC 1107.0602 "Off Street Parking Schedule D". This plan shall meet the approval of the Division of Transportation. Occupancy permits will not be granted until this plan is submitted and approved.
2. Any future development projects will require a Site Plan Review to determine compliance with the City of Toledo Municipal Code minimum standards (design standards, drive aisle and parking stall widths, etc.).
3. Any future development projects will require a Site Plan Review to determine compliance with the City of Toledo Municipal Code minimum standards.
4. Each Site Plan Review will require a detailed site, lighting, fencing, and landscaping plan to be submitted to the Plan director for review and approval. Note that the submittal shall include:
  - a. 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,
  - b. The location, type, and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties; and,
  - c. The location, height, and materials of any fencing to be installed and maintained.
5. Minor adjustments to the Master 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.
6. 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. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

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: September 28, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

September 28, 2021  
Wade Kapszukiewicz  
Mayor