



Legislation Details (With Text)

File #: O-268-22 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 5/18/2022 **In control:** City Council
On agenda: 5/24/2022 **Final action:** 5/24/2022
Title: Granting an amendment to a Special Use Permit, originally granted by Ord. 333-09 to add modular classrooms to a school for a site located at 2402 Cheltenham Rd, 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

Date	Ver.	Action By	Action	Result
5/24/2022	1	City Council	Suspension	Pass
5/24/2022	1	City Council	Emergency	Pass
5/24/2022	1	City Council	Passage	Pass

Zoning & Planning Committee

Granting an amendment to a Special Use Permit, originally granted by Ord. 333-09 to add modular classrooms to a school for a site located at 2402 Cheltenham Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-2010-22) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit, originally granted by Ord. 333-09 to add modular classrooms to a school for a site located at 2402 Cheltenham Rd, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 14, 2022, the Toledo City Plan Commission recommended approval for the request for an amendment to a Special Use Permit, originally granted by Ord. 333-09 to add modular classrooms to a school for a site located at 2402 Cheltenham Rd, in the City of Toledo, Lucas County, Ohio.

On May 18, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved an amendment to a Special Use Permit, originally granted by Ord. 333-09 to add modular classrooms to a school for a site located at 2402 Cheltenham Rd, 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 an amendment to a Special Use Permit, originally granted by Ord. 333-09 to add modular classrooms to a school for a site located at 2402 Cheltenham Rd, in the City of Toledo, Lucas County, Ohio; 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:

OLD ORCHARD SCHOOL LOT 1
PARCEL ID: 1180575
ASSESSOR#: 04487001

SECTION 2. That the approval of an amendment to a Special Use Permit, originally granted by Ord. 333-09 to add modular classrooms to a school for a site located at 2402 Cheltenham Rd, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 19 conditions as follows:

The following nineteen (19) 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. 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.
4. Any filling of the adjacent stormwater management area requires compensatory cut; therefore, submit for stormwater approval a proposed grading sheet with balanced cut and fill volumes shown.

Sewer & Drainage Services

5. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. 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.

Environmental Services

7. 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. 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.
10. 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
11. 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

12. The proposed new buildings will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.

Plan Commission

13. 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.
14. A pedestrian walkway shall be installed using pavers, bricks, scored concrete or scored and asphalt. The walkway shall connect the play areas and modular units to the main building in the most logical route per TMC§1109.0204(A). Acceptable as depicted.
15. All previous conditions of Ordinance 333-09 shall apply and remain in effect.
16. 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. Proposed modifications acceptable as depicted. Note conditions below for any future development. Landscaping is required when the principal building footprint is expanded or when the parking lot is expanded. Such plan shall include:
 - a. A Type B landscape buffer including four (4) trees and fifteen (15) shrubs per 100 linear feet shall be sed to screen the east and west portions of the modular units. Acceptable as depicted.

- b. Topsoil must be back filled to provide positive drainage of the landscape areas;
 - 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 coverage;
 - d. 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;
 - e. The location, height, and materials for any fencing to be installed and maintained;
 - f. The location and direction of any proposed lighting.
17. 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.
18. 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.
19. 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