



## Legislation Details (With Text)

**File #:** O-460-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 8/22/2022      **In control:** City Council  
**On agenda:** 9/13/2022      **Final action:** 9/13/2022  
**Title:** Granting a Special Use Permit for a school for a site located at 3648 Victory, 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
9/13/2022	1	City Council	Suspension	Pass
9/13/2022	1	City Council	Emergency	Pass
9/13/2022	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit for a school for a site located at 3648 Victory, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-6001-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a school for a site located at 3648 Victory Ave, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 14, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a school for a site located at 3648 Victory Ave., in the City of Toledo, Lucas County, Ohio;

On August 17, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a school for a site located at 3648 Victory Ave., 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 school for a site located at 3648 Victory Ave., 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:

3 6 NE 1/4 W 1/2 SE 1/4 EXC N 346 FT E 630 FT & EXC S 3 AC E 1/2 & EXC W 198 FT S 147.3 7 FT  
LYING N CENTER LINE O F VICTORY AVE & E AND ADJ

SECTION 2. That the approval of the Special Use Permit for a school for a site located at 3648 Victory Ave., in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 33 conditions as

follows:

Division of 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, from One Stop Shop, (419) 245-1220.
4. Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.
5. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution will provide comments regarding existing and/or proposed private water mains and/or service lines.

Water Distribution

6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
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 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
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 (Shawn Clark: [shawn.clark@toledo.oh.gov](mailto:shawn.clark@toledo.oh.gov), 419-392-2032) to verify the backflow prevention requirements for the site.
10. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
11. Plans must be submitted and approved by Fire Prevention (Lynn Thompson: [lynn.thompson@toledo.oh.gov](mailto:lynn.thompson@toledo.oh.gov), 419-245-1263).
12. (*Site Plan Corrections*) Sheet C-1:
  - a. Please show existing main on Victory Ave. for proposed connection.

- b. There is an existing 4" fire line currently on the site (see attached mark-ups)
- c. Proposed water is called out as "8" HT Storm Sewer" on the line, but shows a valve box and meter pit on one end, and a 4" stub on the other end.
- d. Call out for proposed water connection should read, "6" x 4" tapping sleeve and 4" gate valve by City of Toledo at Developer's expense. Excavation, shoring, valve box, backfill and restoration by contractor.
- e. Add "2021 Water General Notes City Large Services" (attached to e-mail) to plans.
- f. A backflow preventer in a hot box will need to be added to the proposed water service.

#### Division of Environmental Services

- 13. 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.
- 14. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
- 15. 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.
- 16. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
- 17. 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.

#### Sewer & Drainage Services

- 18. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
- 19. 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.

#### Transportation

- 20. Bicycle parking is required per TMC§1107.0900.
- 21. Existing sidewalk is required to be shown on Victory Avenue per TMC§1107.1300.
- 22. Existing Dumpster location is required to be shown per TMC§1107.1910.

23. All parking space dimensions are required to be clearly shown and to be a minimum of 9'X18' per TMC§1107.1911 (Existing rear parking is not in compliance).
24. Driveway to rear parking area and all two-way drive aisles are required to be a minimum of 25' wide for two-way traffic per TMC§1107.1911.
25. Existing angled parking in rear is required to be shown as removed.
26. Existing driveway in rear of property that connects to adjacent parking area of Mt. Vernon School needs to be shown and labeled closed if blocked off and not being used.
27. Transportation recommends the property lines on Victory Avenue and Byrne Road be brought into alignment with the right-of-way lines of both streets.

#### Plan Commissions

28. Bicycle parking shall be provided pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300), which requires fifty (50) bicycle parking spaces in accordance to TMC§1107.900 - Bicycle Parking. Not acceptable as depicted on site plan. A revised site plan shall be submitted.
29. Five (5) additional trees shall be provided along the southern property line fronting Victory Avenue per TMC§1108.0202. Not acceptable as depicted. A revised site plan shall be submitted.
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. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
32. 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.
33. 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 11, nays 0.

Passed: September 13, 2022, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

September 15, 2022  
Wade Kapszukiewicz  
Mayor