



## Legislation Details (With Text)

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**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 5561 Elmer Drive, 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 5561 Elmer Drive, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-5005-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a School for a site located at 5561 Elmer Drive, 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 5561 Elmer Drive, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

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 5561 Elmer Drive, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation 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 5561 Elmer Drive, in the City of Toledo, Lucas County, Ohio; 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:

The North 10 acres of the West ½ of the East ½ of the East ½ of the Southwest ¼ of Section 26, Town 9 South, Range 6 East, in the City of Toledo, Lucas County, Ohio.

Current Deed: OR 201612070050727  
Prior Deed Volume 2246, Page 156

SECTION 2. That the approval of the Special Use Permit for a School for a site located at 5561 Elmer Drive, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 39 conditions as follows:

The following thirty-nine (39) 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, from One Stop Shop, (419) 245-1220.
4. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution may provide comments regarding existing and/or proposed private water mains and/or service lines.
5. No stormwater objection to site plan. Submittals needed to initiate stormwater review are:
  - Items are listed on the regional SWP3 submittal coversheet: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
  - Plans according to the 2014 Infrastructure Requirements document found in the drop-down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>
6. When a site is adjacent to the receiving stream, water quality volume (WQv) should be provided above the receiving stream's 25-year hydraulic grade. Flood control volume above the WQv elevation can be provided contiguously with the stream's floodplain and doesn't have to be physically separated from the stream. Show the flood hazard zones and stream setbacks on submittals. Being in or adjacent to a flood hazard zone, this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full, and upon which stormwater approval, and approval to terminate the SWP3, are dependent.
7. Following the stormwater review, additional items are needed for final approval:
  - a. As listed on the regional SWP3 submittal cover sheet. The signed agreement will be through a covenant which will need to be recorded and/or satisfactory amendment to the TPS catalogue of coordinated O&M activities at multiple properties.
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.

- c. Construction inspection and completion of obligations in the stormwater permit.
- 8. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <https://toledo.oh.gov/business/environment/storm-water-program>
- 9. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
- 10. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
- 11. Any sanitary sewer manholes, on the property shall have solid lids installed on them.

#### Water Distribution

- 12. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
- 13. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
- 14. 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.
- 15. 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 (419-392-2032) to verify the backflow prevention requirements for the site.
- 16. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
- 17. 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).
- 18. Sheet 1 of 1
  - a. Show how the new building(s) is(are) being supplied with water.
  - b. Add "Oak Openings Regions Note" below to the plans:

This project is located within the Oak Openings Region, a significant, high quality, environmental resource. Dredging, filling, clearing, or otherwise altering Category 3 Wetlands (see OAC 3745-1-54 for Wetland Category definitions) within the Oak Openings Region is prohibited. Dredging, filling, clearing, or otherwise altering Category 1 or 2 Wetlands within the Oak Openings Region is strongly discouraged, and 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 notification of and 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. Any mitigated wetlands provided in accordance with said permits shall be located within the Oak Openings Region.

### Environmental Services

19. 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.
20. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
21. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
22. 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](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)
23. 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

24. The structure must comply with all the requirements for the purpose and use of the addition, including separation requirements, structural load requirements and all fire safety requirements.
25. The proposed new addition will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
26. Approved Premises identification is required.

### Plan Commission

27. A cross access easement shall be obtained with Parcel 20-10086 (Toledo Botanical Gardens property).
28. Per TMC§1107.0600 - Off-Street Parking Schedule "A" Per Parking Schedule A, the minimum number of parking spaces required for a high school is one (1) per ten (10) student, plus one (1) per faculty

member, plus one (1) per three (3) staff members, plus one (1) space per fifty (50) students for student drop-off and pick-up. Acceptable as depicted.

29. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Acceptable as depicted.
30. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Acceptable as depicted.
31. 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.
32. 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)).
33. 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. Acceptable as depicted on site plan.
34. 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 Elmer Drive and shall include one (1) tree per every thirty feet (30') of frontage; acceptable as depicted,
  - 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 rights-of-way. 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 on site plan, perimeter shrubs shall be provided where parking is facing Olimphia Road to the north of the site and along the eighteen (18) space parking lot closest to Elmer Drive, but only for the nine (9) spaces facing the building.
  - c. Interior landscaping required in parking lots is 20 sq ft 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; not acceptable as depicted on site plan, a minimum of thirty-seven (37) shrubs shall be provided in the landscape islands and peninsulas.
  - d. Topsoil must be back filled to provide positive drainage of the landscape areas;
  - e. 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;

- f. 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;
  - g. If the site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details;
  - h. The location, height, and materials for any fencing to be installed and maintained;
  - i. The location and direction of any proposed lighting.
35. Building elevations shall be of quality materials as stated in TMC§1109.0500. Not acceptable as depicted, building materials shall be provided on revised elevations.
36. 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.
37. 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.
38. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
39. 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