



## Legislation Text

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**File #:** O-351-19, **Version:** 1

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### Zoning & Planning Committee

#### **Granting a Special Use Permit, for a Hospital for a site located at 3837 Secor Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.**

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

By application (SUP-5002-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Hospital for a site located at 3837 Secor Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 13, 2019, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Hospital for a site located at 3837 Secor Road, in the City of Toledo, Lucas County, Ohio.

On July 17, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Hospital for a site located at 3837 Secor 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 a Special Use Permit for a Hospital for a site located at 3837 Secor 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:

Situated in the State of Ohio, County of Lucas, City of Toledo, in the Northeast 1/4 of the Northeast 1/4 of Section 19, Township 9 South, Range 7 East, and bounded and described as follows:

Commencing at a 3/4" Iron pipe found at the intersection of the west right-of-way line of Secor Road (variable width) with the southwesterly right-of-way line of Monroe Street (variable width), at the northwest corner of a 0.928 acre tract of land conveyed, as Parcel 3116-WD for Secor Road right-of-way purposes, to the State of Ohio, by deed of record in Deed Book 1871, Page 703 and being S 70° 29' 49" W a distance of 73.86 feet from a Lucas County Monument Box found in the east line of said Section 19 and at the intersection of the centerline of Secor Road with the centerline of Monroe Street;

Thence N 57° 07' 38" W a distance of 617.11 feet along said Southwesterly Right of Way to a point;

Thence S 76° 49' 54" W a distance of 9.72 feet along said Right of Way line to a point;

Thence N 57° 07' 38" W a distance of 16.50 feet along said Right of Way to a 5/8" Iron pin set, also being the Point of Beginning;

Thence S 32° 55' 54" W a distance of 178.00 feet, to a 5/8" Iron pin set;

Thence S 57° 07' 38" E a distance of 160.58 feet to a 5/8" Iron pin set;

Thence S 01° 27' 52" E a distance of 732.59 feet to a 5/8" Iron pin set on the Northerly Limited Access Right-of-Way line of Interstate 475 - Toledo Expressway and as shown upon Sheets 9 and 10 of the Ohio Department

of Transportation Right- of-Way Plans for LUC 475-11.54;  
Thence N 69° 51' 34" W a distance of 493.68 feet along said Right of Way Line to a ½" capped Iron pin found at the Southwest corner of a parcel of land recorded in Instrument No. 201707310032954;  
Thence N 01° 27' 52" W a distance of 700.82 feet along the Westerly property line of said parcel to the parcel's Northwestern property corner, and a ½" capped Iron pin found;  
Thence N 87° 52' 11" E a distance of 262.53 feet along the Northerly property line to a ½" capped Iron pin found on the property corner of said parcel;  
Thence N 32° 55' 54" E a distance of 162.44 feet along a Northwestern property line of said parcel, to a ½" capped Iron pin found on the Southwesterly Right of Way Line of Monroe Street;  
Thence S 57° 07' 38" E a distance of 88.00 feet along said Right of Way Line to the Point of Beginning, Containing 8.335 acres of land, more or less, and being subject to all easements, leases, and restrictions of record.

Said parcel being part of Lucas County Auditor's permanent parcel Number 2216585. This description was prepared by The Mannik and Smith Group on April 24, 2019, and is based upon a field survey of the premises. Bearings used herein are based on State Plane coordinate system, NAD83 (2011 ADJ.).

SECTION 2. That the approval of the Special Use Permit for a Hospital for a site located at 3837 Secor Road, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 44 conditions as follows:

The following forty-four (44) 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.  
  
Contact (419) 245-1341 for inspection of above mentioned items.
4. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
5. The existing private fire hydrant serving the adjacent parcel to the west will need to be relocated onto said parcel. A separate plan will need to be submitted to the Division of Engineering Services for the relocation of this hydrant.

6. Detailed plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
7. 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.
8. Water meter setting details, including meter bypass and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
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](http://BSIOnlineTracking.com) @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site. Verify that the hydrant locations shown are acceptable to the Toledo Fire Prevention Bureau. 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.
11. All existing water service lines will be abandoned by the City of Toledo Division of Water Distribution at the developer's expense.
12. New water service taps will be installed by City of Toledo at the developer's expense.
13. Plans for the water service lines shall be submitted to and approved by the Ohio EPA prior to starting construction of the water service lines.
14. Maintain 10 feet of horizontal clearance between proposed water service lines and sanitary or storm sewers. Maintain 4 feet of horizontal clearance between proposed water service lines and any other underground utility. Maintain 18 inches of vertical clearance between proposed water service lines and sanitary or storm sewers. Maintain 12 inches of vertical clearance between proposed water service lines and any underground utility. Provide sufficient clearance between proposed water service lines and property lines to permit future maintenance of the water services lines to be performed without entering onto the adjacent parcels.
15. Proposed hydrants shall be located a minimum of 10 feet away from storm and sanitary sewers or, per the Ohio EPA, drain holes on hydrants shall be plugged. Maintenance of the privately-owned waterline, valves and hydrants will be the responsibility of the owner, including pumping of hydrants having plugged drain holes.
16. Post construction BMP's for sites that disturb 2 acres or more (including common plan of development) shall be selected from and designed in accordance with the latest Ohio EPA General Stormwater NPDES Permit Table 4a Extended Detention practices or 4b Infiltration Practices. If an alternate to the NPDES Table 4a or 4b is proposed it must be preapproved by the Ohio EPA prior to

submitting a NOI. The OEPA will only consider the use of alternate BMP's where it can be demonstrated that the implementation of a Table 4a or 4b BMP's isn't feasible due to physical site constraints.

17. No construction work, including any earth disturbing work will be permitted without approved site plans. Submit the following for review & approval:
  - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
  - Detailed site grading plan
  - Plans and calculations for storm sewer service, stormwater detention and post-construction BMP's.
  - A Storm Water Pollution Prevention Plan (SWP3) including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.
18. Drainage Plans that incorporate low impact development solutions such as indicated on this proposal are eligible for a reduction in the property's stormwater utility fee through the Stormwater Credit Program, upon application to the program as explained at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
19. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
20. 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.
21. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
22. Developer shall televise the existing sewer being reused.
23. All sanitary sewer manholes in the project area shall have solid lids installed on them.

#### Sewer and Drainage Services

24. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
25. S&DS requires that the 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

#### Environmental Services

26. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
27. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
28. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
29. 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.
30. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\\_to\\_Ohio\\_Invasive\\_Plant\\_Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
31. Applicant shall maintain compliance with the City of Toledo and State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Anti-Noise Laws and Asbestos Abatement.

#### Transportation

32. Wheel stops required at all parking spots that abut sidewalks and buildings per TMC 1107.
33. Bicycle parking spaces required per TMC 1107.
34. If not already established, cross access agreements shall be formalized with adjacent property

#### Plan Commission

35. The Special Use Permit is subject to the approval of the companion CO Office Commercial zoning request.
36. A total of 18 bicycle spaces are required. Individual spaces shall be at least 2' by 6' per slot. TMC 1107.0902.A. Acceptable as submitted.
37. The sidewalk adjacent to Monroe Street shall be modified to accommodate the safe movement of pedestrians. TMC 1107.1304. Acceptable as submitted.
38. A Final Plat shall be recorded for this development and the remaining site acreage when the adjacent property is developed. The Final Plat shall include vehicular access restrictions along major roadways, except at the designated entrances, indicate cross access agreements between all lots, dedicate at least five (5) feet of right of way along Monroe Street, southeast of the primary access point and relocate the existing sidewalk to provide adequate separation from public roadways and establish, if any, open space or conservation areas for the preservation of existing landscaping.
39. 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. Fence height shall not exceed ten (10) feet anywhere outside of the required front setback. Applicant shall obtain a waiver of TMC 1105.0302.A.2 or comply fully with said section.
  - b. A solid fence or wall within the Type A buffer along the southern property line. Applicant shall obtain a waiver of TMC 1108.0203.C. or comply fully with said section.
  - 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. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches, evergreen trees must be a minimum of 5', and shrubs must be at least 18 inches in height or 24 inches in spread when installed.
  - e. If any preserved trees die they must be replaced with another tree or trees that are at least equal to the credited value of the preserved tree. This also applies to any trees on conservation lots that are being preserved but not used for credits.
  - f. If 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.
40. 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.
41. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
42. 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. Landscaping shall be installed and maintained indefinitely.
43. 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. Major adjustments will require an amendment to the Special Use Permit.
44. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City 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 3837 Secor Road, in the City of Toledo, Lucas County, Ohio:

Chapter 1105 Accessory Uses

1105.0302 Commercial and Industrial Districts

- A. The following standards apply in all Commercial and Industrial districts:
2. Fences may not exceed 10 feet in any other location on a lot.

Approve a waiver of TMC 1105.0302.A.2 to allow twelve (12) foot fencing along the western property line, and around the gas storage area, provided the fence height is reduced to a maximum of four (4) feet along the day care property.

Chapter 1108 Landscaping and Screening

TMC 1108.0203 Buffer and Screening Requirements

C. Requirements

**A 10 foot Type A buffer with a fence is required between CO and RS9 zoning districts.**

Approve a waiver of TMC 1108.0203.C. to allow for the elimination of fencing provided the ODOT sound wall remains.

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