



Legislation Text

File #: O-481-19, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit, for a New School for a site located at 4747 Heatherdowns Boulevard, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-4008-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a new School for a site located at 4747 Heatherdowns Boulevard, 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 new school for a site located at 4747 Heatherdowns Boulevard, in the City of Toledo, Lucas County, Ohio.

On July 17, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and deferred for 30 days the request for a Special Use Permit for a new school a site located at 4747 Heatherdowns Boulevard, City of Toledo, Lucas County, Ohio.

On August 14, 2019, Toledo City Council, Planning and Zoning Committee granted an additional 30 day deferral requested by the applicant for the request for a Special Use Permit for a new school a site located at 4747 Heatherdowns Boulevard.

On September 18, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for a new school a site located at 4747 Heatherdowns Boulevard, 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 new school for a site located at 4747 Heatherdowns Boulevard, 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:

A parcel of land being part of the Northeast $\frac{1}{4}$ of Section 25, Town 2 of the United States Reserve of Twelve miles square at the foot of the Rapids of 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 between 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°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 Recorder's 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 Recorder's 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 Recorder's Office;

thence N87°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 Recorder's 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 being N87°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 Recorder's Office to a set Iron Pin on the Easterly Right-of-Way of Cass Road (60' R/W);

thence N00°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 ½" 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 Recorder's 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.

Parcel No. 21-00747

Parcel Address: 4747 Heatherdowns Boulevard, Toledo, Ohio 43614

SECTION 2. That the approval of the Special Use Permit for a new school for a site located at 4747 Heatherdowns in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 38 conditions as follows:

The following thirty-eight (38) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact Information is as follows:
Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Right-of-Way and Inspection: 419-245-1220
Roadway: ph. 419-245-1344
Water: ph. 419-936-2163
Stormwater Drainage: 419-245-3221; 419-245-1338
Sanitary Sewers: 419-936-2276
2. 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.
3. 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 and/or 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.
4. 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.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. The existing building currently receives water service via the Stranahan Theatre's water service lines. If this arrangement is intended to continue, the applicant will be required to show proof they have permission from the owners of the Stranahan Theatre.
7. If new water service lines are intended to serve the existing building, plans shall be submitted to the Division of Engineering Services for review and approval. Plan for disconnection from the

Stranahan Theatre's water services lines shall be submitted to the Division of Water Distribution for review and approval.

8. 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 www.BSionlinetracking.com @ 800-414-4990. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow prevention requirements for this site.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
10. Plan Commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a stormwater plan review by Division of Engineering Services. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site-plan review and approval will be required by the Division of Engineering Services, subject to the rules and regulations of the City of Toledo including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements, and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.
11. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES Permit.
12. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

Division of Environmental Services

13. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
14. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
15. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
16. 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 both

structural and non-structural Best Management Practices.

17. 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
18. 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 Asbestos and the Anti-Noise Laws.

Fire Prevention

19. Annual Fire Safety inspection shall occur prior to the occupancy by the new tenant.
20. Facility identification is required. It shall be visible to approaching Fire Department vehicles.

Division of Transportation

21. All accessible parking spaces must be a minimum of 9'x18' with a 5' aisle for car-accessible spaces and 8' aisle for van-accessible spaces per TMC 1107.
22. Sidewalk required along Cass Road. Provide a walkway system from Cass Road to the school building per TMC 1107.
23. If not already established, cross access agreements shall be formalized with adjacent property owner to the North and the East.

Plan Commission

24. A revised site plan shall be submitted addressing the Division of Transportations conditions of approval.
25. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; acceptable as depicted on site plan.
26. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces; acceptable as depicted on site plan.
27. 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 (if applicable).
28. The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches must be of good appearance, easily maintained, and indicative of their function as stated in TMC§1107.1905 - *Appearance*.
29. 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 system subject to the regulations and approval of the Department of Public Utilities

30. 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)).
31. Pursuant to TMC§1107.1909 - *Maintenance*, parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the construction of paving, lighting fixtures, retaining walls, fences, curbs and benches must be continuously maintained and kept free of debris and hazards.
32. 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.
33. 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’) greenbelt is required along the Cass Road frontage and shall include one (1) tree per every thirty-foot (30’) of frontage; not acceptable as depicted on site plan. A total of twenty (20) trees shall be installed along Cass Road and shall be depicted on a completed landscaping plan.
 - b. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances. Shall be depicted on a completed landscaping plan.
 - c. Landscaped terminal islands must be provided at the end of each parking. Shall be depicted on a completed landscaping plan.
 - d. 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.
 - e. 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;
 - 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.
 - g. The location, height and materials for any fencing to be installed and maintained; and
 - h. The location and direction of any proposed lighting (lights are to be directed away from adjacent

residential properties).

34. 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.
35. 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.
36. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
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. 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 12, nays 0.

Failed: October 1, 2019, as an emergency measure: yeas 3, nays 9.