



## Legislation Text

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**File #:** O-317-23, **Version:** 1

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### Zoning & Planning Committee

**Granting an amendment to a Special Use Permit, granted by Ord. 400-12, Ord. 489-14 and Ord. 631-21, to add modular classrooms for a site located at 6145 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-1005-23) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit originally granted by Ord. 40-12, 489-14 and 631-21 for the addition of modular classrooms, for a site located at 6145 Hill Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 13, 2023, the Toledo City Plan Commission recommended approval for the request for an amendment to a Special Use Permit originally granted by Ord. 40-12, 489-14 and 631-21 for the addition of Modular Classrooms, for a site located at 6145 Hill Avenue, in the City of Toledo, Lucas County, Ohio.

On May 17, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for an amendment to a Special Use Permit originally granted by Ord. 40-12, 489-14 and 631-21 for the addition of modular classrooms, for a site located at 6145 Hill Avenue, 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. 40-12, 489-14 and 631-21 for the addition of modular classrooms, for a site located at 6145 Hill Avenue, in the 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:

2-10 NE 1/4 N1/2 IRREG 18.0488AC PCE LYING S OF HILL AVE & SE CLARION AVE MEAS 35.57 FT CEN LINE HILL AVE 959.64FT S LINE

SECTION 2. That the approval of an amendment to the Special Use Permit originally granted by Ord. 40-12, 489-14 and 631-21 for the addition of modular classrooms, for a site located at 6145 Hill Avenue, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 29 conditions as follows:

The following twenty-nine (29) 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. 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 Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
5. The stormwater management solution proposed is adequate for site plan approval, but a full submittal for review and comment for a construction permit is according to the submittal checklist (items on the submittal cover sheet, step 1) at:  
<https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
6. Toledo's infrastructure requirements for stormwater management of a project of this size are per the document available online in the drop-down menu on this page:  
<https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>
7. City of Toledo does not have a complete record for the existing storm sewer system on site and per the City's MS4 permit all storm sewers must be mapped. The Developer/Owner/Consultant shall verify the location and outlet of the storm system and provide that information to the City. A copy of the City of Toledo's current records of the private storm sewer can be provided for reference.
8. Following the stormwater review, additional items may be needed to complete the construction permit application. The comments issued upon review of the construction permit application submittal will confirm which items are not applicable due to the unique use of the runoff reduction method. The remaining items may include:
  - a. As outlined on the regional submittal cover sheet, submittal step 2.
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
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. All sanitary sewer manholes in the project area shall have solid lids installed on them.

#### Fire Prevention

12. Private fire service main and appurtenance will be required in a location approved by the Fire Prevention Bureau.

Division of Sewer and Drainage Services

13. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
14. 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.

Division of Environmental Services

15. 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.
16. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
17. 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.
18. 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)

19. 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.

Division of Transportation

Acceptable as depicted.

Plan Commission

20. 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.
21. Use of the road to the rear of the property is limited to employee parking, deliveries and emergency vehicles. Signage shall be installed indicating restricted access. Acceptable as depicted.
22. 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. Foundation plantings shall be located to the north, west, and south portions of the proposed modular structure. Not 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.

23. Building colors shall be subtle, neutral, and earth tone per TMC§1109.0502. Acceptable as depicted.

24. All conditions outlined in Ordinance 400-12, Ordinance 489-14, and Ordinance 631-21 still apply.

25. 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. This Special Use Permit shall be subject to re-review by the Plan Commission five (5) years after the approval date.

26. 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.

27. 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.

28. Access to the rear drive to the employee parking area shall be closed by a gate at 5 pm every evening and all day on weekends.

29. This Special Use Permit shall be reviewed in 6 months for compliance and will be heard at the Plan Commission meeting of November 2, 2023 and Zoning & Planning Committee of December 6, 2023.

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.

Passed: May 30, 2023, as an emergency measure: yeas 8, nays 4.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

May 30, 2023  
Wade Kapszukiewicz  
Mayor