

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: July 14, 2021

REF: SUP-4003-21

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Special Use Permit for Community Recreation – Active at 2007 N. Holland-Sylvania

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 10, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Community Recreation – Active
Location	-	2007 N. Holland-Sylvania
Applicant	-	Jamie Deen 2007 N. Holland-Sylvania Toledo, OH 43615
Attorney	-	Ali A. Nour Gressley, Kaplin & Parker, LLP Suite 1645 One SeaGate Toledo, OH 43604-1584
Engineer	-	Timothy J O'Brien 3161 N. Republic Blvd. Toledo, OH 43615

Site Description

Zoning	-	CN / Neighborhood Commercial
Area	-	± 3.31 acres
Frontage	-	±290' along N. Holland-Sylvania Road
Existing Use	-	Undeveloped Commercial
Proposed Use	-	Volleyball Courts and Outdoor Dining

GENERAL INFORMATION (cont'd)

Area Description

- | | | |
|-------|---|---|
| North | - | Commercial Retail, Offices, Tavern / CN |
| South | - | Undeveloped Commercial / CN |
| East | - | Retail, Tavern / CR, CN |
| West | - | Single-Family Homes/ RS6 |

Parcel History

- | | | |
|-----------|---|---|
| S-14-82 | - | Preliminary Drawing for Churchills Dutch Village at the SW Corner of W. Bancroft & Holland-Sylvania Road, (PC Approval 12/10/82). |
| Z-253-82 | - | Request for a Zone Change from C-1, Commercial and R-1, Residential to C-3, Commercial, at SW corner of Holland-Sylvania & Bancroft (PC Approval 12/7/82, CC Disapproval 2/2/83). |
| Z-6013-98 | - | Request for a Zone Change from C-1, Commercial and R-2, Residential to C-3, Commercial, 2042 N. Holland-Sylvania Rd and 5955 W. Bancroft (PC Disapproval 9/10/98, Withdrawn). |
| Z-3003-04 | - | Request for a Zone Change from C-1, Commercial and R-2, Residential to C-3, Commercial, 2041 N. Holland-Sylvania Rd. (PC Disapproval 5/13/04, CC Approval ORD-436-04). |
| SPR-4-05 | - | Major Site Plan Review for the new construction of a retail building at Bancroft Village, W of Holland-Sylvania (PC Approval 3/10/05) |

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant, Jamie Deen, is requesting a Special Use Permit for community recreation-active at 2007 N. Holland-Sylvania. The ± 3.31 acre site, located at 2007 N. Holland-Sylvania, is the undeveloped portion of a strip style commercial development built in 2005. The property is surrounded by a retail and office uses to the north, retail to the east, single-family homes to the west, and undeveloped commercial land to the south.

STAFF ANALYSIS (cont'd)

The applicant is applying to extend outdoor patio space for a Jed's, a tavern located in the strip style development, as well as add two fenced in sand volleyball courts for use by patrons. Per TMC 1104.100, the use is classified as "community recreation – active". Due to the light, sound, and increased traffic associated with outdoor recreational activities a Special Use Permit is required to be obtained prior to construction.

Parking and Circulation

The existing parking lot at 2007 N. Holland-Sylvania Road will serve the proposed volleyball courts. Pursuant to **TMC§1107.0600 – Off-Street Parking Schedule "D"**, Community Recreation facilities have a wide variety of parking demand characteristics, making it difficult to specify a single off-street parking standard. Therefore, Schedule "D" parking allows the minimum off-street parking requirements to be established via a parking study provided by the applicant. At time of print, the applicant has not provided a parking study or submitted documentation indicating the anticipated demand for off-street parking spaces in regard to the number of attendees and rate at which games will be played. As a condition of approval, the applicant shall provide documentation stating the potential number of attendees, hours of operation and the anticipated number of games per night.

Bicycle parking is required pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). A minimum of one (1) bicycle space shall be provided per ten (10) automobile parking spaces. The existing parking lot at 2007 N. Holland-Sylvania has ninety-eight (98) total parking spaces, requiring at least nine (9) bicycle parking spaces. A revised site plan with at least nine (9) bicycle parking spaces is required as a condition of approval.

Landscaping

The applicant has indicated no changes to existing landscaping. A site visit was performed on 5/25/21. At the time of the visit, landscaping in the form of evergreens and other tall vegetation existed on the western edge of the site. Shrubs and trees on the N. Holland-Sylvania frontage greenbelt are also existing.

The site is Zoned CN Neighborhood Commercial and abuts RS6 Single-Family Residential to the west, therefore per **TMC§1108.0203 – Screening Requirements Matrix**, the site requires a Type A landscape buffer. Type A Landscape buffers shall either be ten feet (10') wide with a solid wall or fence as well as four (4) canopy trees, and fifteen (15) shrubs per one hundred linear feet (100'). Alternatively, the buffer can be twenty-five feet (25') wide with four (4) canopy trees and twenty (20) shrubs per one hundred linear feet (100'). Including the connecting rear patio walkway, this development would include a minimum two hundred and twenty feet (220') of landscaped buffer. A site visit was performed on 5/25/2021 by staff. Existing buffer landscaping was found to be acceptable.

STAFF ANALYSIS (cont'd)

A fifteen-foot (15') frontage greenbelt is required along N. Holland-Sylvania road along all portions of the proposed volleyball courts visible from the right of way, totaling no less than one hundred and thirty feet (130') in length. A site visit was performed on 5/25/2021 by staff. Existing frontage landscaping was found to be acceptable.

Building Design and Materials

A patio canopy is proposed on the southern side of the existing building. The submitted plan indicates ribbed steel metal roofing panels supported by aluminum columns. The TMC does not address architectural materials for roofing. Staff encourages the applicant to utilize a roofing material that matches the color of the existing awnings on the east side of the building.

Lighting and Sound

Community recreation-activity create greater quantities of sound and light than uses typically associated with CN Neighborhood Commercial Zoning Districts. When abutting residential properties this concern becomes more prominent. The proposed development will be required to follow all relevant noise ordinances including **TMC§507.14 – Fixed Source Noise Levels**. Per these regulations the operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 9 p.m. and 8 a.m. of the following day.

Nine (9) light posts are indicated on the plan. Per **TMC§1107.1908 – Lighting**, Lights and light fixtures used to illuminate the area must be selected and arranged to direct and reflect the light away from any adjacent residential property and public right of way. As previously stated, staff encourages the use of arborvitae to reduce visible lighting on neighboring residential properties.

Neighborhood Meeting

The applicant was requested to conduct a neighborhood meeting prior to the Plan Commission hearing for the Special Use Permit. Two meetings were hosted: June 3rd and June 7th of 2021 at Jed's Bancroft.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan designates the site as Neighborhood Commercial land use, which is intended contain the sprawl of strip commercial development along major streets in neighborhoods by limiting the commercial uses to within 650 feet in both directions of major commercial intersections. The Plan also recommends that neighborhood commercial nodes be the focus of future retail and commercial development and that intrusion into neighborhoods not be permitted at other points. The proposed location conforms to the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-4003-21, a Special Use Permit for Community Recreation-active at 2007 N. Holland-Sylvania Rd, to Toledo City Council for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706.A); and
2. The proposed use will not have any adverse land or environmental impacts. (TMC§1111.0706.C Review & Decision-Making Criteria).

Plan Commission further recommends approval subject to the following **twenty-nine (29) conditions**:

The following 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. 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: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 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/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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

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.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. For final stormwater approval, a plan for pollution prevention for the construction phase must be submitted and approved, including the responsible parties form (TMACOG form). Post-construction stormwater planning is not needed because the existing stormwater pond at the rear of the property was built to accommodate a greater amount of site development than this proposal.
7. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

Sewer and Drainage Services (S&DS)

8. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
9. 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 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.

Environmental Services

10. 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.
11. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
12. Construction BMPs shall be in place prior to the start of construction activities.
13. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.

PLAN COMMISSION RECOMMENDATION (cont'd)

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.
http://ohiodnr.gov/portals/0/pdfs/invasives/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.

Transportation

18. Bicycle parking required per TMC 1107.

Plan Commission

19. To ensure quality of life of the abutting residential neighborhood, the site shall adhere to the regulations defined in TMC§507.14 – *Fixed Source Noise Levels*. **Sound amplifying equipment shall not be used after 9:00 pm and before 8:00 am the following day.**
20. To ensure quality of life of the abutting residential neighborhood the site shall be required to **turn off exterior lights illuminating volleyball courts after 10:00 pm and before 8:00 am.**
21. An alternative parking plan shall be submitted to the Director to indicate expected parking demand.
22. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
23. 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. **Acceptable as depicted on site plan.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

24. 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)). **Acceptable as depicted on site plan.**
25. Per TMC§1107.0900, nine (9) bicycle parking spaces are required. **Shall be shown on a revised site plan.**
26. 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. Per TMC§1108.0203, a Type A landscape buffer shall be provided on the western portions of the site with four (4) canopy trees and twenty (20) shrubs every 100 linear feet. **Existing landscaping is acceptable;**
 - b. 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. **Existing landscaping is acceptable;**
 - 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. **Not acceptable as submitted;**
 - e. Dumpster location(s) shall have a concrete pad surrounded by a screening in the form of a minimum six (6) foot tall combination of evergreen plantings, fences, or wall structures per TMC §1108.0400B. Dumpsters shall not be located in any required setback. **Acceptable as submitted;**
 - f. Per TMC§1108.0202 an extensively landscaped frontage greenbelt shall be provided along N. Holland-Sylvania Road containing at least four (4) trees. **Not acceptable as submitted;**
 - g. The location, height and materials for any fencing to be installed and maintained. **Not acceptable as submitted, revised site plan shall indicate fencing material and height;** and,

TO: President Cherry and Members of Council
July 14, 2021
Page 9


REF: SUP-4003-21

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties). **Not acceptable as submitted. Direction of light shall be indicated.**
27. The Special Use Permit shall be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code one (1) year after approval. **If outstanding issues are found and not addressed the Parking lot landscaping must be installed within one (1) year of approval.**
28. 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.
29. 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.

Respectfully Submitted,


Thomas C. Gibbons
Secretary

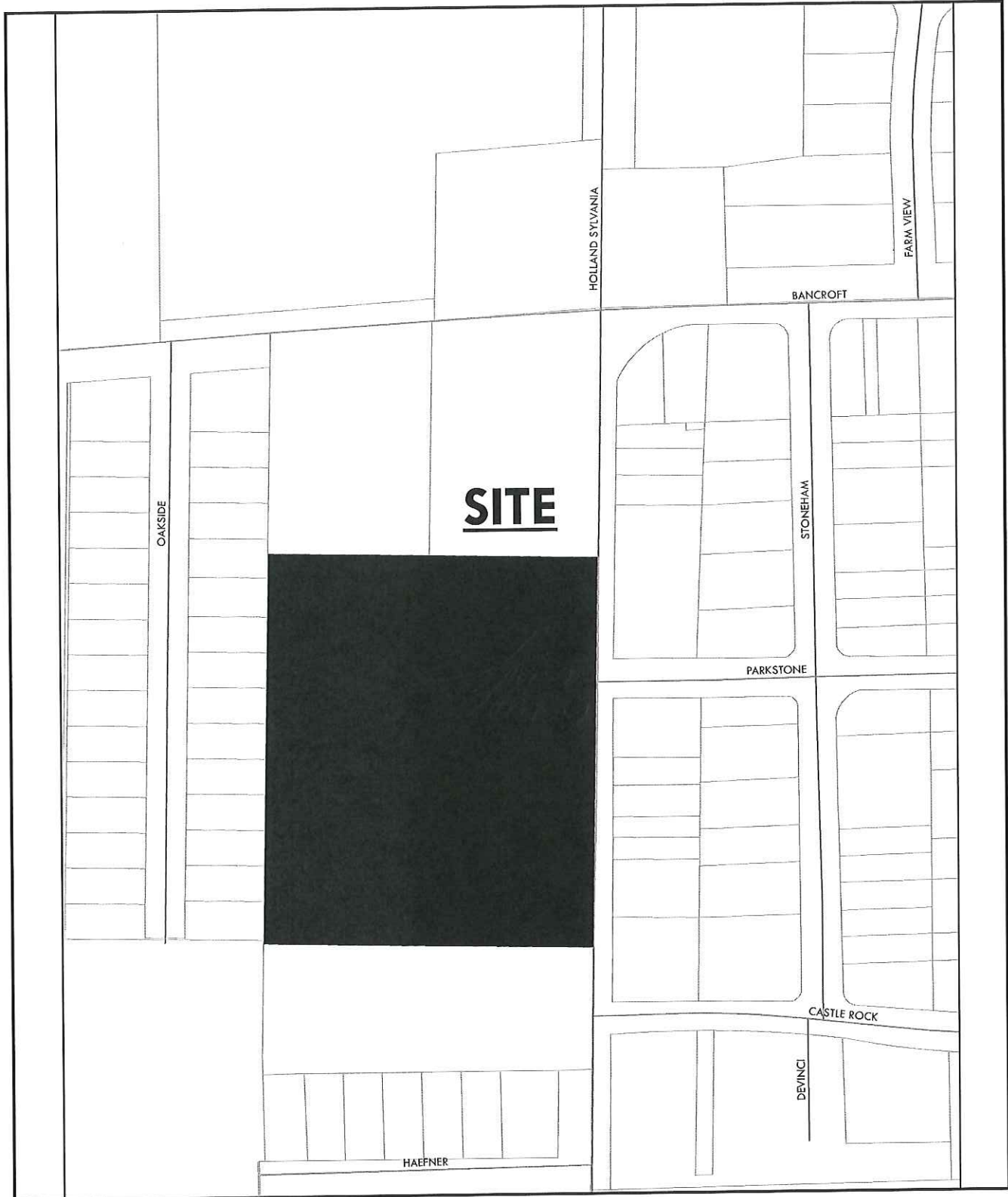
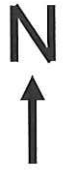
JGL

Three (3) sketches follow

Cc: Ali A. Nour Gressley, Kaplin & Parker, LLP Suite 1645 One SeaGate Toledo, OH 43604-1584
Jamie Deen 2007 N. Holland-Sylvania Toledo, OH 43615
Timothy J O'Brien 3161 N. Republic Blvd. Toledo, OH 43615
Lisa Cottrell, Administrator
Jonny Latsko, Planner

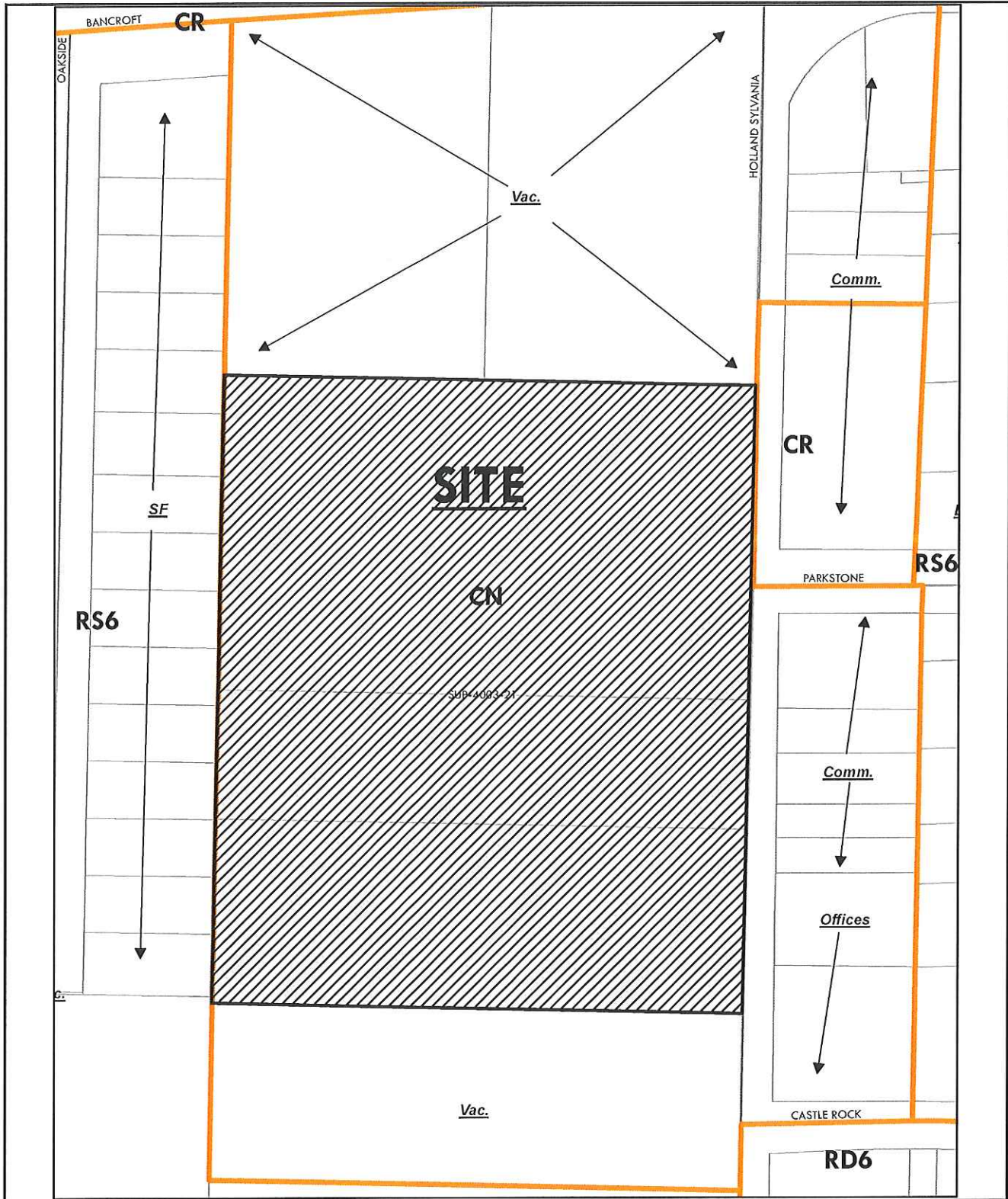
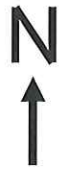
General Location

SUP-4003-21



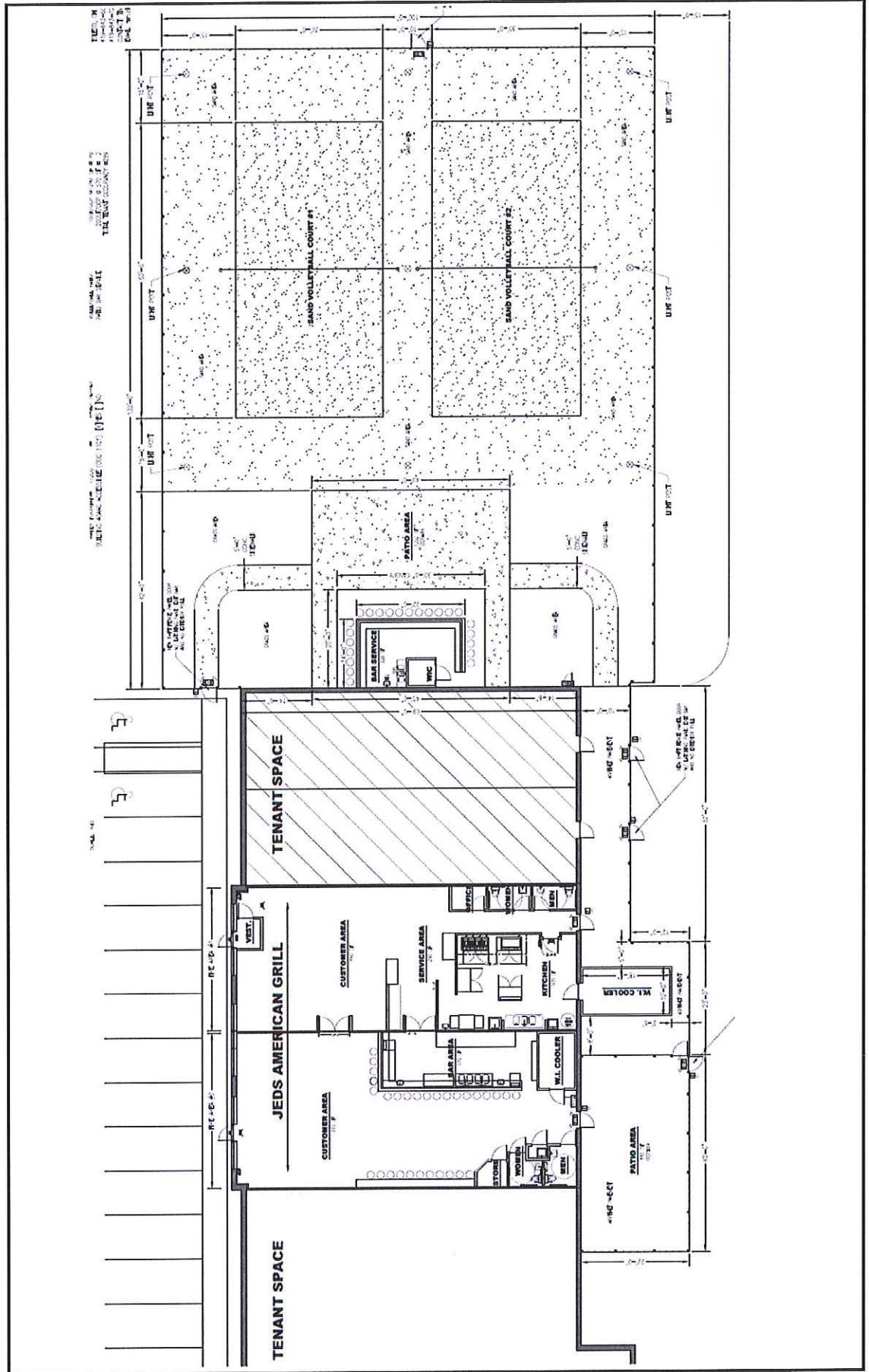
Zoning & Land Use

SUP-4003-21



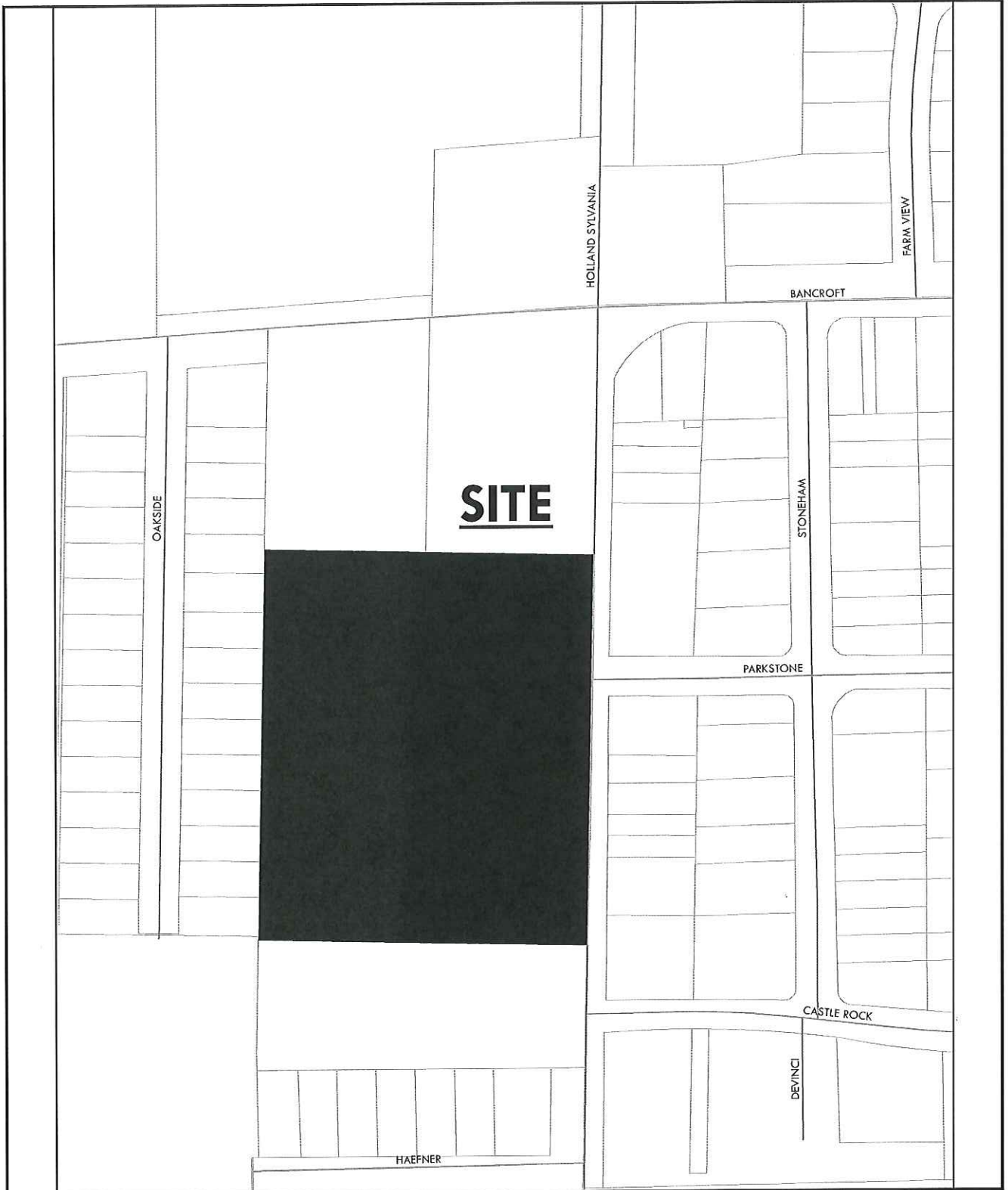
SITE PLAN

SUP-4003-21



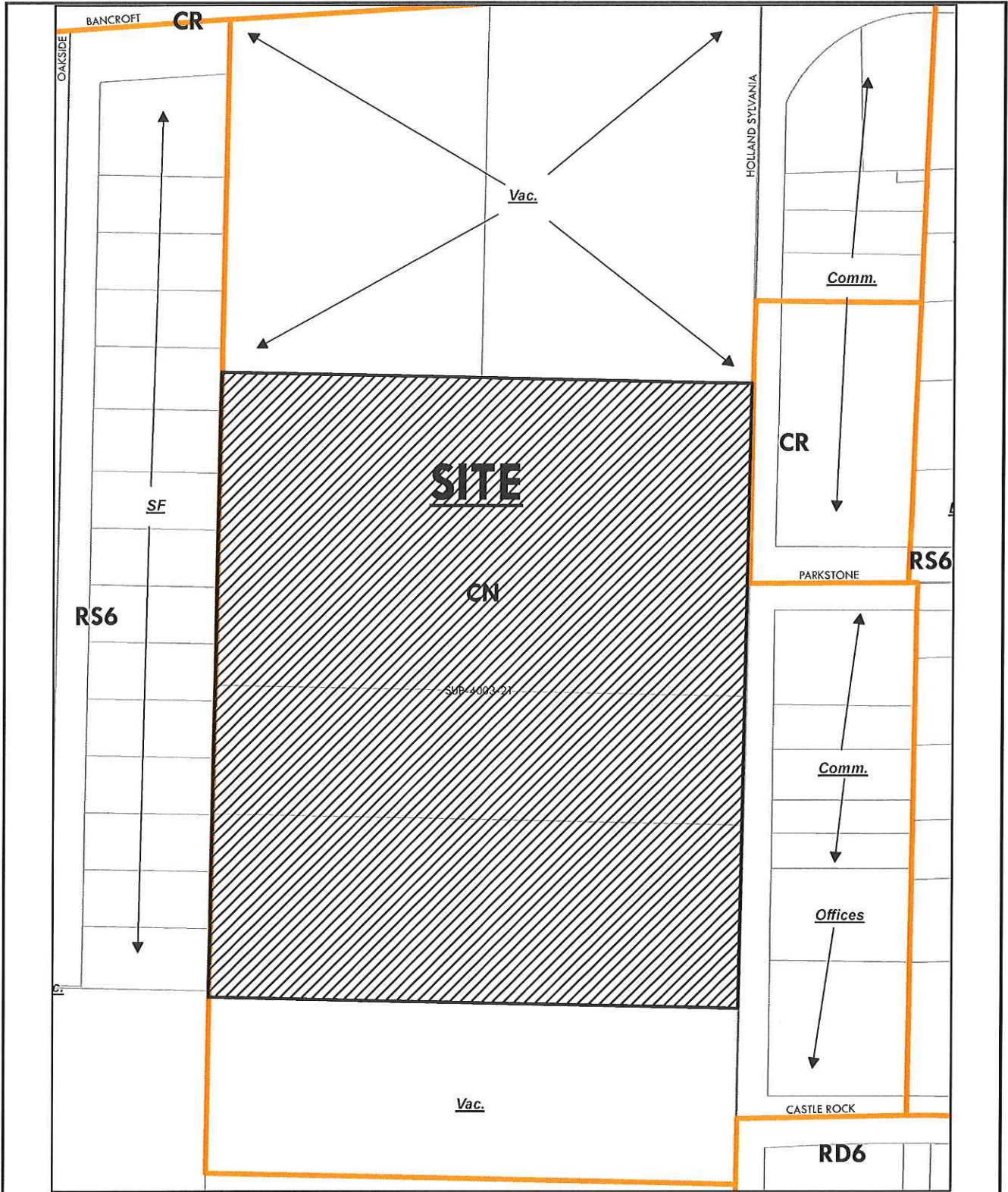
General Location

SUP-4003-21



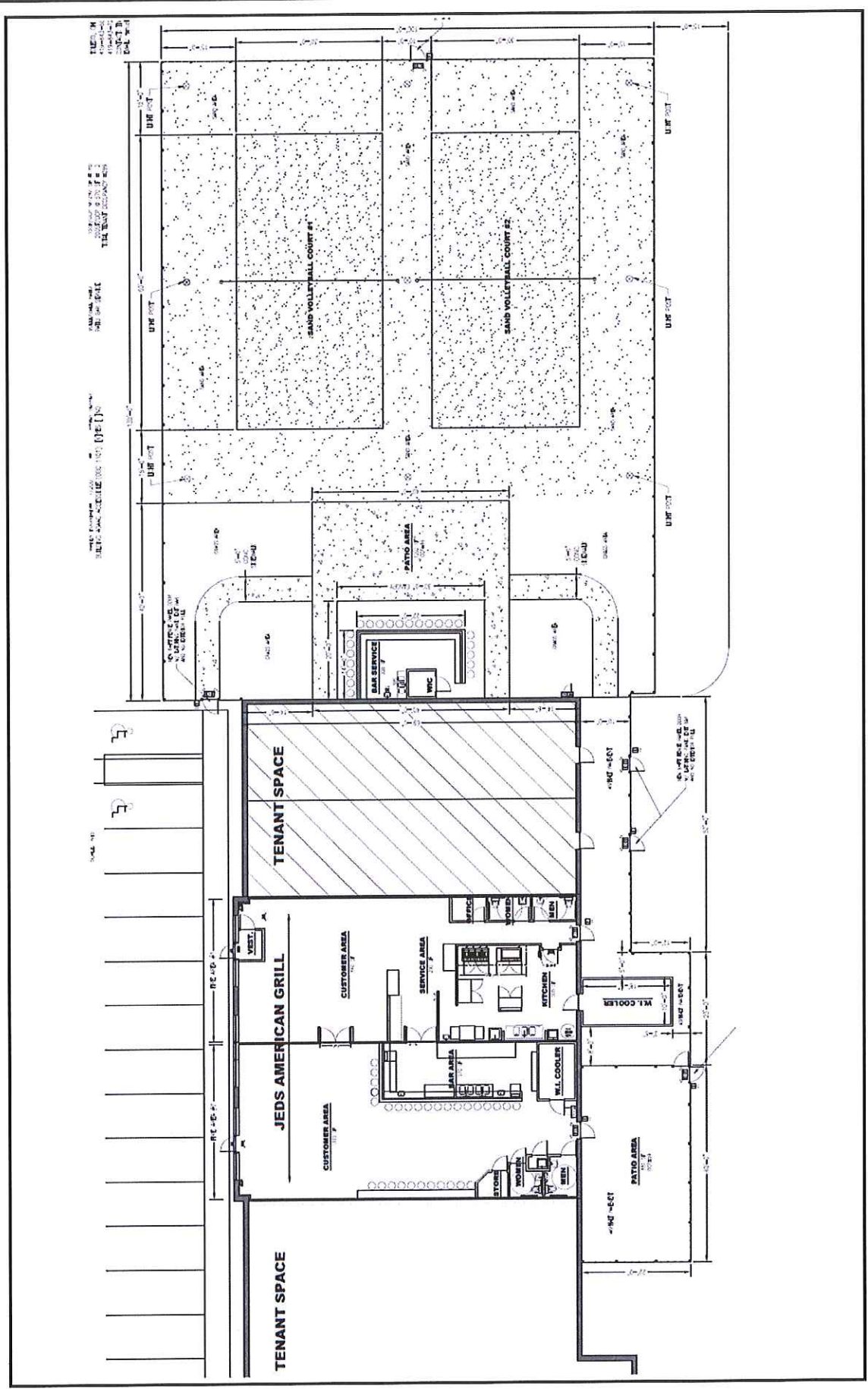
Zoning & Land Use

SUP-4003-21



SITE PLAN

SUP-4003-21



Latsko, Jonathan

From: Cottrell, Lisa
Sent: Wednesday, May 12, 2021 8:25 AM
To: Latsko, Jonathan
Cc: Gibbons, Thomas
Subject: FW: This is for the JED's from a Council member and the constituent wanted to be anonymous.

Fyi – please print and place in file

From: Gibbons, Julie <Julie.Gibbons@toledo.oh.gov>
Sent: Wednesday, May 12, 2021 8:24 AM
To: Cottrell, Lisa <Lisa.Cottrell@toledo.oh.gov>
Subject: This is for the JED's from a Council member and the constituent wanted to be anonymous.

Thank you for stopping at my house last Thursday, May 6th. It was a pleasure to meet you, and the reason for stopping is an issue which has been very heavy on my mind.

1. In March of 2020, Jedi's installed fencing behind their building, which is also the back of our houses, which caused several problems. The back of all our houses are living quarters...living rooms, bedrooms etc.
2. There were a lot of problems noise and loud music, also an old white pick-up would drive there, leave the truck running with very loud music for lone periods of time...the vibrations of this music could not only be heard, but felt on the ground of our yards, which also really disturbed my dogs.
3. Now they want two outdoor lighted vollyball courts, open till midnight on a daily basis, and with an outdoor bar...Jed,s also has an outdoor speaker system, which also also caused more problems.
4. this will definitely affect my privacy as it is directly behind my house. This takes away all peaceful living in my home... using my outdoor patio, having to keep the back of my home closed up due to the noise, I retire early at night...how will this be possible with an open bar, the lighting and noise?
5. Also I recently talked with someone who knew of Jed's when they were on Holland- Sylvania & Angola Rd.... there were a lot of problems there, residential homes were broken into...the person who told me this... it was a best friend of his whose house was also broken into.
6. I totally object to this project, due to affect it will have on my peaceful and personal life! This will definitely make it much worse than it has been.

Julie A. Gibbons, Esq
Assistant Clerk of Council
One Government Center Suite 2140
Toledo, Ohio 43604
419-936-3644
Julie.Gibbons@toledo.oh.gov

Latsko, Jonathan

From: Rebekah Burchfield <rebekahburchfield@yahoo.com>
Sent: Wednesday, June 9, 2021 7:56 PM
To: Latsko, Jonathan; Jeremy Hartle
Subject: Lucas County Plan Commission Agenda 6/10 - Neighbor Support for SUP-4003-21

I am writing in support of the Special Use Permit SUP-4003-21 for Community Recreation at 2007 N. Holland-Sylvania Rd. My husband and I live in the neighborhood across the street from this business location, and we believe that the expansion of Jed's into the vacant lot will be a boon to the neighborhood's economy and is a step in the right direction for the area. We believe that Jed's has tremendous potential as an anchor business at this intersection, and we are happy to see a local business taking on such a large section of land to grow. This is just the kind of business that we'd love to support and see thrive in our area.

We urge you to approve the permit and allow for the expansion of Jed's.

Thank you for your consideration,

Rebekah Burchfield and Will Malone
2118 Stoneham Road

Latsko, Jonathan

From: Amber Brouwer <amberbrouwer1@gmail.com>
Sent: Thursday, June 10, 2021 9:15 AM
To: Latsko, Jonathan; Cottrell, Lisa
Cc: Gibbons, Julie
Subject: Jed's Proposal

To Whom it May Concern,

My name is Amber Brouwer and I reside at 2032 Oakside Rd. which backs directly up to Jed's and the proposed site for the outdoor volleyball court and bar. I write today to express my extreme concern about the proposal.

We chose this location to build our home back in 2017. We chose this property for several reasons but the two most important to us were the water in our backyard that's wonderful for teaching our young son to fish and how quiet this neighborhood is. There's a total of 30 homes in our subdivision and we communicate regularly with 90% of the residents here all of which share these same concerns.

In the homes directly facing this proposal site, lives our family, with a small 4 year old child and my husband who is a Army Combat Veteran with severe PTSD. The water in our yard, the fishing and the calmness of this neighborhood provides him with a huge sense of calmness and security. Loud music and strangers in our backyard would cause him great upset and disruption to his mental health. Our neighbor is a doctor, specifically a surgeon who works ALL hours of the day and has a complex sleep schedule. We also have a manager of Costco that gets up for work at 2:30am to be at work by 4am. We have a family that just had a newborn less than 4 weeks ago. We have elderly couples in poor health. We have families with multiple small children. NONE of these households should have to live with the noise, music or chaos that a volleyball court and bar would bring.

Our children run through the sprinklers in our backyards that are literal yards from this proposed site. Would you feel comfortable with strangers being able to watch your children play?

Just two days ago, two men were fishing on the other side of the pond, feet from the proposed site. We were in our backyard with our son kicking the soccer ball around and we could hear the men's entire conversation filled with profanity, sexual talk and using marijuana and cigarettes. We heard every word of every song they were playing on their cell phones. We smelled the smoke from the marijuana through our sliding door causing us to close up our home and turn on our air conditioning. Can you imagine this happening to you?

My point to this is that we will most definitely hear every laugh, scream, swear word and music that would undoubtedly occur daily with an outdoor volleyball court and bar in our backyard. We shouldn't be exiled from our own yards to accommodate a beach volleyball court.

You are more than welcome to come to my home to see and hear exactly what I described above. We shouldn't have to take our children inside to avoid hearing profanity and curse words in the music being played.

It simply isn't fair. Having such a thing in our literal backyards would cause so much disruption and disorder in an otherwise quiet and peaceful neighborhood.

There are wonderful people living here that would have to sacrifice so much solely in the interest of business. And money.

We are requesting that this request be respectfully denied. We shouldn't be forced to be subjected to this type of activity happening in our backyard. We have families, small children, occupations that allow for alternative sleep schedules and this would vastly change our quality of life in the very worst way.

Again, you are welcome to come to my home at any time, stand in my yard, and simply listen. I can assume that most of you reading this letter are parents and I beg you to imagine this being YOUR home and someone telling you a volleyball court and bar are being built in YOUR backyard. It's unsettling. It's dangerous. It's absolutely an attack on our quality of life.

Due to lack of child care, I am unable to attend today's meeting but I request that this letter be read aloud to all it may concern and to have it be part of the official record.

Thank you for your time and I invite you to contact me if you have any additional questions or concerns.

Signed a very concerned resident and parent,

Amber Brouwer
2032 Oakeside Rd.
734.672.4282