

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: April 11, 2025

REF: SUP24-0010

TO: President Carrie Hartman and Members of Council, City of Toledo

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

SUBJECT: Special Use Permit for Stand-Alone Solar Array at 0 Dura Avenue

The Toledo City Plan Commission considered the above-referenced request at its meeting on April 10, 2025 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for stand-alone solar array
Location	-	0 Dura Avenue
Applicant / Developer	-	Project Beacon, LLC 5100 W. Central Avenue Toledo, OH 43615
Engineer	-	Verdantas 219 S. Erie Street Toledo, OH 43604

#### Site Description

Zoning	-	IG / General Industrial
Dura Area	-	± 79.7 acres
Dura Frontage	-	± 1,525' along Dura Avenue
Tyler Area	-	± 37.0 acres
Tyler Frontage	-	± 10.0' along Creekside Avenue
Existing Use	-	Decommissioned landfill
Proposed Use	-	Stand-alone solar array facility

**GENERAL INFORMATION (cont'd)**

Area Description

- |                   |   |  |
|-------------------|---|--|
| North             | - | Dura Avenue, warehouses, trucking companies, machine shop, truck repair, uniform rental and manufacturing / IG |
| South             | - | I-75 and single-family homes / IG & RS6  |
| East              | - | Ottawa River, City of Toledo Facility and Fleet Operations, manufacturing and auto staging / IG                |
| West              | - | Truck repair, tire sales, single-family homes, distribution, and concrete contractor / IG, IL & RS6            |
| Between the sites | - | Ready-mix concrete supplier and City of Toledo Sewer & Drainage Services / IG                                  |

Parcel History

- |           |   |  |
|-----------|---|--|
| Z-261-50  | - | Zone Change from B-Residential to E-Heavy Industrial (PC rec. disapproval of E and rec. approval of D-Light Industrial 10/5/1950).   |
| Z-333-50  | - | Zone Change from B-Residential to D-Light Industrial (PC rec. approval 12/18/1950; CC disapproved 12/27/1950, Ord. FAILED).  |
| Z-9-67    | - | Study Review on possible sites on Dura Avenue and Matzinger Road for a Special Use Permit for construction of incineration plant (PC rec. approval of Matzinger Road Site 2/23/1967; CC disapproved all sites 3/23/1967, Ord. FAILED). |
| BZA-91-76 | - | Approval of salvage storage yard.  |
| M-1-99    | - | Special Study Review of proposed construction and demolition debris disposal landfill. (PC approved 3/25/1999).  |
| M-3-99    | - | License renewal for construction and demolition debris disposal landfill. (PC approved 12/7/2000).   |
| Z-8002-15 | - | Zone Change from IL and RS6 to CR and IG (PC rec. approval 10/8/2015; CC approved 11/25/2015 via Ord. 557-15).   |

**GENERAL INFORMATION (cont'd)**

Parcel History (cont'd)

- |          |   |   |
|----------|---|---|
| V-508-20 | - | Vacation of all Rights of Way bounded by Gridley Road and Garbage Plant Road up to the point where they intersect with Creekside Avenue, all located within the 1st and 2nd shares of Bishop Farms (PC rec. approval 11/4/2021; CC approved 3/1/2022 via Ord. 81-22). |
| S-18-21  | - | Preliminary Drawing review of the Creekside Subdivision (PC approved 11/4/2021).  |
| S-2-22   | - | Final Plat of the J. Thomas Subdivision (PC approved 1/13/2022; Plat recorded 1/26/2022).   |

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan
- Toledo Vacant Industrial Land Use Report

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit for a solar energy facility at 0 Dura Avenue. The area to be developed for the solar energy facility consists of two sites totaling  $\pm 116$  acres. The subject property was once known as the Dura and Tyler Landfills. Surrounding land uses include trucking, truck repair, warehouses, and a uniform rental company to the north across Dura Avenue; the Ottawa River, manufacturing, auto staging and city facility to the east; truck repair, tire sales, distribution facility, and single-family homes to the west; and I-75 to the south. A Special Use Permit is required for a solar energy facility per TMC§1105.0804. In addition as a condition of the Preliminary Drawing Review for the Creekside Subdivision in Plan Case S-18-21, a Special Use Permit is required to be approved by the Plan Commission and City Council prior to development of the solar energy facility.

The solar energy facility is anticipated to produce  $\pm 18.6$  megawatt alternative current (MW<sub>AC</sub>) that will be transmitted via an overhead line to a local buyer. The solar arrays will be constructed of pre-cast concrete ballast foundations resting on an aggregate base on top of the existing landfill cap. All cabling will be within the solar panel racking or in cable trays that are above or on ground. The foundations and other ancillary features will not penetrate the landfill cap. The solar arrays will be mounted on a fixed tilt rack with a maximum height of twelve feet (12').

## **STAFF ANALYSIS (cont'd)**

### Circulation

The site plan depicts access roads throughout the site. Per TMC§1107.1906 - Surfacing and Drainage, 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. Since the site plan indicates that there will not be any disturbance to the landfill cap system, it is assumed that the access road will not be surfaced with concrete or asphalt. As such, the applicant will need to secure a waiver from this requirement.

### Landscaping

Sites over five (5) acres are required to provide a thirty-foot (30') frontage greenbelt along the right-of-way per TMC§1108.0202 - Frontage Greenbelts. The frontage greenbelt shall include at least one (1) tree for every thirty-foot (30') of lot frontage. The submitted site plan depicts a thirty-foot (30') wide frontage greenbelt along Dura Avenue; however, a landscape plan has not been submitted that illustrates the required fifty (50) trees. Staff acknowledges that the site is intended for solar energy generation and trees can interfere with this. The applicant will need to secure a waiver from this requirement.

The site plan submitted depicts a seven-foot (7') Bekaert solidlock game fence, with wood posts and steel posts on the corners/ends, surrounding the solar arrays on all sides. This includes the area along Dura Avenue within the thirty-foot (30') front yard. The Engineer for the project has noted that the Applicant is in fact not proposing this type of fence, but is instead proposing a seven-foot (7') high chain link fence with barbed wire as currently exists along Dura Avenue. Per TMC§1105.0302(1), fences may not exceed 3½ feet in the front yard for all Industrial zoning districts. In addition per TMC§1105.0303, the use of barbed wire, razor wire, concertina wire, and electric fences are only permitted in Industrial districts and then only in the side and rear yards when not within 50 feet of a Residential district. Barbed wire, razor wire, concertina wire, and electric fences are also not permitted in the front yard or anywhere along a street right-of-way. The applicant shall secure a waiver to the applicable code sections to allow for the proposed fence height and type in the required front yard along Dura Avenue. Additionally as a condition of approval, the site plan shall be revised to reflect the correct type of fence material proposed.

### Forward Toledo Comprehensive Land Use Plan and Toledo Vacant Industrial Land Use Report

The Forward Toledo Comprehensive Land Use Plan designates the site for High Impact Industrial uses. The High-Impact Industrial Land Use designation is intended to maintain and, where appropriate, expand large-scale industrial operations. This designation delineates space in the city for industries that may cause negative impacts when located near other non-industrial users. The 2005 City of Toledo Vacant Industrial Land Use Report identifies the site as being in the Stickney South Study Area. The Report recommends that the Industrial Zoning classification be retained for all vacant parcels in this area due to the potential of using the property to support expansion of the Chrysler Assembly Plant. While the property will not be used for the expansion

### **STAFF ANALYSIS (cont'd)**

of the Chrysler Assembly Plant or a high-impact industrial operation, the proposed solar energy facility is an appropriate use for the site as it is a decommissioned landfill site that has been capped. The proposed solar energy facility is not anticipated to disturb the landfill cap system. Additionally, the solar energy facility is consistent with the Forward Toledo Plan in that it reduces impacts on the environment by providing an alternative energy source for a local energy user.

Staff is supportive of the proposed development as it meets the stated purpose of the Zoning Code, it is consistent with the Forward Toledo Plan, and it will not have any adverse land or environmental impacts.

### **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP25-0010, a request for a Special Use Permit for a stand-alone solar array at 0 Dura Avenue, to Toledo City Council for the following **three (3) reasons**:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)).
2. The proposed use will not have any adverse land or environmental impacts (TMC§1111.0706(F)); and
3. The proposed use is consistent with the Forward Toledo Comprehensive Land Use Plan by providing a local alternative energy source.

The Toledo City Plan Commission makes the following recommendations to the Toledo City Council on the waivers requested for SUP25-0010, a Special Use Permit for a stand-alone solar array at 0 Dura Avenue:

#### **Chapter 1107 Parking, Loading, and Access**

##### **Section 1107.1906 Surfacing and Drainage**

Approve a waiver so that the proposed access roads for the solar energy facility do not have to be surfaced with concrete, asphalt or other dust-free material. Staff is in support of the waiver as the access roads will have minimal use once the facility is constructed.

#### **Chapter 1108 Landscaping and Screening**

##### **Section 1108.0202(B)(1) Frontage Greenbelt**

Approve a waiver to allow landscaping, as approved by the Plan Director, in lieu of the fifty (50) trees required along Dura Avenue. Staff is in support of the waiver as large shade trees may interfere with the collection of solar energy on the site.

## **PLAN COMMISSION RECOMMENDATION (cont'd)**

### **Chapter 1105 Accessory Uses**

#### **Section 1105.0302(A)(1) Commercial and Industrial Districts**

Approve a waiver to allow for a seven-foot (7') high fence in the front yard along Dura Avenue. Staff is in support of this waiver due to the nature of the proposed use and the need for site safety and security. Additionally, the adjacent property and the property along the north side of Dura Avenue is zoned and used for industrial purposes.

#### **Section 1105.0303 Barbed Wire & Electric Fences Prohibited**

Approve a waiver to allow for a chain link fence with barbed wire in the front yard along Dura Avenue. Staff is in support of this waiver due to the nature of the proposed use and the need for site safety and security. Additionally, the adjacent property and the property along the north side of Dura Avenue is zoned and used for industrial purposes.

The Toledo City Plan Commission further recommends approval of SUP24-0010, a request for a Special Use Permit for a stand-alone solar array at 0 Dura Avenue, to Toledo City Council subject to the approval of the following **thirty (30) 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.

#### **Division of Engineering Services**

1. If there will be any **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way they shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
2. If there will be any **proposed** commercial drive approaches, (along with the sidewalk through the drive) they shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications.
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.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

5. A SWP3 submittal is required; note 8 on each sheet of the proposed site plan is insufficient to meet the requirement, since a 513 permit for one of the landfills is the only document that calls out surface water management, and the requirements of the 513 are not known to be to the standards of the Ohio Construction General Permit. Toledo requires a SWP3 for projects over 2,500 square feet of construction activity. Placement of the fill (ballast) would constitute a construction activity. The total disturbance of the project would not just be the footprint of the ballasts however and would also include the remainder of the area that will be disturbed by construction activities, including construction traffic. If any of the site is to experience heavy construction traffic from equipment and will disturb the earth, that would need to be accounted for in the calculation of the total disturbed area. The entire project including the electrical transmission work offsite will need tallied, and if greater than an acre, an NOI will also be need to be submitted and authorized by OEPA.
6. The new electrical transmission crossing(s) of the Ottawa River must follow TMC 1110 (Flood Control Regulations), and State and Federal Clean Water Act regulations for construction in and near surface water, upon which Toledo's stormwater approval of this project is dependent. 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 written 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.
7. Provide 60 ft wide clear space above the 36" storm and 42" sanitary sewers.

Fire Prevention Bureau

8. OFC 503.6 Security gates shall have an approved means of emergency operations.
9. OFC 506.1 Key box(s) for access to buildings and areas restricted by fences, gates, etc....
10. OFC 503.1 Fire apparatus roads shall be provided and maintained.
11. OFC 503.2.8 Fire apparatus access into and through the entire facility shall comply with all requirements for angles of approach and departure, turning radius's, dead end turn arounds.
12. OFC 503.2.1 Fire apparatus access roads shall have an unobstructed width of not less than 20' and ab unobstructed vertical clearance of not less than 13'6".

**PLAN COMMISSION RECOMMENDATION (cont'd)**  
**Fire Prevention Bureau (cont'd)**

13. OFC 503.2.3 Fire apparatus access roads shall be designed and maintained to support imposed loads of fire apparatus and shall be surfaced to support all-weather driving capabilities.
14. OFC 605.11.2 A clear brush free area of 10' shall be maintained around the array(s).
15. A means of disconnecting shall be provided per the 2023 NEC.

**Division of Environmental Services**

16. 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. (this comment specific for sites above 2,500 square feet)
17. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs, including NOI for coverage under the Construction Stormwater General Permit (OHC00006).
18. 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.
19. 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).
20. 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.



**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission

21. The applicant shall maintain the solar energy facility and all appurtenances in good and working condition for the life of the facility.
22. The applicant shall adequately decommission the solar energy facility when it is abandoned or no longer in service. This includes but is not limited to closing the facility, removing the equipment and restoring the property to its predevelopment condition.
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. **Not acceptable as submitted.** Applicant shall obtain a waiver to TMC§1107.1906, so that the internal access roads do not have to be surfaced with concrete, asphalt or other dust-free material.
24. 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 Dura Avenue and shall include one (1) tree per every thirty-foot (30') of frontage. Fifty (50) trees are required. A landscape plan has not been submitted. **Not acceptable as submitted.** Applicant shall obtain waiver to TMC§1108.0202(B)(1), to allow for landscaping as approved by the Plan Director, in lieu of the fifty (50) trees required along Dura Avenue. In addition, a landscape plan depicting the proposed landscaping shall be submitted.
  - b. Topsoil must be back filled to provide positive drainage of the landscape area; acceptable as submitted.
  - 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, trees, shrubs, and landscape materials shall meet the standards included in TMC§ 1108.0400 Landscape Materials Standards. **Not acceptable as submitted. A Landscape Plan shall be submitted with the required landscaping as approved by the Plan Director.**

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- e. The location, height and materials for any fencing to be installed and maintained. **Not acceptable as submitted.** The applicant shall obtain a waiver to TMC§1105.0302(A)(1) and TMC§1105.0303 for the existing and proposed chain link fence with barbed wire in the required front yard along Dura Avenue. Additionally, the site plan shall be revised to reflect the correct type of fence material proposed.
  - f. Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition per TMC§1108.0406. If a subsurface irrigation system is used, irrigation plans must be submitted with development plans and must contain all construction details. If xeriscaping is used, a xeriscaping plan must be submitted to the Plan Director containing a watering plan during plant establishment (approximately 3 years) and detailed depictions of xeriscaping features and techniques used, including soil type, drainage, topography, and plant cultivars/nativars.
  - g. Lights and light fixtures used to illuminate any parking area must be selected and arranged to direct and reflect the light away from any adjacent residential property and public ways and away from the sky above the light fixture per TMC§1107.1908.
  - h. The location, lighting, and size of any signs.
  - i. Landscaping shall be installed and maintained indefinitely.
25. Applicant shall submit proper documentation for all necessary permits to allow development within the floodplain to the Floodplain Administrator within the City of Toledo's Division of Building Inspections as applicable.
26. All proposed signage for the site shall be meet the requirements of TMC§1113.000. A sign permit application shall be submitted and approved for all signage.
27. 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.
28. 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.
29. 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.

TO: President Hartman and Members of Council  
April 10, 2025  
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**PLAN COMMISSION RECOMMENDATION** (cont'd)  
Plan Commission (cont'd)

30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707(A) have not been met.

Respectfully Submitted,



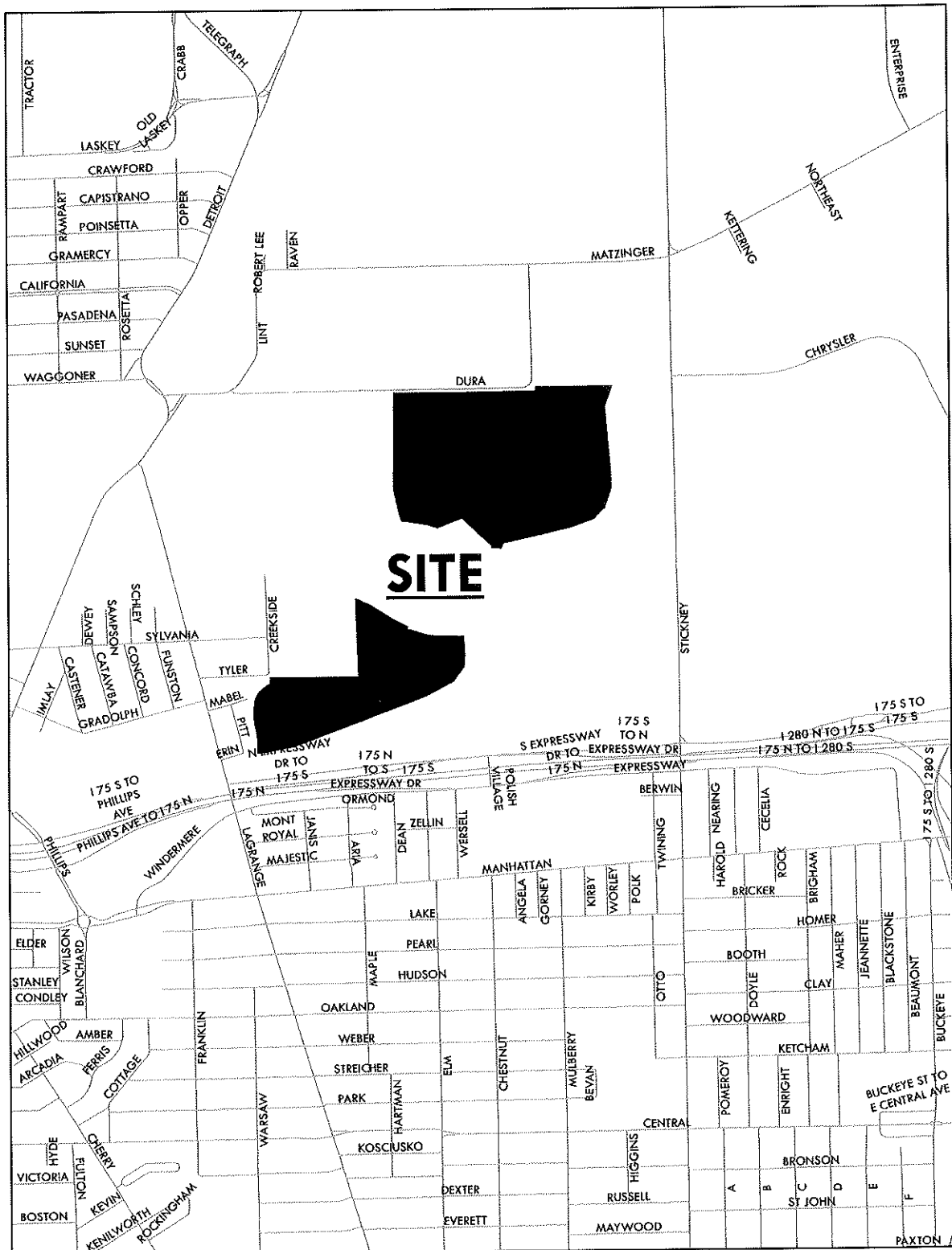
Thomas C. Gibbons  
Secretary

Four (4) sketches follow

cc: Scott Savage, Project Beacon  
Matt Lewandowski, Verdantas  
Lisa Cottrell, Deputy Director  
Lisa Karcher, Planner

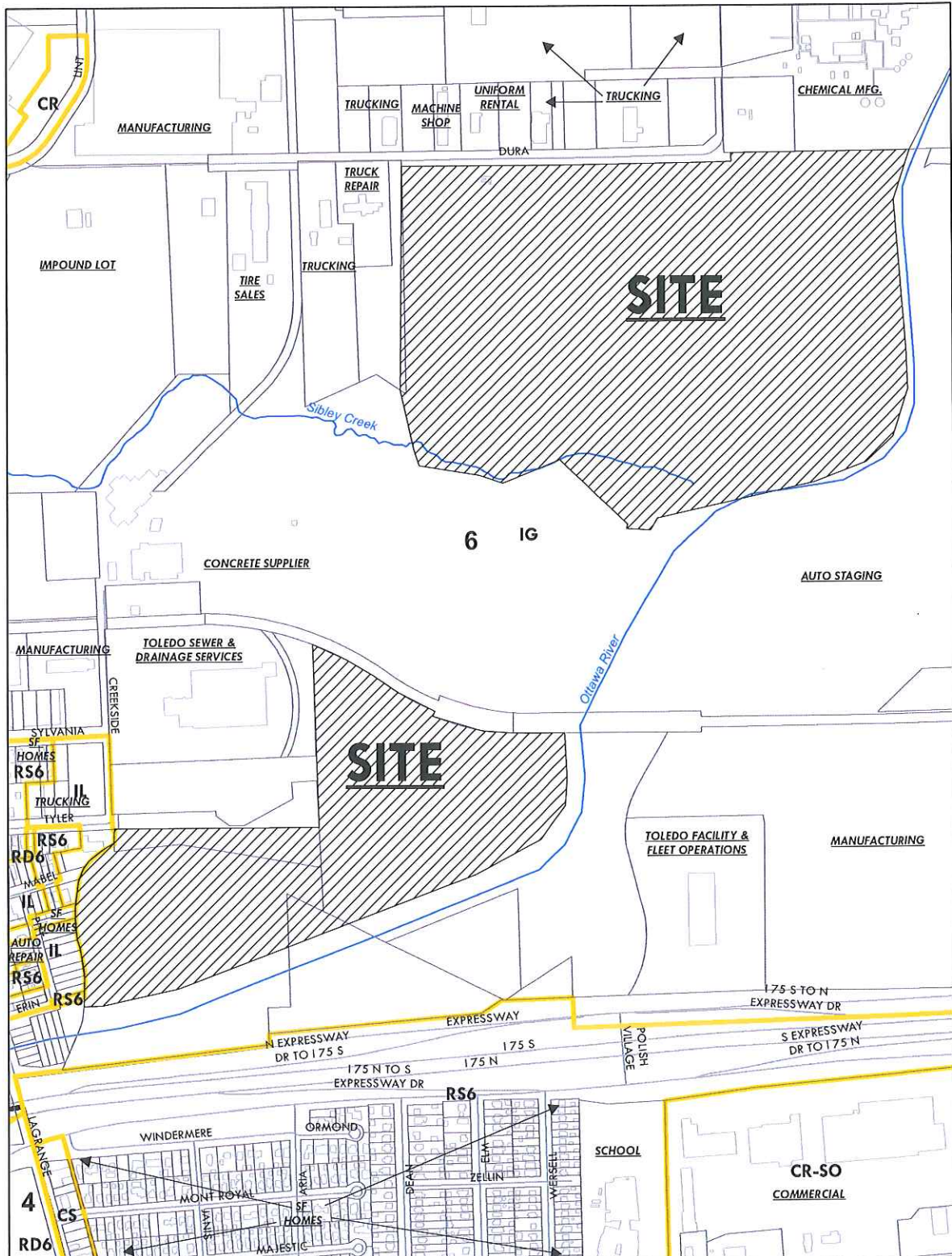
# GENERAL LOCATION

SUP25-0010



# ZONING & LAND USE

SUP25-0010





# SITE PLAN 1

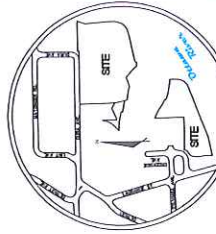
SUP25-0010



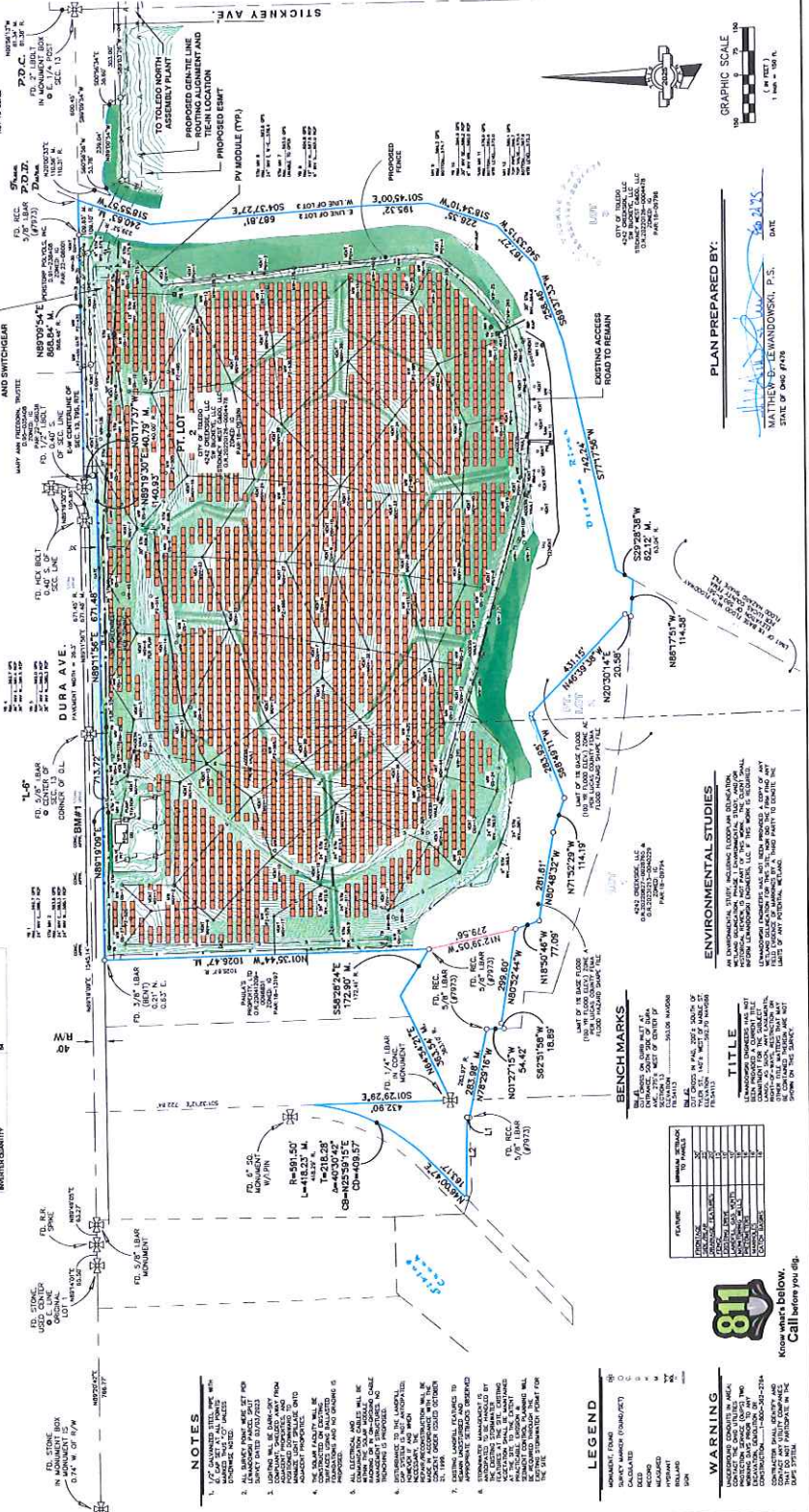
PROJECT : 52832  
CONTRACT : I-19256  
I-19595

PRELIMINARY PROJECT DETAILS	
PROJECT NAME	DUPONT
LOCATION	43.0
INTERCONNECT VOLTAGE	12.47 KV
PHASES	3 PHASES
DC CAPACITY	13.0 MW
AC CAPACITY (GROSS OUTPUT)	13.0 MW
STRUCTURE	180 DEGREES
ADDITION	180 DEGREES
MODULE	180 DEGREES
MODULE CAPACITY	14.0 MW
INVERTER CAPACITY	14.0 MW
INVERTER QUANTITY	14

**NOTICE**  
THE LOCATION OF SOLAR MODULES AND OTHER SOLAR ELECTRIC GENERATING FACILITY ARRANGEMENTS, INCLUDING THE FINAL LAYOUT, SHALL BE DETERMINED BY THE PROJECT ENGINEER. ANY LAYOUT CHANGES SHALL BE APPROVED BY THE PROJECT ENGINEER AND SHALL BE RECORDED AS SUCH.



**SITE MAP**  
NOT TO SCALE



FEATURE	AREA (ACRES)
LAND	1.00
WATER	0.00
ROAD	0.00
RAILROAD	0.00
UTILITY	0.00
OTHER	0.00
TOTAL	1.00



## WARNING

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

## LEGEND

SYMBOLS: (various symbols for roads, utilities, etc.)  
 ROAD: (solid line)  
 UTILITY: (dashed line)  
 EASEMENT: (dotted line)  
 RIGHT-OF-WAY: (thick solid line)

## NOTES

1. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
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10. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.

Verdantas  
210 SOUTH BAY STREET  
TOLEDO, OHIO 43606  
TEL: 419.253.0118



PROJECT NO.	52832
CHECKED BY	[Signature]
DATE	02/24/2025
SCALE	1"=150'
SHEET	1 OF 1

CITY OF TOLEDO - LUCAS COUNTY - OHIO  
J. THOMAS PLAT  
PART OF LOT 2  
SPECIAL USE PERMIT



PLAN PREPARED BY:  
[Signature]  
DATE: 02/24/2025

STATE OF OHIO  
J. THOMAS PLAT  
DATE: 02/24/2025



**SUP25-0010**

**N** ←

