REF: SUP-7003-23

DATE: September 14, 2023

GENERAL INFORMATION

<u>Subject</u>

Request - Special Use Permit for Community Recreation-

Active

Location - 3166 Hill Avenue

Applicant + Owner - Aysen Investments LLC

649 W. Front Street Perrysburg, OH 43551

Engineer - Cappelletty Engineering – Construction

6145 Douglas Road Toledo, OH 43613

Site Description

Zoning - IL / Limited Industrial

Area - ± 1.92 acres

Frontage - ± 181 ' along Hill Avenue

Existing Use - Retail

Proposed Use - Community Recreation – Active

Area Description

North - IL / Commercial Warehouses, Vacant Lots

South - IL, IG / Commercial Warehouses, Office Building,

Pepsi Beverages Company

East - IL / Commercial Garages, Retail Shop

West - IL / Retail Shop, Warehouse, Nursing Home

Combined Parcel History

Z-199-67 - Resolution No. 199-67 requesting a special use

permit to construct and maintain a mobile home park located on the north side of Hill Avenue east of

Byrne Road. PC denied 10/19/1967.

Applicable Regulations

• Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code

• Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant, Aysen Investments LLC is requesting a Special Use Permit for a Community Recreation – Active at 3166 Hill Avenue in order for Building Futures to operate a Community Health Center out of the existing building. The ± 1.92 -acre site is Zoned IL Limited Industrial and contains a 12,500 square-foot retail building. To the north of the site are commercial warehouses and vacant lots, to the south of the site are commercial warehouses, an office building and the Pepsi Beverages Company processing plant, to the east are commercial garages and a retail shop, and to the west are warehouses, a retail shop and a nursing home.

A Special Use Permit is required for community recreation – active in IL Limited Industrial Zoning Districts. The community health center will cover 4,475 square feet of the building. The center will provide after-school activities for youth with the help of social workers acting as their case managers and guide them to develop social skills and build character. The health center will operate three (3) hours a day from Monday through Friday. The applicant also intends to use the premises as the administrative office of the center.

Parking and Circulation

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. The submitted site plan shows sixty-three (63) parking spaces of which twenty-eight (28) parking spaces along the building entrance are designated for the community recreation use. The applicant shall be required to submit justification for the twenty-eight parking spaces provided for the use.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least one (1) van accessible space with an eight-foot (8') drive aisle and two (2) car accessible space with five-foot (5') drive aisles for persons with physical disabilities. The site plan shows two (2) accessible parking spaces included in the designated twenty-eight (28) parking spaces for the community recreation use. This is not acceptable as depicted. One additional accessible space shall be provided with an accessible aisle in compliance with TMC§1107.1701 on a revised site plan.

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 site plan does not show any bicycle parking spaces. Six (6) bicycle spaces are required for the community recreation center. This shall be shown on a revised site plan.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

Additionally, TMC§1107.1303 requires sidewalks to be provided along all public streets in commercial districts. A public sidewalk shall be provided along Hill Avenue on a revised site plan. Furthermore, per TMC§1107.1906, Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways shall be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill. The submitted site plan depicts the private driveway servicing the site and the drive aisle in the rear of the site surfaced with gravel. A revised site plan shall be submitted complying to TMC§1107.1906.

Landscaping

The site is existing and per TMC§1114.0502(A) is required to be brought closer into compliance with the 2004 landscape standards. As required under TMC§1108.0202 a fifteen-foot (15') greenbelt is required along Hill Avenue. However, staff recommends a ten-foot (10') buffer as the site is existing and cannot provide a fifteen-foot buffer (15'). At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. Six (6) trees and continuous shrubs are required along Hill Avenue. Applicant has the option to request credit for existing trees under TMC§1108.0407(B)(9). The applicant shall submit a landscaping plan in compliance with TMC§1108.0202.

In addition to that, TMC§1108.0204(B)(9) requires perimeter landscaping to be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line. Not acceptable as depicted. Landscaping shall be provided along parking spaces facing private drive and along the east property line.

Building Design and Materials

There are no changes proposed for the exterior of the building.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Light Industrial land uses. The light industrial land use designation is intended to accommodate uses such as research, wholesale activities, warehouses and industrial/manufacturing operations that are not employment-intensive and are compatible with commercial and residential uses. The proposed community recreation-active conforms to the Toledo 20/20 Comprehensive Plan. Staff recommends approval of the Special Use Permit as the proposed use meets the stated purpose of the Zoning Code and the proposed use is compatible with adjacent land uses.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-7003-23, a Special Use Permit for Community Recreation-Active at 3166 Hill Avenue to the 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 is compatible with adjacent land uses (TMC§1111.0706(B)).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-7003-23, a Special Use Permit for Special Use Permit for Community Recreation-Active at 3166 Hill Avenue, to the Toledo City Council, subject to the following **thirty-five (35)** 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. 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.
 - Contact Joe Warnka at (419)-245-1341 for inspection of above-mentioned items.
- 4. The City of Toledo public water systems does not appear to impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.

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STAFF RECOMMENDATION (cont'd)

Water Distribution

No comments or concerns.

Division of Sewer & Drainage Services

- 5. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
- 6. 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

- 7. 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.
- 8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
- 9. 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.
- 10. 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
- 11. 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.

STAFF RECOMMENDATION (cont'd)

Bureau of Fire Prevention

- 12. The proposed occupancy will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
- 13. Fire Department to receive and review building construction/remodeling/occupancy plans when submitted to the Building Department. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1).
- 14. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2).
- 15. It appears a fire alarm and sprinkler system are in these suites. Key box(s) are required for access to buildings and areas restricted for life saving and firefighting purposes (OFC 506.1).

Division of Transportation

- 16. Bicycle parking is required per TMC 1107.0900.
- 17. Sidewalk is required on Hill Avenue per TMC 1107.1300.
- 18. Two auto and one van accessible parking spaces with 5' loading aisle for auto and 8' loading aisle for van is required per TMC 1107.1701 & 1107.1702.
- 19. Accessible parking sign age is required per TMC 1107 .1704.
- 20. Parking and loading spaces, parking lots, maneuvering areas, drive aisles and driveways must be surfaced with concrete, asphalt, or other dust-free material other than gravel or loose fill per TMC 1107.1906.
- 21. Wheel stops are required at parking spaces abutting property lines, sidewalk, planting strips and buildings per TMC 1107.1907.
- 22. Driveway on Hill Avenue must be 25' wide for two-way traffic per TMC 1107.1911. (If driveway is to be used for one-way traffic, painted ground arrows are required with "Do Not Enter" signage to prevent wrong way traffic flow.)
- 23. If one is not already established, a cross access agreement is required with the adjacent property owner to the west.

STAFF RECOMMENDATION (cont'd)

Plan Commission

- 24. Per TMC§1107.0600 Off-Street Parking Schedule "D", the applicant shall submit an off-street parking study to ensure parking is adequate. Applicant shall provide documentation stating the potential number of attendees, and details of the uses contained within the center.
- 25. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. One (1) van accessible space with an eight-foot (8') drive aisle and two (2) car accessible space with five-foot (5') drive aisles are required. Not acceptable as depicted on submitted site plan. One additional accessible space shall be provided with an accessible aisle in compliance with TMC§1107.1701 on a revised site plan.
- 26. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0300). Minimum number of bicycle parking slots required for a community recreation active is one (1) per ten (10) parking spaces. **Not acceptable as depicted on site plan.** Six bicycle parking spaces shall be shown on a revised site plan.
- 27. 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 treatment facility subject to the regulations and approval of the Department of Public Utilities. Not acceptable as depicted on submitted site plan. Private driveway servicing the site and the drive aisle in the rear of the site shall be shown in compliance with TMC§1107.1906 on a revised site plan.
- 28. 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)). Not acceptable as depicted on site plan. Wheels stops shall be shown on a revised site plan for parking spaces along the west, east, and south property lines.
- 29. TMC§1107.1303 requires sidewalks to be provided along all public streets in commercial districts. A public sidewalk shall be provided along Hill Avenue on a revised site plan.
- 30. 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.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- 31. 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 ten-foot (10') greenbelt of landscaped frontage greenbelt is required along Hill Avenue. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. Six (6) trees and a continuous shrub are required along Hill Avenue. Applicant has the option to request credit for existing trees under TMC§1108.0407(B)(9). Not acceptable as depicted. Applicant shall submit a landscaping plan in compliance with TMC§1108.0202;
 - b. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). Not acceptable as depicted. Landscaping shall be provided along the parking spaces facing the private drive and along the east property line;
 - c. Topsoil must be back filled to provide positive drainage of the landscape areas;
 - 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. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
 - g. The location, height and materials for any fencing to be installed and maintained.

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STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- h. Because the site is greater than ½ acre large, 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:
- i. The location and direction of any proposed **lighting** (any **lighting** is to be directed away from adjacent residential properties).
- 32. 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.
- 33. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 34. 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.
- 35. 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.

SPECIAL USE PERMIT TOLEDO CITY PLAN COMMISSION

REF: SUP-7003-23 DATE: September 14, 2023

TIME: 2:00 P.M.

CITY COUNCIL ZONING AND PLANNING COMMITTEE

DATE: October 18, 2023

TIME: 4:00 P.M.

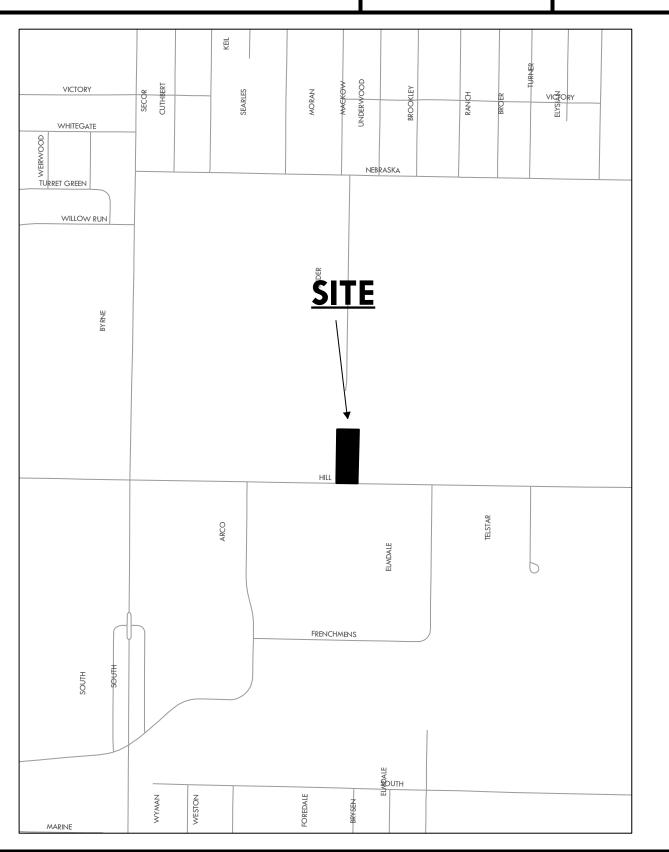
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Four (4) sketches follow

GENERAL LOCATION

SUP-7003-23

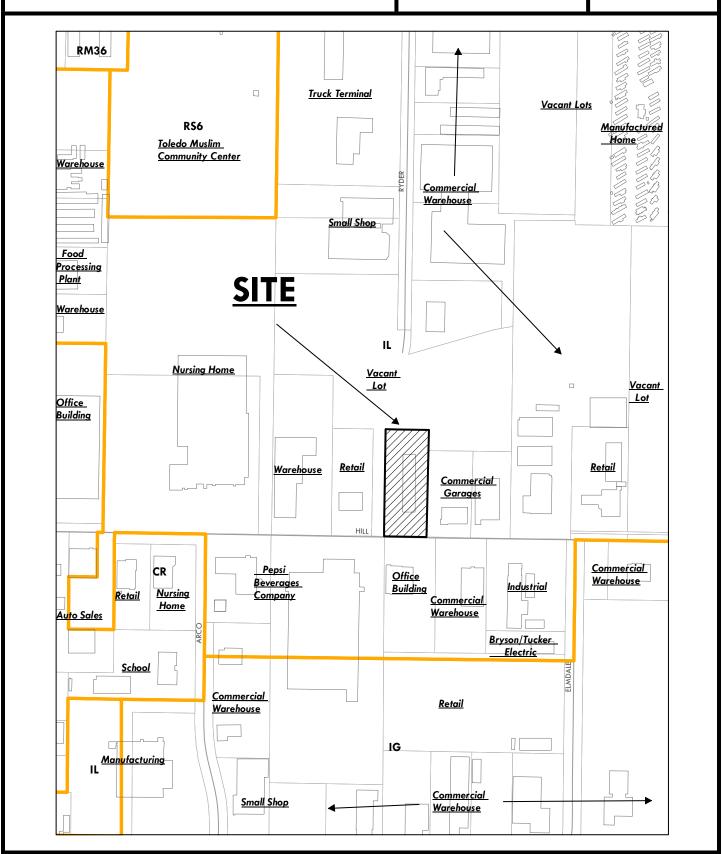




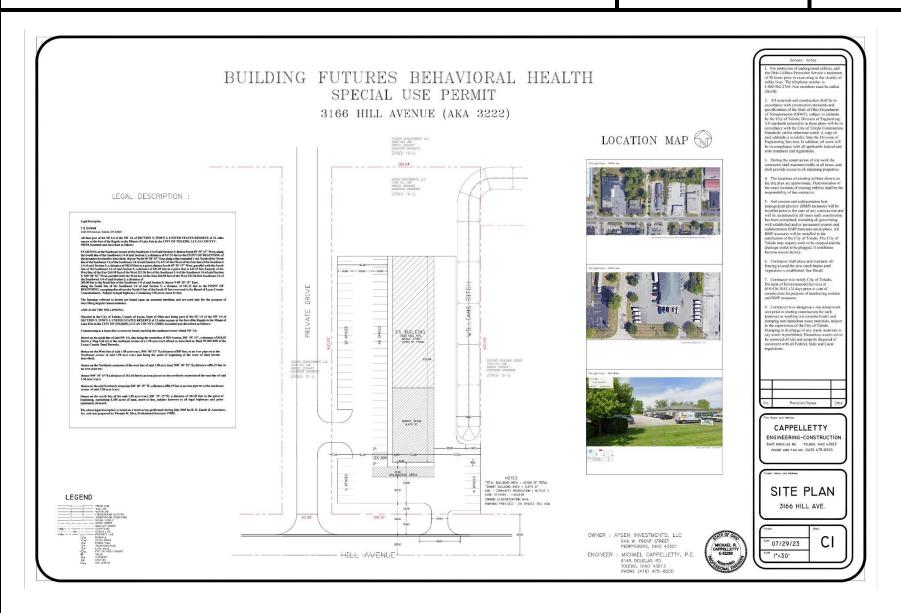
ZONING & LAND USE

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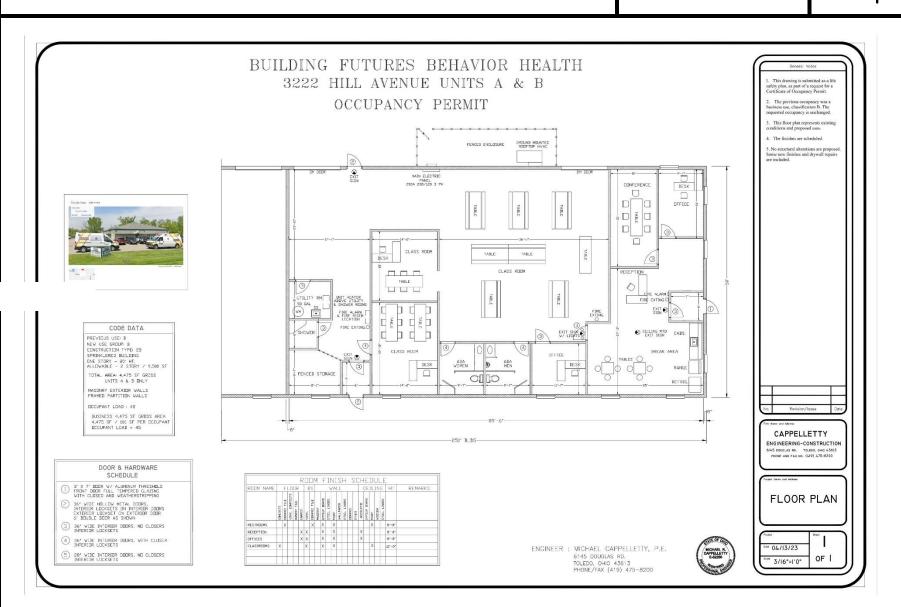




FLOOR PLAN

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