



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604 PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: July 12, 2019
REF: SUP-12004-18

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

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

SUBJECT: Request for a Special Use Permit for Community Recreation – Active

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 11, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Community Recreation - Active
Location	-	4164 Dorr Street
Applicant	-	Village of Ottawa Hills 2125 Richards Road Toledo, OH 43606
Engineer	-	Lewandowski Engineers 234 N. Erie Street Toledo, OH 43604

Site Description

Zoning	-	RS12 / Single Dwelling Residential
Area	-	± 10.203 acres
Frontage	-	± 482' along Dorr Street ± 918' along Richards Road
Existing Use	-	Undeveloped
Proposed Use	-	Athletic fields

Area Description

North	-	Single-family dwellings / RS12
South	-	Single-family dwellings / RS6
East	-	Single-family dwellings / RS12
West	-	Planned Industrial/Business Park / IP

GENERAL INFORMATION (cont'd)

Parcel History

Z-12004-99 - Zone Change from R-B, Single Family to C-2 Restricted Office for ±16.7 acres located on the northeast corner of Richards Road and Dorr Street (PC recommended approval, with conditions, on 2/10/2000, CC approved, with conditions, on 5/23/2000 by Ord. 301-00 and Ord. 511-00).

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for Active Community Recreation for three (3) athletic fields at 4164 Dorr Street. The undeveloped site measures ± 10.203-acres with frontages along Dorr Street and Richards Road. Surrounding land uses include large-lot single-family homes to the north and east, single-family residential and a television station across Dorr Street to the south, and a planned business park to the west across Richards Road.

The applicant is proposing to build three (3) athletic fields, two (2) for soccer and one (1) for lacrosse. A 1,500 square foot building will be the only structure on the site and be used for maintenance, storage of sports equipment, and restrooms. A Special Use Permit is requested for all Active Community Recreation facilities in Residential Districts.

The subject site was part of a larger site approved for a zone change in 2000 to C-2 (now known as CO) Office Commercial District. The approval was contingent upon the conditions that a commercial site plan be reviewed and approved by the Director of the Toledo City Plan Commission, and a commercial plat be approved and recorded. However, the site was never developed, and therefore the site remains RS12 (formerly known as R-B).

STAFF ANALYSIS (cont'd)

Parking and Circulation

Ingress/egress to the site is via one access drive off of Richards Road. The submitted site plan indicates ninety (90) off-street parking spaces. Four (4) of these are reserved for use by persons with physical disabilities. 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 applicant has not provided a parking study or submitted any 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 in a season.**

In addition to the minimum number of required off-street and accessible parking, bicycle parking is also required to be provided on site. Per TMC§1107.0300 – *Off-Street Parking Schedule “A”*, a minimum of one (1) bicycle space shall be provided per ten (10) automobile parking spaces. As a result, the minimum number of bicycle parking is nine (9) spaces. **A revised site plan shall be submitted depicting the required bicycle parking and listed as a condition of approval.**

Landscaping

Per TMC§1108.0202 – *Frontage Greenbelt*, a greenbelt is required along all frontages that abut public right-of-ways. For properties over five (5) acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum of thirty feet (30') wide. The subject site is over ten (10) acres. The frontage greenbelt shall include at least one (1) tree for every thirty feet (30') of lot frontage and shall also include grass and shrub plantings. Thus, the subject site shall have a minimum of seventeen (17) trees installed within the frontage greenbelt along Dorr Street, and a minimum of thirty-one (31) installed within the frontage greenbelt along Richards Road. No landscape buffer is required along the northern and eastern boundaries as they abut other residentially zoned properties (TMC§1108.0203). An existing split-rail fence will remain along the eastern property boundary and along the Dorr Street and Richards Road frontages.

The submitted landscape plan indicates thirteen (13) trees along Dorr Street and thirty-nine (39) trees along Richards Road. Additionally, the landscape plan depicts a solid shrub row within the frontage greenbelt along both frontages consisting of 211 shrubs. Although the landscape plan included an enhanced greenbelt with shrubs, an additional four (4) trees are required along the Dorr Street frontage. **A revised landscape plan shall be submitted indicating full compliance with TMC§1108.0202 for the entire site.**

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

Additionally, pursuant to TMC§1108.0204(B), the total interior landscaping required for parking lots is twenty (20) square feet per parking and stacking space. A parking lot with ninety (90) spaces would require a minimum of 1,800 square feet for interior landscaping provided within the parking lot. Any landscaping required for greenbelt plantings does not account for required interior parking lot landscaping. As stated in TMC§1108.0204(C)(1), two (2) canopy trees and six (6) shrubs are required to be installed in interior parking lot landscape areas for each ten (10) parking spaces within the parking lot. Using the ninety (90) parking spaces proposed, a total of eighteen (18) canopy trees and fifty-four (54) shrubs shall be provided in the interior landscape areas of the parking lot. The landscape plan submitted depicts twenty (20) trees and seventeen (17) shrubs within the parking lot. An additional thirty-seven (37) shrubs shall be installed in the interior parking lot landscaping areas and listed as a condition of approval.

Furthermore, perimeter landscaping shall be provided around the parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property. Perimeter landscaping must consist of a landscape area at least ten feet (10') in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line. As stated in TMC 1108.0204(C)(2)(a), a perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-ways. A minimum of at least one (1) canopy tree must be provided for each thirty linear feet (30'), plus a continuous shrub with a minimum height of eighteen inches (18"). The landscape plan submitted depicts twenty (20) trees and seventeen (17) shrubs around the parking lot within the perimeter landscaping area. An additional thirty-seven (37) shrubs shall be installed around the parking lot and listed as a condition of approval. **A revised landscape plan shall be submitted indicating compliance to TMC§1108.0204.**

The applicant is also proposing multiple green infrastructure improvements on site to mitigate stormwater pollution into Ten Mile Creek, a tributary of the Ottawa River. The site plan depicts a dry detention pond with the installation of a StormX netting trash trap used to collect debris and trash from stormwater runoff. Additionally, the site plan depicts the detention area outflowing through a bioswale into Ten Mile Creek as another measure to mitigate runoff pollution. Staff is supportive of these green infrastructure improvements due to the positive impact it will provide to the surrounding environment. Additionally, the proposed stormwater management improvements comply with the regulations of TMC§1108.0206 - *Bioretention Areas (Rain Gardens)*.

STAFF ANALYSIS (cont'd)

Building Design

Pursuant to TMC§1109.0500 – *Building Façade Materials and Color*, predominate exterior building materials shall be constructed of high-quality materials. For facades visible from the public right-of-way, predominate materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material.

The site plan submitted depicts a building located on the northwest side of the site that is to be used for restrooms and storage of maintenance equipment. Elevations submitted indicate the building is comprised largely of concrete block, which is not permissible under the Zoning Code. The applicant shall obtain a waiver to TMC§1109.0501(C) or revise the proposed building materials and listed as a condition of approval.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for office-research and large lot single-family residential land uses. This is a special district specific to the Scott Park Neighborhood. While the intent of this designation is to accommodate large lot residential, it also includes those nonresidential uses that are compatible with residential areas. These uses are typically schools, places of worship, community centers, etc. The proposed use complies with the future land use designation identified in the 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit because the proposed use meets the stated purpose and complies with all applicable provisions of the Zoning Code. Additionally, the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (e.g. hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation). Furthermore, the proposed use and improvements will have positive environmental impacts and provide stormwater mitigation for Ten Mile Creek.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-12004-18, a request for a Special Use Permit for Community Recreation – Active for athletic fields at 4164 Dorr Street, to Toledo City Council for the following four (4) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision-Making Criteria*);
2. The proposed use meets all applicable provisions of the Zoning Code (TMC§1111.0706(B) – *Review & Decision-Making Criteria*);

PLAN COMMISSION RECOMMENDATION (cont'd)

3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C) – *Review & Decision-Making Criteria*); and
4. The proposed use will have positive land & environmental impacts and will provide mitigation (TMC§1111.0706(F) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission makes the following recommendations to the Toledo City Council on the waiver requested for SUP-12004-18, request for a Special Use Permit for Community Recreation – Active, at 4164 Dorr Street.

Chapter 1109 Building Façade Materials and Color

Sec. 1109.0501 Façade Materials

- C. Predominant exterior building materials shall not include the following:
1. concrete blocks;
 2. smooth-faced tilt-up concrete panels; and
 3. wood sheet goods.

Approve a waiver of the prohibited building materials, to allow the use of concrete blocks in the construction of the storage/restrooms building.

The Toledo City Plan Commission further recommends approval of SUP-12004-18, a request for a Special Use Permit for Community Recreation – Active for athletic fields at 4164 Dorr Street, to Toledo City Council subject to the following **forty-five (45)** conditions:

The conditions of approval are as follows and 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: 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

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

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.
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. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Detailed plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
8. The current version of "WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LAINES AND LARGE SERVICES" shall be included on the plans and can be obtained from the City of Toledo Division of Engineering Services.
9. Water service is available from an 8-inch diameter water main on the west side of Richards Road. The 24-inch diameter water main on the east side of Richards Road is a water transmission main and is not available for domestic usage.
10. 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 BSIonlinetracking.com @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

11. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
12. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site. Verify that the hydrant location shown is acceptable to the Toledo Fire Prevention Bureau.
13. Contractors performing work on new or existing fire systems shall be licensed by the State of Ohio Fire Marshall and certified by the City of Toledo Fire & Rescue Department.
14. New fire, domestic, and irrigation taps will be installed by the City of Toledo at the developer's expense.
15. The site plan could require an increased footprint of on-site stormwater management if the off-site practice (details pending beyond the north limit of this proposal) does not come to fruition by the time of the storm permit approval. Flow of runoff through a wooded area such as this is a recognized management method but must be quantified, meet design requirements, and be set aside to provide this service into perpetuity. If the natural area used for this purpose were to be developed in the future, mitigation would be necessary to replace its function in managing the previous development's runoff.
16. Permit drawings and calculations shall be submitted for stormwater approval, compliant with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/> and the latest Ohio Construction General Permit.
17. No earth disturbance may take place without an approved storm water pollution prevention plan (SWP3), including the following:
 - Site grading plan
 - SWP3 submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/stor/swp3.htm>.
 - Long term maintenance plan and maintenance agreement for post-construction stormwater management practices (BMP's)
 - A Notice of Intent (NOI) to the Ohio EPA

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

18. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
19. 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.
20. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

Fire Prevention

21. The Richard Rd. entrance/exit needs to be a minimum of 20 ft. for both the entrance and exit.

Division of Environmental Services

22. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
23. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
24. 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 existing structural and non-structural Best Management Practices.
25. 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](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives%20to%20Ohio%20Invasive%20Plant%20Species.pdf)
26. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Transportation

27. Three car and one van accessible parking space must meet minimum dimension requirements 9' x 18' with abutting 5' aisle for car and 8' aisle for van per TMC 1107.
28. Nine bicycle parking spaces required per TMC 1107.
29. New sidewalks required along Dorr Street and Richards Road per TMC 1107. A performance bond shall be posted for the installation of sidewalks along Dorr Street and Richards Road in the event a bicycle path is not installed.
30. Any old curb cut and driveway apron not being utilized to be removed (specifically one is located on Richards Road). Replace with new curb to match existing adjacent curbing and new grass where driveway apron was removed.
31. Any old curb cut and driveway apron not being utilized to be removed (specifically one is located on Richards Road). Replace with new curb to match existing adjacent curbing and new grass where driveway apron was removed.

Plan Commission

32. The building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. For facades visible from the public right-of-way, predominant materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. **Not acceptable as depicted on elevations submitted. The Plan Commission recommended approval of waiver to TMC§1109.0501(C), of the prohibitive building materials, to allow the use of concrete blocks in the construction of the storage/restrooms building.**
33. Façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director.
34. Per TMC§1107.0600 – *Off-Street Parking Schedule "D"*, the applicant shall submit an off-street parking study. **Applicant shall provide documentation stating the potential number of attendees, hours of operation and the anticipated number of games in a season. Acceptable to Planning Director as submitted on July 5, 2019.**
35. 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.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

36. 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. **Not acceptable as depicted on site plan. A total of nine (9) bicycle parking slots shall be provided on site and depicted on a revised site plan.**
37. The applicant has indicated that no trash dumpsters are intended to be located on the site. In the event there are dumpsters, the 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.**
38. 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)).
39. 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 approval of the Department of Public Utilities (TMC§1107.1906).
40. 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. For properties over five (5) acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum of thirty (30) feet wide measured perpendicular from the street or place right-of-way abutting the property. The frontage greenbelt shall include at least one (1) tree for every thirty-feet (30') of lot frontage and shall also include grass and shrub plantings. The Plan Commission allowed a reduction to have a minimum of thirteen (13) trees installed within the frontage greenbelt along Dorr Street, and a minimum of twenty-six (26) installed within the frontage greenbelt along Richards Road; **acceptable as depicted on landscape plan.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- b. Two canopy trees are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot (existing trees may be used for credits). Plan Commission allowed the elimination of shrubs; **acceptable as depicted on landscape plan.**
 - c. The location, height and materials for any fencing to be installed and maintained; **if applicable.**
 - d. All parking spaces must be within 100 linear feet of a landscaped area.
 - e. Topsoil must be back filled to provide positive drainage of the landscape area.
 - f. 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.
 - g. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10') in width; **shall be noted on revised landscaping plan.**
 - h. 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; **acceptable as depicted on landscaping plan.**
 - i. The location, height and materials for any fencing to be installed and maintained. Pursuant to TMC§1105.0301(A), fences may not exceed 3½ feet (42") in height in the required front (20') setback; and
 - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
41. 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.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

42. 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.
43. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
44. 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.
45. 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,



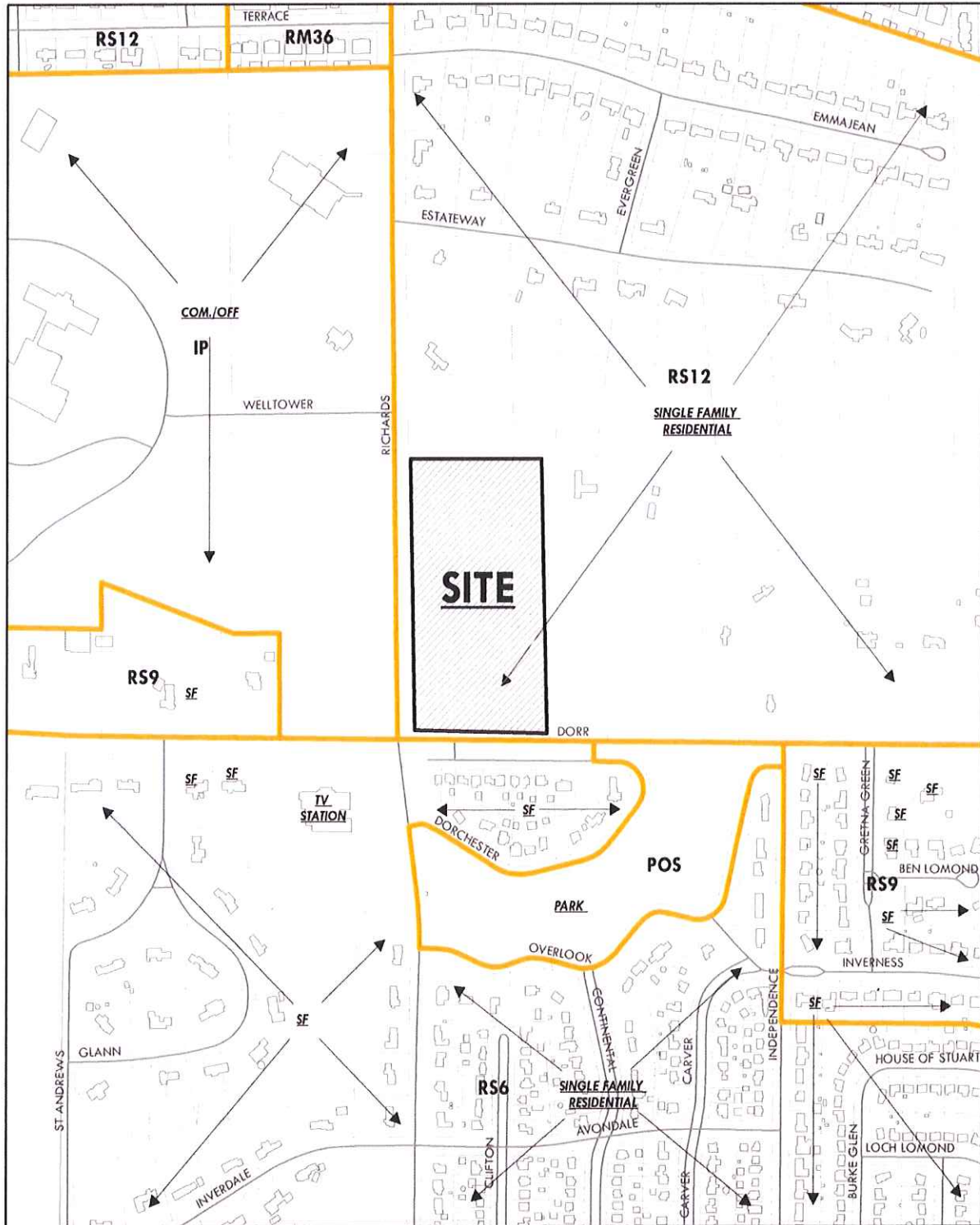
Thomas C. Gibbons
Secretary

Nine (9) sketches follow

Cc: Marc Thompson; Village of Ottawa Hills; 2125 Richards Road, Toledo, OH 43606
Matt Lewandowski; Lewandowski Engineers; 234 N Erie Street, Toledo, OH 43604
Lisa Cottrell, Administrator
Ryne Sundvold, Associate Planner
Dana Doubler, Planner

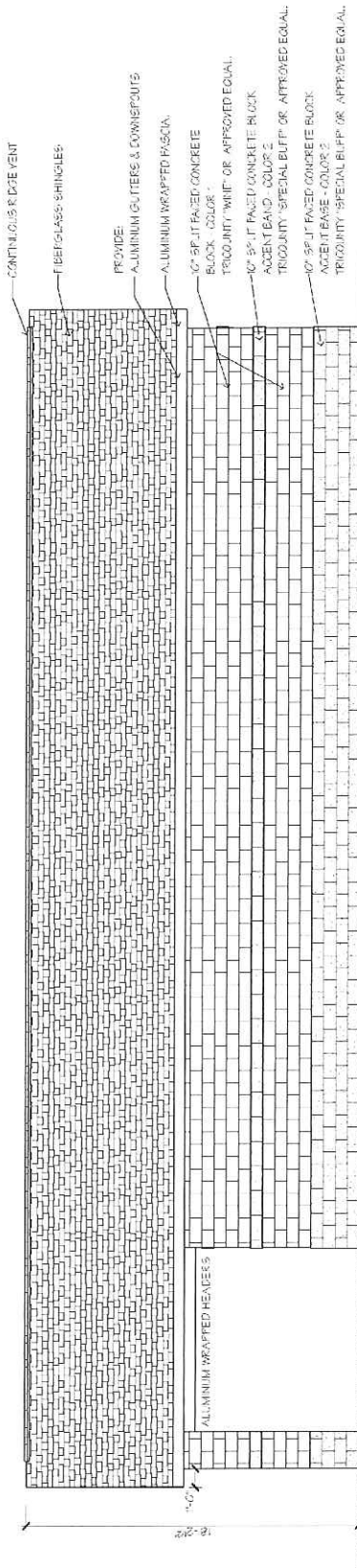
ZONING AND LAND USE

SUP-12004-18
ID 81



ELEVATION (NORTH)

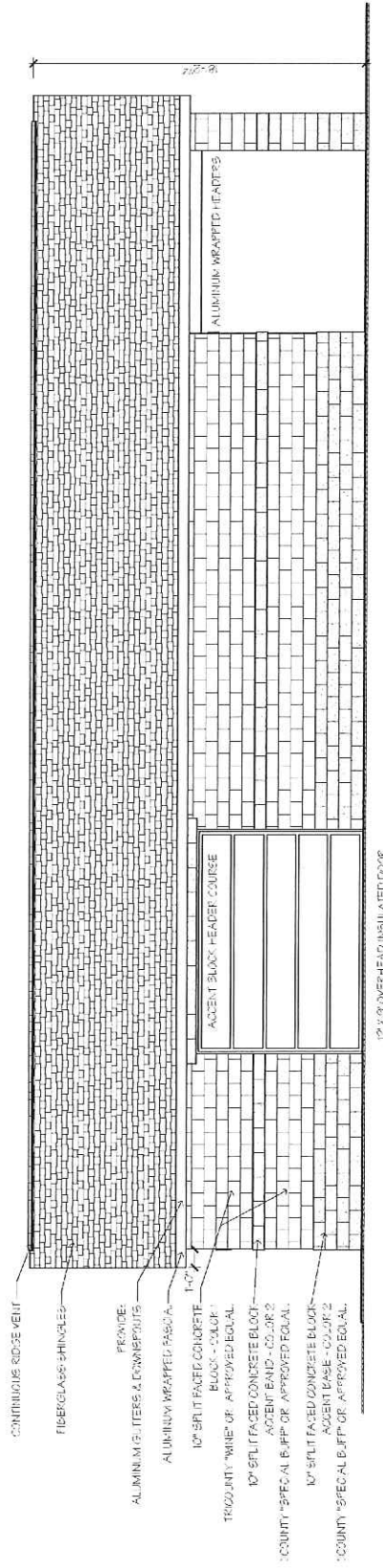
SUP-12004-18
ID 81



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATION (SOUTH)

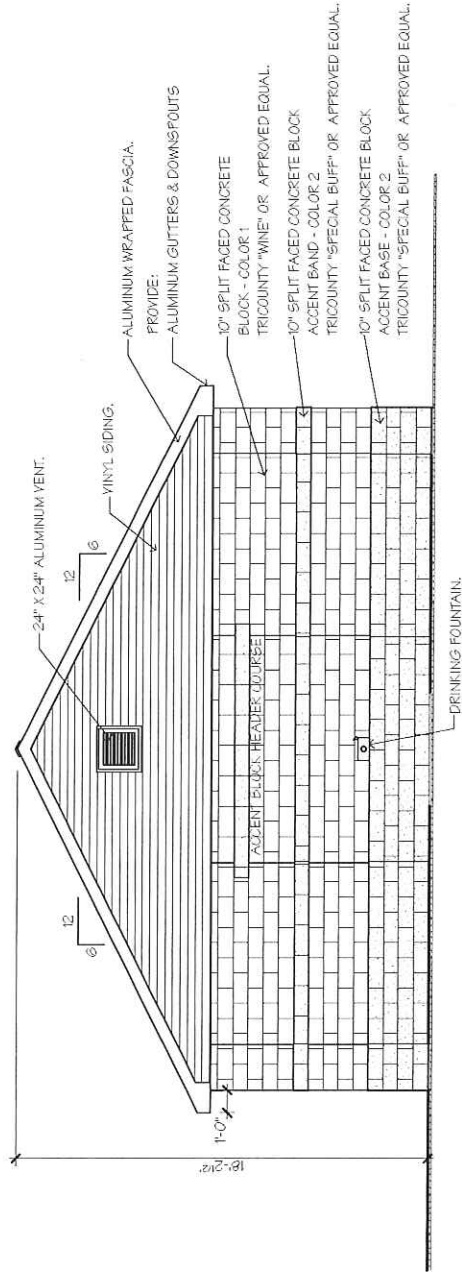
SUP-12004-18
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SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATION (EAST)

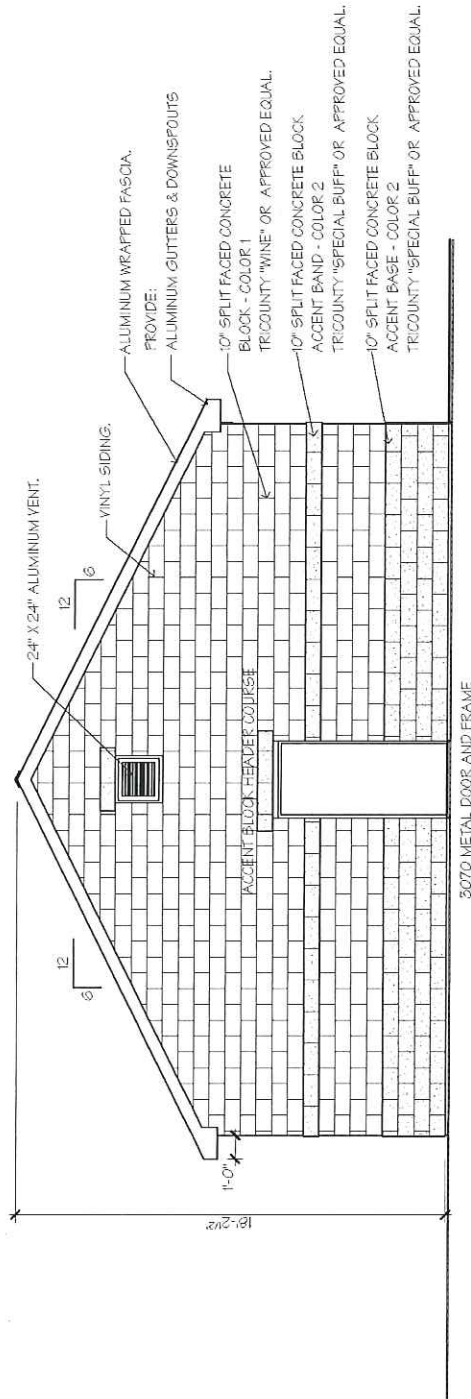
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EAST ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATION (WEST)

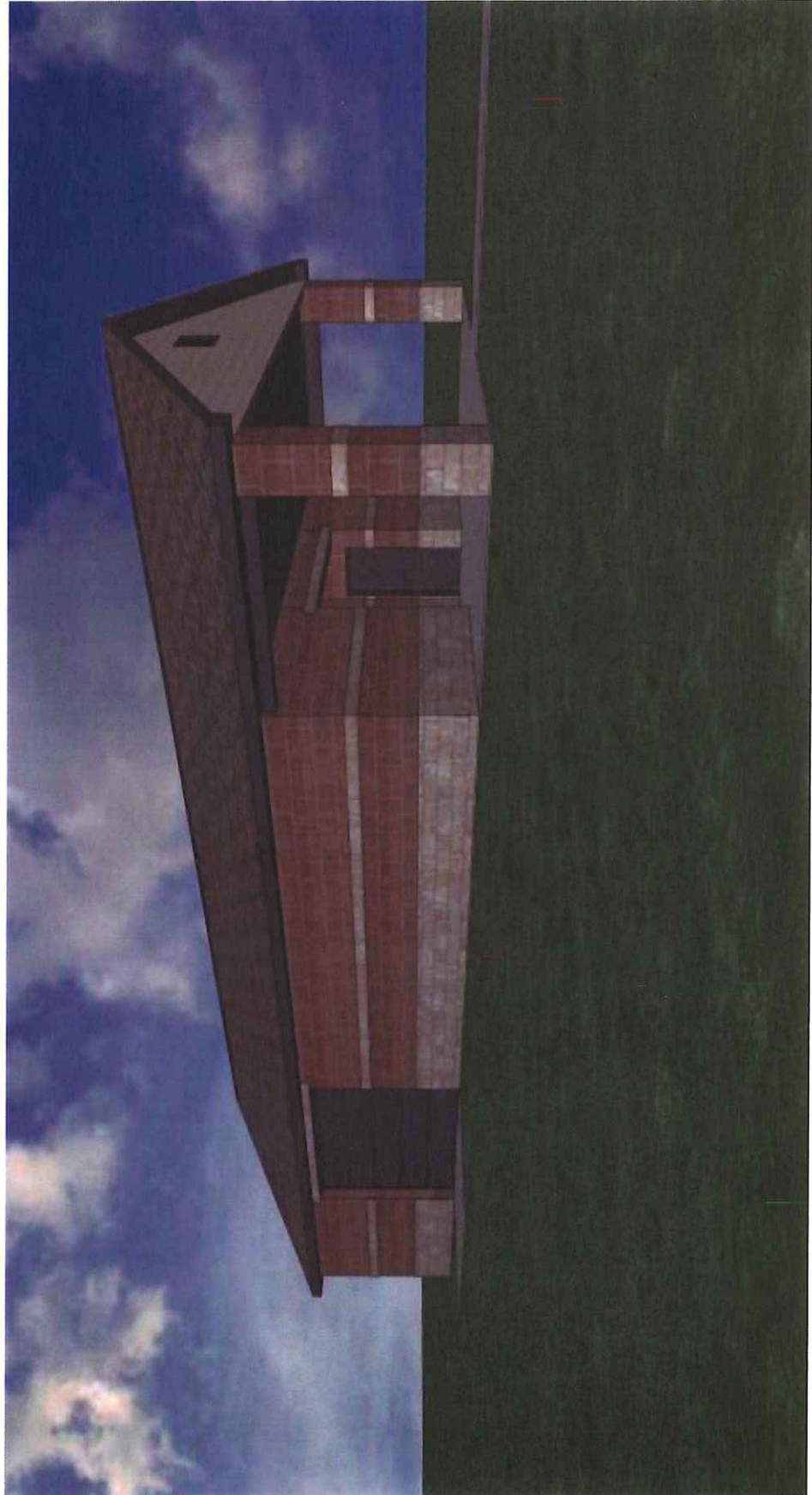
SUP-12004-18
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WEST ELEVATION
SCALE: 1/4" = 1'-0"

OH REC BUILDING 2-3

SUP-12004-18
ID 81



Re: Ottawa Hills invasion and encroachment of Toledo property

July 11, 2019

Dear Chair of the Plan Commission and Members of Plan Commission Mr. Ken Fellows, Mr, Eric Grosswiler Vice Chair, Ms. Julia Bryant, Mr. John Escobar, Brandon Rehkoff:

"What is the cost of lies? It's not that we'll mistake them for the truth. The real danger is that if we hear enough lies, then we no longer recognize the truth at all." from the Chernobyl television Mini Series (2019) written and created by Craig Mazin.

The Village of Ottawa Hills government has a history of discrimination, exclusionary behavior, abuse of power, and dishonesty. They have favored those they perceive as politically powerful, while actively discriminating against ordinary people, and people of color. They grant special treatment and favors to those with political and financial power that live in the Village, or to those that have a close relationship with the Village. I will exhibit several examples of how this behavior has occurred in the past and continues to this day. I apologize for the length of this letter, but I have shortened it as much as I could and still provide adequate factual information for you to make an informed decision. I will also provide what I feel are very valid reasons that this special use permit should not be granted.

I am opposed to this special use permit for multiple reasons. Village residents were never given appropriate notice. Members of the Village government stated to me that they do not need to inform the residents what their meetings are actually about, or provide agendas in advance; all they need to do is to provide public notice of a meeting. **Apparently, residents must attend all meetings to find out what they are about.** This is one method they utilize to try to hide things that are going on from the public. This is also contrary to the way that Toledo government and many other local governments function, and it is our tax dollars that will go towards this. 70% of Village residents do not have children in the schools. Not only is it unfair for Village residents to pay these extra funds for the school, Kathleen O'Connell **changed the bylaws to prevent residents who did not have children in school from volunteering at the school**, to prevent me from volunteering as my daughter had already graduated. If 70% of Village residents are not welcome at the school, then why should they pay all this extra funding? Let the school fundraise for the money on their own. When I asked the approximate costs of each of the plans they have tentatively decided on, the Village could not provide me with any information either.

On February 13, many neighbors of this property in Toledo (from Richards Rd and Dorr St) came to the Village to hear from Matt Lewandowski. The Village of Ottawa Hills did not notify the residents of the Village of this. Village of Ottawa Hills residents should also be allowed the opportunity to know how their neighboring communities of Dorr and Richards Rd feel about this situation, especially when they are going to be significantly

impacted by this. These residents from Dorr St and Richards Rd brought up many issues, including having the parking being placed on the south side rather than the north. Mr. Lewandowski said he would look into it, but kept everything the same so far. People also had concerns that this property would be tax exempt, bringing in less money, in spite of the increased traffic, drainage, runoffs, security issues, and maintenance. People had concerns in what would happen to the land if the ownership changed, and what would be permitted on the property should the ownership change. Toledo residents also had concerns about potential increased demand on the Fire Department services, since the Fire Department services all come from Toledo and they are already understaffed. Mr. Decker, a member of the Village government, said that our recreation board would schedule events for the Ottawa Hills players, and that when the property was not in use, people from Toledo could play. Village manager Thompson said that we don't tell people to leave because they are not from Ottawa Hills. He was asked by the Toledo residents from Dorr St and Richards Rd, how would the residents know about your schedule, and Thompson said that events would be posted when Ottawa Hills was playing. However, in the meeting at the Village following this, the chair of the recreation board said that at least 50% of the people that play have to be from Ottawa Hills, which would not be feasible. Additionally, there is a plan to have a gate, so Toledo residents would be physically barred from entering the property, even if they could find 50% of Ottawa Hills residents to play with, which is ludicrous. Mr. Decker also wanted to provide equal time for Ottawa Hills boys and girls teams on the property, and our chair of the recreation board did not even know if Ottawa Hills had a girls soccer team.

The Village of Ottawa Hills has also exhibited reprehensible behavior towards St. Ursula's school. St. Ursula's school is not located in Ottawa Hills; however, St. Ursula purchased property in Ottawa Hills close to their school, and had a reasonable request for a special use permit for additional parking. One Village member, Kathleen O'Connell was extremely rude to them, and accused them of being "underhanded" because they had bought the property first, and then came and asked for a special use permit. St. Ursula's schools were never able to get the special use permit. The Village of Ottawa Hills is essentially trying to do the same thing they called underhanded, by getting this property in Toledo and expecting to get the special use permit, when they won't do the same for their neighbor. The Village of Ottawa Hills has plenty of its own property which it could utilize for Ottawa Hills teams. **The Village of Ottawa Hills is basically saying to the world, a parking lot in Ottawa Hills to benefit Toledo children at St. Ursula's school is not acceptable to Village residents, but it is okay to build a parking lot in Toledo to benefit Ottawa Hills kids, leaving Toledo residents to deal with all the drainage, flood issues, mosquitos, security issues, noise pollution and excess traffic to Toledo residents.**

There are several other incidents regarding ongoing racism and abuse of power in the Village which I wish to bring to your attention. These are not all of the incidents that have occurred but are significant ones:

1. In 1998, The Village of Ottawa Hills government wrongfully arrested Suron Jacobs, an African American worker at the Village of Ottawa Hills school, without just cause,

simply for standing on a sidewalk waiting for his ride and walking away from police when they tried to ask his name and interrogate him without cause. Apparently, a village resident called complaining that a black person was in front of the school. The courts later ruled that the arrest was improper. At the time, the Toledo branch of the NAACP filed a complaint and this resulted in the U.S. Justice Department investigating the police department. According to an article in *The Blade* dated November 23, 2006 by Clyde Hughes, the **NAACP said "it had received numerous complaints about village police from African Americans who claimed treatment similar to that of Mr. Jacobs."** One would presume that the Village would learn their lesson and behave better, but this has not been the case.

2. In 2006, an African American woman named LaToya Brown was violently pulled from her car to the ground by a Village of Ottawa Hills officer for throwing a traffic ticket the officer gave her out the window. The police officer falsely stated he smelled alcohol even though she passed all field sobriety tests and a breath test with a zero blood alcohol content. Ms. Brown's father, a passenger in the car and president of Toledo's African-American Parents Association, witnessed the event and it was caught on dashboard camera. In the same article referenced in the *Blade* as above, Village Manager Marc Thompson (who was fired from his previous job, prior to working for the Village) is quoted as stating "The officer's reaction was wrong. Such reactions have not been and will not be tolerated. What happened on Sept 17 was an unfortunate incident and is not indicative of the way village employees normally react." Actually, it is indicative of the way employees have reacted in the past, reacted at the time of the quote, and will continue to react in the future.
3. Not being satisfied with payouts costing taxpayers tremendous amounts of money for violating the law repeatedly, in 2009 a Village police officer shot an unarmed 25 year old man, Michael McCloskey in the back during a traffic stop, because Village residents were reportedly angry about the noise his motorcycle made driving through the Village at night. This man is now permanently paralyzed.
4. The Village government is also guilty of condoning animal cruelty. A village employee was dealing with a stray dog and rather than take the animal to the shelter, or call animal control, he instead opted to run over the dog repeatedly, causing it to scream in terror until it was killed. The government **admitted in court** to killing the animal improperly, but they never contacted the authorities about what they did, but tried to cover it up.
5. The Village government attempted to promote a bill in Columbus, regarding driving while black, to allow police officers to stop anyone. I testified about events in the Village and explained that the police officers would not use this bill to stop everyone, but that they were using it to target African Americans. The bill did not pass.
6. I attended a meeting at the Village as a private citizen. Mrs. Norma King was a council woman present at the time (she no longer is on the council, but served about

ten years). The first thing Village Manager Thompson said in this public meeting was that today is the day that the Ku Klux Klan was founded. Mrs. King, who is African American, was extremely, visibly upset and said, "why do we have to know and be reminded of this?" Again, Thompson was fired from his previous job, and we were unfortunate enough to get him, and ever since then, we have been paying for it.

7. Former Supreme Court of Ohio Judge Reznick (who was previously arrested for DUI and is a Village resident) came to the council **after** she knowingly built a gazebo against the laws, without submitting an application for a variance, and asked for the Village to approve it after the fact. If anyone should know and follow laws, it should be a judge! This was merely a token gesture, as she already knew that the Village of Ottawa Hills government does whatever they want, and they do not base their decisions on what is fair.
8. A previous next door neighbor of mine, Mrs. Khoury, built a dormer during the time she lived next to me, without permission, and without requesting a variance, in spite of the fact that this violated Ottawa Hills ordinances. The Village mayor was aware of this and did nothing about it. The Village of Ottawa Hills government rewarded her instead, by recently giving her a position on the Village's Zoning Commission. Mrs. Khoury had previously stated that she flipped several houses in the past, meaning she should have been aware of zoning laws with her history. Additionally, she has also lied in the past, claiming that she would never be able to sell her home when she lived next door to me. In fact, she purchased her home for \$270,000 and sold it for \$396,000. It does not make sense to give someone who violates laws a position of power, to judge who can get a variance, when that person won't follow the rules themselves and is repeatedly dishonest.
9. In the past, other people who were not Village residents came to attend a meeting regarding deer culling. The Mayor was very rude towards one person who had concerns and said, "you don't even live here!" This proves that the Village of Ottawa Hills government does not care about anyone but some of their own residents (for example, they don't care about me or minorities), and will not treat the residents of Toledo of this neighboring property with respect or consideration.

I do not think that it is fair to reward the Village of Ottawa Hills for their corrupt behavior with a special use permit. If a message is not sent that their dishonesty, racism, and exclusionary behavior is not acceptable in today's society, they will continue to make a mockery of the law and other government entities who support them without knowing how corrupt they are. A good government is the one that is transparent and treats each person with respect, dignity and fairness. I stand by my words and will be willing to provide footage of the meetings, as well as provide affidavits of everything that has occurred. Please make sure you provide copies of this letter to everyone and I will be happy to reimburse you for the costs.

Respectfully submitted,

Mrs. Afjeh
Mrs. Afjeh

Sundvold, Ryne

From: Matthew D. Lewandowski <mdl@lewandowskieng.com>
Sent: Friday, July 5, 2019 8:55 PM
To: Sundvold, Ryne
Subject: Fwd: FW: Toledo Plan Commission

Ryne - see comments below - M

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Marc Thompson <thompsonm@ottawahills.org>
Date: 7/5/19 3:52 PM (GMT-05:00)
To: "Matthew D. Lewandowski" <mdl@lewandowskieng.com>
Subject: FW: FW: Toledo Plan Commission

Matt

This is our best judgement in terms of usage. It is based on assumptions layer on top of other assumptions.

Marc

From: Village Life <villagelife@ohschools.org>
Sent: Friday, July 05, 2019 3:32 PM
To: Marc Thompson <thompsonm@ottawahills.org>
Subject: Re: FW: Toledo Plan Commission

Marc,

Here is what I've come up with. I cannot sign off on the accuracy, but hopefully it gives an idea. Lacrosse is a big unknown for me as I don't know if they schedule games at home or if they primarily play in tournaments on the weekends. If we have a field, they may schedule games where they haven't been able to in the past. I have an email in to one of the youth coaches to get his feedback. I'll let you know once I hear back.

Please edit it as you wish. If you need any other information, please let me know.

Becky

Number of Events

- **Spring practices:** 10 weeknight practices (2-3/night) - 50 practices/season
- **Fall practices:** 20-25 weeknight practices (4-5/night) - 100-125 practices/season
- **Games:** this is really difficult to predict. Rec soccer could potentially use it for games on Saturday/Sunday afternoons (based on 2018, 4 games/weekend, 20 games/season). A Dynamo soccer team would possibly use it for 1-2 games/weekend, 5 games/season. Lacrosse is the unknown. Based on the leagues they play in, I'm not sure they would have games there or not.

Number of participants

- Monday-Friday practices (fall) - 50/night
- Monday-Friday practices (spring) - 30-40/night
- Max # if all fields are scheduled for practices - 35-60 (players & a few parents/coaches)
- Max # if all fields are scheduled for games - 100 -160 (players & spectators)

Hours of operation

- March to October
- Monday to Friday afternoon/evenings (3:30-8:00pm) for mostly practices/possibly a few games. Would end earlier based on darkness in the early spring/late fall.
- Sat/Sun - some practices/games (potential times of use: 9:00am-5:00pm)

On Fri, Jul 5, 2019 at 10:46 AM Marc Thompson <thompsonm@ottawahills.org> wrote:

Becky

Here are the 3 questions.

There are no lights intended so there should be no activity after dark.

Marc

From: Matthew D. Lewandowski <mdl@lewandowskieng.com>

Sent: Wednesday, July 03, 2019 7:54 AM

To: Marc Thompson <thompsonm@ottawahills.org>

Subject: Toledo Plan Commission

Marc - The Toledo Plan Commission is asking for some additional use information:

1. Potential number of attendees
2. Hours of operation
3. Anticipated number of games in a season.

I don;t see how you can predict these answers with certainty...but please have your Grounds Committee take a stab at some ballpark numbers.

Hit me with any questions - Thanks - Matt



Matthew D. Lewandowski, P.L.S

Principal

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Neighborhood Concerns from Prior Meeting

Parking Field Location

1. Neighbors did not wish for the parking to be at the North side of the property and asked for a drive access from Dorr Street .
 - a. LE staff developed a plan for access from Dorr. Layout 6
 - Access pushed a far East as possible for separation from Richards intersection.
 - This design was not acceptable to either the Plan Commission or City Transportation

2. LE staff developed an option to place the parking field midpoint Layout 5.
 - a. Drive would be less than 420' to intersection
 - b. ODOT standard is 600'???
 - c. Loss of "Green Vista"
 - d. PC did not like Soccer fields oriented N-S at Dorr Street.
 - e. Mid Layout (5) poses a safety risk by having a parking lot between the sports fields.
 - i. Kids inclined to run from field to field through the lot.
 - f. Increased construction costs as Water Quantity and Water Quality would need a underground storage.
 - i. System would add \$105K
 - g. Longer storm sewer network
 - h. Geometrics do not accommodate GreenWater Solutions like a bio-swale or other trapping devices.

- i. Site grading increases about 3' from South edge of Lacrosse to North Edge of Lacrosse.
 - i. Plus need player run-off room
 - j. Mid parking field does have a benefit of providing a short walk for elderly from parking field to game area.
3. Staff did like shortening the walking distance between fields so they crafted a parking lot closer to Richards Layout 8
- a. Positives
 - i. Shorter walking distance for elderly
 - ii. Parking in front for higher security
 - iii. Drive can be far from the intersection
 - iv. Can accommodate drain-dry detention pind
 - b. Negatives
 - i. Breaks up the Green Vista
 - ii. Site grading issues as lacrosse field falls about 3.5' from North to South
 - iii. Does not accommodate access for all GreenWater Solutions. (StormX needs access)
 - iv. Plan Commission did like this layout
 - 1. Loss of Green Vista
 - 2. PC did not like Soccer fields orientated North-South against Dorr
4. Layout 4 is the same layout that LE presented at the O.H. Neighborhood meeting earlier this spring...with a handful of new items.

Security

- a. **Security Concerns** about ner'-do-wells hanging around the fields expressed at last meeting
 - i. Added 3 security cameras to monitor the parking field
 - ii. Gate will only be opened for scheduled practice / games coordinated through O.H. Rec.
 - 1. Toledo teams can schedule to use the fields
 - a. Teams and Coaches must meet O.H. standards for CPR training, background checks and any other items that O.H. Rec requires of their coaches and teams.
 - 2. Although not open for the general public, O.H. has stated that they do not intend to kick anybody out as long as they are not causing problems.

Trash

- b. Trash getting into the ravine / creek
 - i. No on site concessions will be provided.
 - ii. No on site dumpster
 - a. Trash will be emptied by O.H. maintenance staff
 - b. Lack of dumpster discourages "dumpster drop-off" of non-standard trash items.
 - c. No dumpster diving for tin cans.
 - iii. Design adds Bridal Wreath Spirea to trap blowing
 - iv. StormX Outlet traps
 - 1. Large Polypropylene net that catches macro pollutants from reaching the creek

- a. Water bottles, large plastic
 - b. Used in Australia and Chesapeake Bay
 - c. First installation in Ohio
- v. Micro pollutants and TSS will be gleaned from the water discharge by a bio-swale.

Drainage

1. Storm water from the field underdrains and the parking area will be detained for 48 hours and slowly metered out of a "drain-dry" pond.
2. Designed to handle a 25 year storm with an intensity of 3.57 inches of rain per hour.
3. The outlet structure is designed so that 90% of all rain events will be discharged out of a single 7/8" hole.
 - a. This is smaller than a golf ball (1 5/8')
 - b. This is smaller than a ping pong ball (1. 1/2")
 - c. This approximates the size of US Quarter
 - d. Metered out a 0.03 cfs. This is an City of Toledo and Ohio EPA mandated maximum discharge rate.

Noise

4. No Public Address System
5. The nearest house to the North is Mr. Sturdivant and the house itself is over 600' away.

Increased Demands on Police and Fire

6. Added Security Cameras linked to OH P.D.

7. Mutual Aid pact already exists between O.H. and Toledo.

Sundvold, Ryne

From: Matthew D. Lewandowski <mdl@lewandowskieng.com>
Sent: Wednesday, June 5, 2019 2:24 PM
To: Pratt, David
Cc: Sykes, Larry; Sundvold, Ryne
Subject: O.H. Drainage

David - have you had an opportunity to look into Mr. Sturdevants complaint about obstructions and/or unfinished work associated with Ten Mile Creek between Richards and Secor Roads? This is the item that Mr. Sykes called you about a few weeks ago.

I am sure that Mr. Sturdevant will be at tomorrow's neighborhood meeting and am hoping that you had a chance to reach out to him first. - Thanks - Matt



Matthew D. Lewandowski, P.L.S
Principal

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Sundvold, Ryne

From: Sundvold, Ryne
Sent: Wednesday, June 5, 2019 8:42 AM
To: 'kwf2806@att.net'; egross@ibew8.org; juliadudleybryant@yahoo.com; brandon@mockltd.com; johnescobar@bex.net
Cc: Cottrell, Lisa; Gibbons, Thomas (Thomas.Gibbons@toledo.oh.gov); mdl (mdl@lewandowskieng.com)
Subject: FW: OH Sports Neighborhood Meeting

Commissioner members,

See the information below for a neighborhood meeting for the Ottawa Hills sports fields at Dorr Street & Richards Road. The meeting will be held tomorrow, **June 6th**, at **OH Elementary School gym at 6:00 PM**. This case is planned to be on the agenda for the 7/11 Plan Commission hearing. Let me know if you have any questions or concerns.

Regards,

Ryne Sundvold

Associate Planner

Toledo-Lucas County Plan Commissions

One Government Center, Suite 1620

Toledo, Ohio 43604

(419)245-1200

Ryne.Sundvold@toledo.oh.gov

From: Matthew D. Lewandowski [mailto:mdl@lewandowskieng.com]
Sent: Wednesday, June 5, 2019 8:16 AM
To: Sykes, Larry <Larry.Sykes@toledo.oh.gov>; Riley, Tyrone <Tyrone.Riley@toledo.oh.gov>
Cc: Sundvold, Ryne <Ryne.Sundvold@toledo.oh.gov>; Marc Thompson <thompsonm@ottawahills.org>
Subject: OH Sports Neighborhood Meeting

Messrs. Sykes and Riley - LE and Ottawa Hills be holding another neighborhood meeting on **Thursday, June 06 at the Ottawa Hills Elementary School gym** to review the projects design status as well as hear any additional input from the neighbors. Please accept this note as your invention to join us should your schedule allow.

Ryne - Would you forward this invite to the Plan Commission members so they may attend if they wish? - Thanks - Matt



Matthew D. Lewandowski, P.L.S
Principal

Lewandowski Engineers
234 North Erie Street