



## **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: September 14, 2018

REF: SUP-6004-18

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

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

SUBJECT: Special Use Permit for an Amendment to a Special Use Permit for a new freestanding wireless telecommunication facility at 5311 Hill Avenue

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 13, 2018 at 2:00 P.M.

### **GENERAL INFORMATION**

#### Subject

Request	-	Special Use Permit for a new freestanding wireless telecommunication facility
Location	-	5311 Hill Avenue
Applicant	-	Tarpon Towers 1001 3 <sup>rd</sup> Avenue West Suite 420 Bradenton, FL 34205
Contact	-	PBM Wireless Services, LLC C/O: Nathan O Meyer 6869 Windjammer Drive Brownsburg, IN 46112
Property Owner	-	Christopher M Yanik 5311 Hill Ave Toledo, OH 43615
Engineer	-	Burgess and Niple 5085 Reed Road Columbus, OH 43220

**GENERAL INFORMATION (cont'd)**

Site Description

Zoning	-	RS12 / Single Family Residential
Area	-	±3.16 acres
Frontage	-	±132' along Hill Avenue
Existing Use	-	Single Family Home and Accessory Buildings
Proposed Use	-	Addition of a Freestanding Wireless Telecommunication Facility
Neighborhood Org.	-	None
Overlay	-	None

Area Description

North	-	Single Family Homes / RS6
South	-	Undeveloped Land / RS12
East	-	Multi-Family Homes / RD6
West	-	Undeveloped Land / RS12

Parcel History

No record on file

Applicable Regulations

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

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit for a new freestanding wireless telecommunication facility to be located at 5311 Hill Avenue. The site consists of a ±3.16 acre parcel that is occupied by a single family home and accessory use buildings. The site is zoned single family residential and is adjacent to various residential uses as well as agricultural land. A Special Use Permit is required because the site is located in a residentially zoned district.

**STAFF ANALYSIS (cont'd)**

The applicant is proposing to develop a free standing wireless tower and associated equipment shelter building. The letter of intent states that "Verizon proposes to construct a new 110' tall monopole style communication structure complete with a 10' tall lightning rod, antennas, radios, cables and related equipment and equipment shelter". The proposed tower will be a total of 120' in height including a 10' tall lightning rod. Additionally, the facility will be designed to accommodate Verizon's antennas and at least one comparable antennas installation. The proposed facility will allow for future rearrangement of antennas and will accept antennas mounted at varying heights. There are no parking requirements associated with the proposed development.

Wireless Facilities are required to have a setback distance from the property line in all directions equal to the height of the tower. The site plan submitted shows that the 120' tall tower is setback sixty-sixty (66') feet from both the western and eastern property lines. The entire site is 132' wide and is unable to accommodate TMC§1104.1804(C)(1). The applicant is requesting a waiver of this section of the Toledo Municipal Code.

Design

The site plan and elevation indicates that the proposed wireless cellular tower will be of a galvanized monopole design. Wireless Facilities shall be designed to reasonably blend into the surrounding environment through the uses of neutral colors, screening, landscaping, and architecture, unless the Federal Aviation Administration, or other federal or state authorities, require otherwise. If approved, the Plan Commission encourages the applicant to camouflage the monopole so that it blends in with the surrounding environment and the existing tree mass along the eastern and western edges of the parcel.

The site plan depicts a proposed solid board-on-board fence that will encompass the entire 80' x 80' equipment compound. The site plan also depicts an existing gravel access roads and a proposed gravel turnaround will be utilized as ingress and egress for the facility. The Toledo Municipal Code does not allow for gravel as a surface material. The proposed gravel turnaround and access drive are required to be paved TMC§1107.1906.

No signals, lights or other illumination shall be permitted, unless required by FAA regulation, other federal or state law, or otherwise in section TMC§1104.1801(E). When lighting of a tower is required, it shall be placed on the tower and designed in such a way as to minimize glare on adjacent residential properties. Lighting of accessory structures for security purposes is permissible but shall be so arranged so as to direct and reflect light away from any adjacent residential property or public way.



**STAFF ANALYSIS (cont'd)**

Landscaping and Screening

Per TMC§1104.1800(C)(2), wireless telecommunications facilities are to be landscaped in accordance with the screening requirements of section 1108.0203. For purposes of said section, a wireless facility shall be reviewed as an industrial use regardless of the zoning district in which the facility is located. According to the Landscaping and Screening Matrix, a Type A landscape buffer is required on all 4 sides of the facility. The facility is required to have an eight (8') foot tall solid board-on-board fence and a ten (10') foot wide landscape buffer on the exterior of the fence. A landscape plan has been submitted as part of the special use permit review and does not show compliance with the requirement to have a landscape buffer on all four (4) sides or the required fence height. If approved, a revised landscape plan showing compliance must be submitted to the Planning Director for review and approval.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for single family residential uses. The intent of the RS6 Single Family Residential district is to accommodate the development of single dwelling units on individual lots. The districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are typically compatible with residential neighborhoods. Although the proposed development conforms to the current zoning of the site it does not comply with all applicable provisions of the Zoning Code.

**PLAN RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-6004-18, a request for a Special Use Permit for a new freestanding wireless telecommunication facility located at 5311 Hill Avenue, to the Toledo City Council, for the following one (1) reason:

1. The proposed use does not meet the stated intent of the zoning code (TMC§1111.0706.A). The stated purpose of the Zoning Code is to implement Toledo's Comprehensive Plan and other adopted plans in a manner that protects the health, safety, and general welfare of the citizens of Toledo.

However, the Toledo City Plan Commission recommends approval of SUP-6004-18 a Special Use Permit for a new freestanding wireless telecommunication facility located at 5311 Hill Avenue.

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

The Toledo City Plan Commission further recommends the following recommendations to City Council on the waiver requested for a Special Use Permit to facilitate the development of a new freestanding wireless telecommunication facility located at 5311 Hill Avenue.

### **Chapter 1104 Use Regulations**

#### **Sec. 1104.1800 Wireless Telecommunications Facilities**

##### **Sec. 1104.1804(C)(1) Freestanding Wireless Facilities**

The Wireless Facility shall be setback from the property line in all directions a distance at least equal to the height of the tower or 100 feet, whichever is greater, if the site is in or abuts a Residential district or Household Living or Group Living uses.

Approve the waiver for setback requirements.

The Toledo City Plan Commission recommends approval of SUP-6004-18, a request for an amendment to a Special Use Permit, to facilitate the development of a new freestanding wireless telecommunication facility located at 5311 Hill Avenue, to the Toledo City Council, subject to the following **twenty-six (26)** conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### Engineering Services

1. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850  
Right-of-Way and Inspection: Joe Warnka 419-245-1341  
Roadway: Tim Grosjean 419-245-1344  
Water: Andrea Kroma 419-936-2163  
Stormwater Drainage: Lorie Haslinger 419-245-3221;  
Andy Stepnick 419-245-1338  
Sanitary Sewers: Mike Elling 419-936-2276

2. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.



**PLAN RECOMMENDATION (cont'd)**

Engineering Services (cont'd)

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. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
5. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more (including an overall common plan of development) and/or the installation of storm sewer services be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.)
6. The following documents shall be submitted to the Division of Engineering Services (Andy Stepnick) for stormwater review & approval:
  - Detailed site grading plan
  - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's). **Plan Commission submittal is showing a grassy swale along the new gravel access road to comply with these requirements. Calculations will be needed to show sufficient capacity.**
  - A Stormwater Pollution Prevention Plan (SWP3) – including a completed 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/storc/swp3.htm>.
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.

## PLAN RECOMMENDATION (cont'd)

### Engineering Services (cont'd)

7. Submittals shall be in compliance 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/>
8. All developments are required to provide Stormwater detention, post-construction stormwater best management practices (BMP's) and a stormwater pollution prevention plans (SWP3) plans, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre-and post-construction land use.
9. Nonresidential properties which have Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and may be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on this program can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
10. All storm drainage must be internal and not run off onto adjacent properties.
11. No construction work, including any earth disturbing work will be permitted without approved plans.

### Transportation

12. Drive surface must be of dust free material per TMC 1107.1906.

### Plan Commission

13. Wireless Facilities shall be designed to reasonably blend into the surrounding environment through the use of neutral colors (such as gray), screening, landscaping and architecture, unless the Federal Aviation Administration, or other federal or state authorities, require otherwise. Tower shall be constructed of galvanized metal. The applicant shall camouflage the monopole so that it blends in with the surrounding environment and the existing tree mass along the eastern and western edges of the parcel. **(A revised elevation shall be submitted indicating compliance with this requirement).**

**PLAN RECOMMENDATION (cont'd)**

Plan Commission

14. No commercial advertising shall be allowed on a tower or antenna, except for antennas attached to an existing and approved sign. Towers may have safety or warning signs in appropriate places. **(Acceptable as outlined in the Statement of Compliance).**
15. Mobile or immobile equipment not used in direct support of a wireless facility shall not be stored or parked on the site, unless repairs to the facility are being made.
16. The Wireless Facilities shall be setback from the property line in all directions a distance at least equal to the height of the tower or 100 feet, whichever is greater, if the site is in or abuts a Residential district or Household Living or Group Living areas. **(Not acceptable as depicted on site plan. Applicant shall obtain a waiver of TMC 1104.1804(C)(1) to allow for a 54' setback waiver on the East and West property lines).**
17. The proposed gravel turnaround is required to be paved with a dust free material. **(Not acceptable as depicted on the site plan. A revised site plan shall be submitted showing compliance with this requirement).**
18. The tower or antenna shall be constructed so that if failure does occur, it will collapse into itself and will not fall onto structures near the site. **(Acceptable as outlined in the Statement of Compliance).**
19. Applicant shall submit proof of the proper liability insurance to the legal staff of the City of Toledo.
20. Towers shall be of a monopole design, and guyed or lattice towers are prohibited. **(Acceptable as depicted on elevation drawing).**
21. A detailed site, lighting, sign, fencing and four (4) landscaping plans separate from the building plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A Type A Landscape buffer is required along all four sides of the wireless facility and shall be twenty-five feet (25') in width or ten feet (10') in width with a solid fence. **(Not acceptable as depicted on the landscape plan).**



**PLAN RECOMMENDATION (cont'd)**

Plan Commission

- c. The location, number, height, diameter and species of any materials to be planted and maintained shall meet the standards included in TMC§1108.0400 Landscape Materials Standards;
  - d. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties). **(If applicable);**
  - e. The location and type of any proposed fencing. Fence shall meet the criteria as set forth in TMC 1104.1801(C)(1) *Wireless Telecommunication Facilities*. Fence shall be an eight (8') foot wood, board-on-board privacy fence or wall, as measured from the finished grade of the site, constructed around the perimeter of the Wireless Facility. The use of barbed wire is not permitted. Fencing is subject to the approval of the Director of the City of Toledo Plan Commission.
  - f. **If applicable.** The location, lighting and size of any signs, all signage is subject to TMC§1387. No commercial advertising shall be allowed on a tower or antenna, except for antennas attached to an existing and approved sign. Towers may have safety or warning signs in appropriate places.
- 22. 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.
  - 23. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
  - 24. 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.
  - 25. 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.

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**PLAN RECOMMENDATION (cont'd)**

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26. 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 & maintained indefinitely.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Gibbons". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

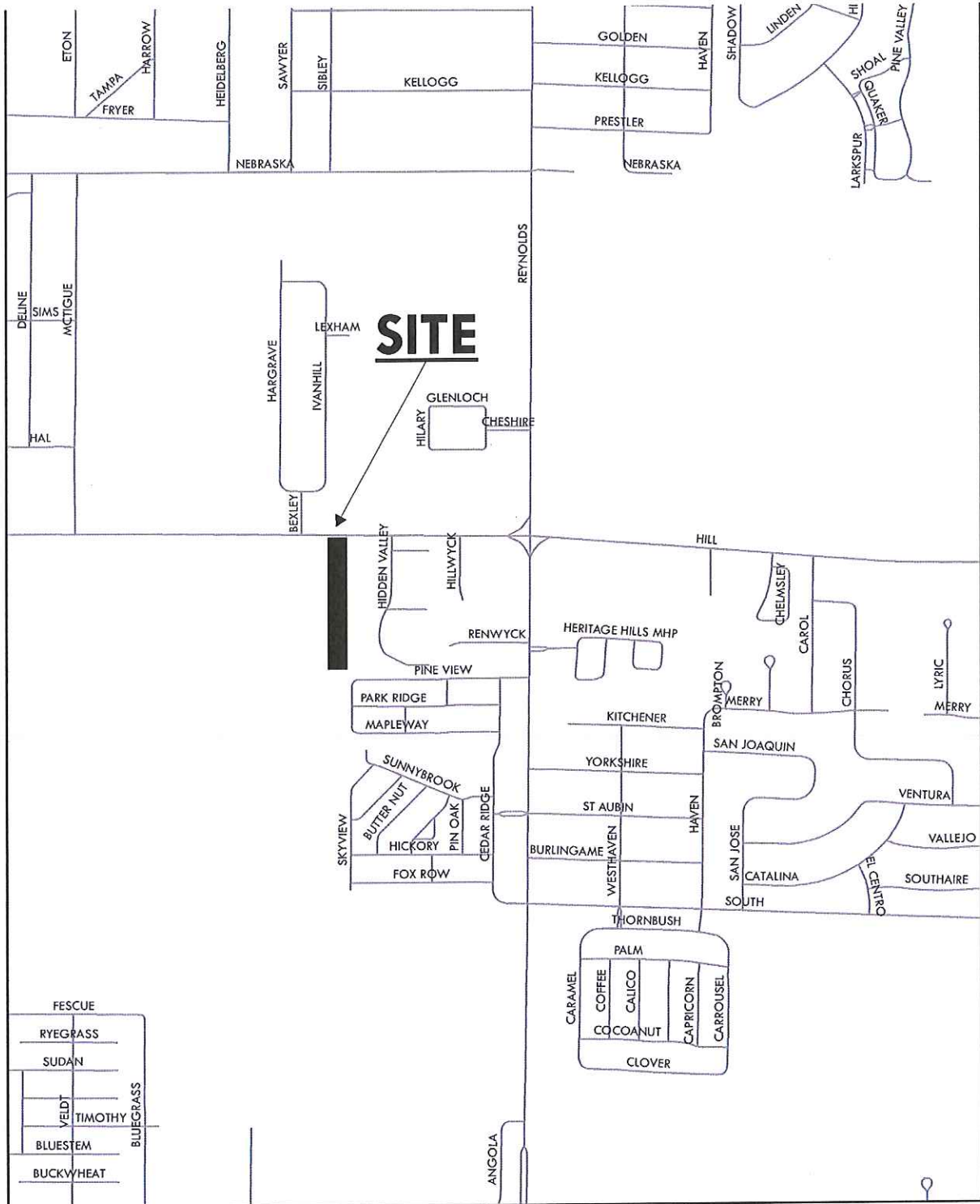
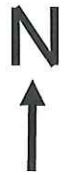
Thomas C. Gibbons  
Secretary

TCG/GP  
Five (5) sketches follow

CC:  
Lisa Cottrell, Administrator  
Gyasi "JC" Pullum, Planner

# GENERAL LOCATION

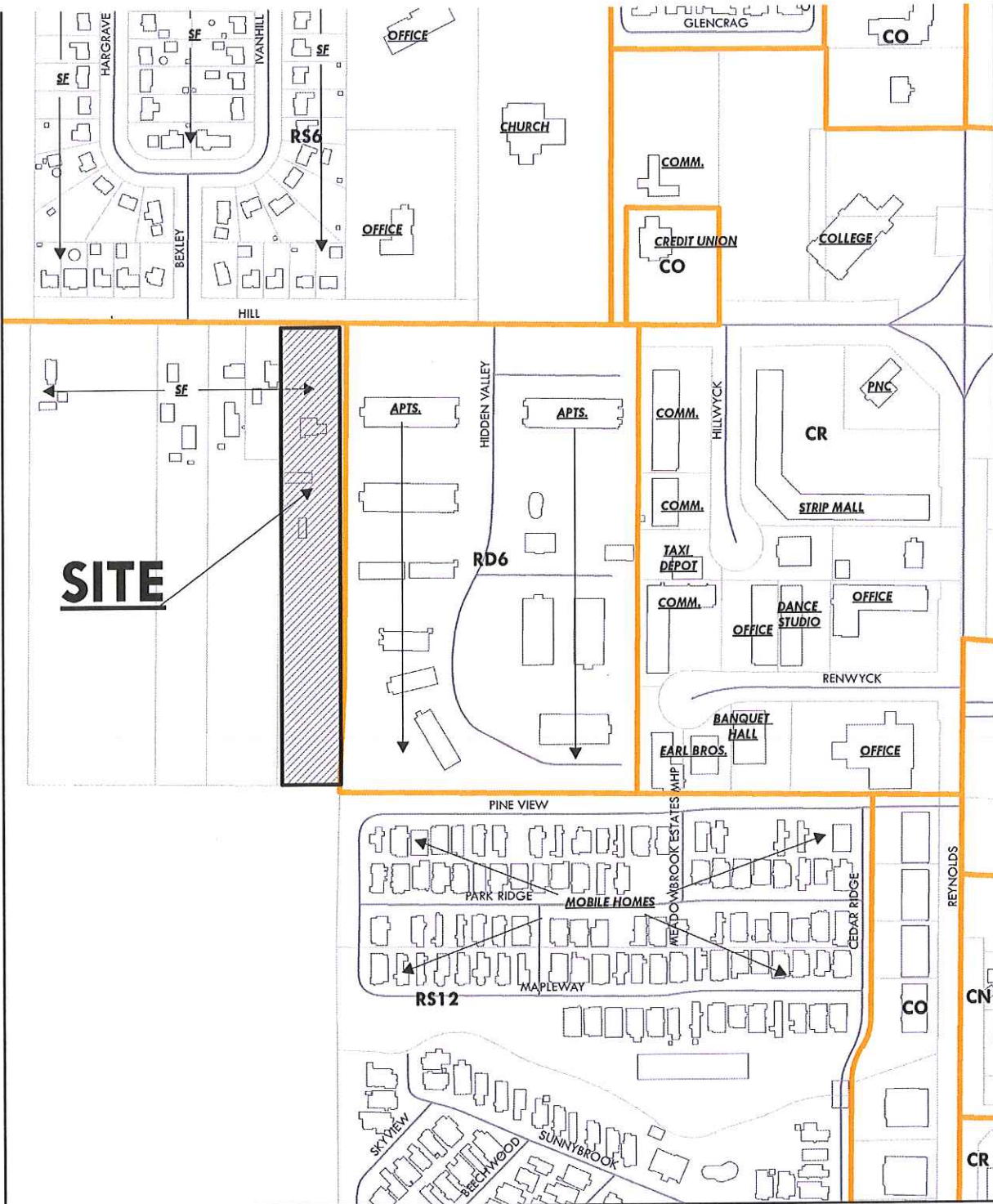
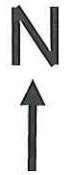
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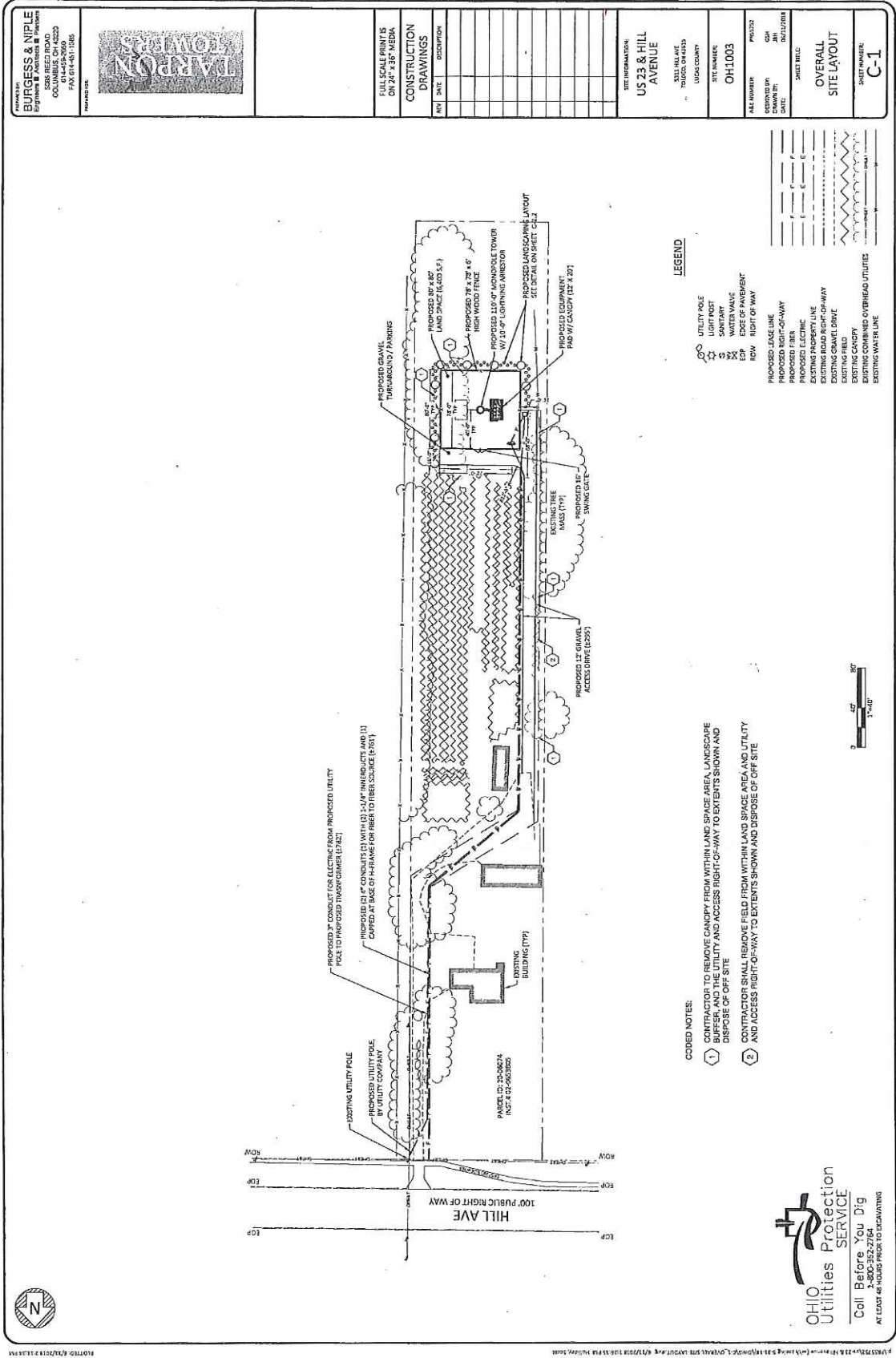


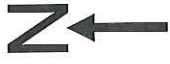
# ZONING & LAND USE

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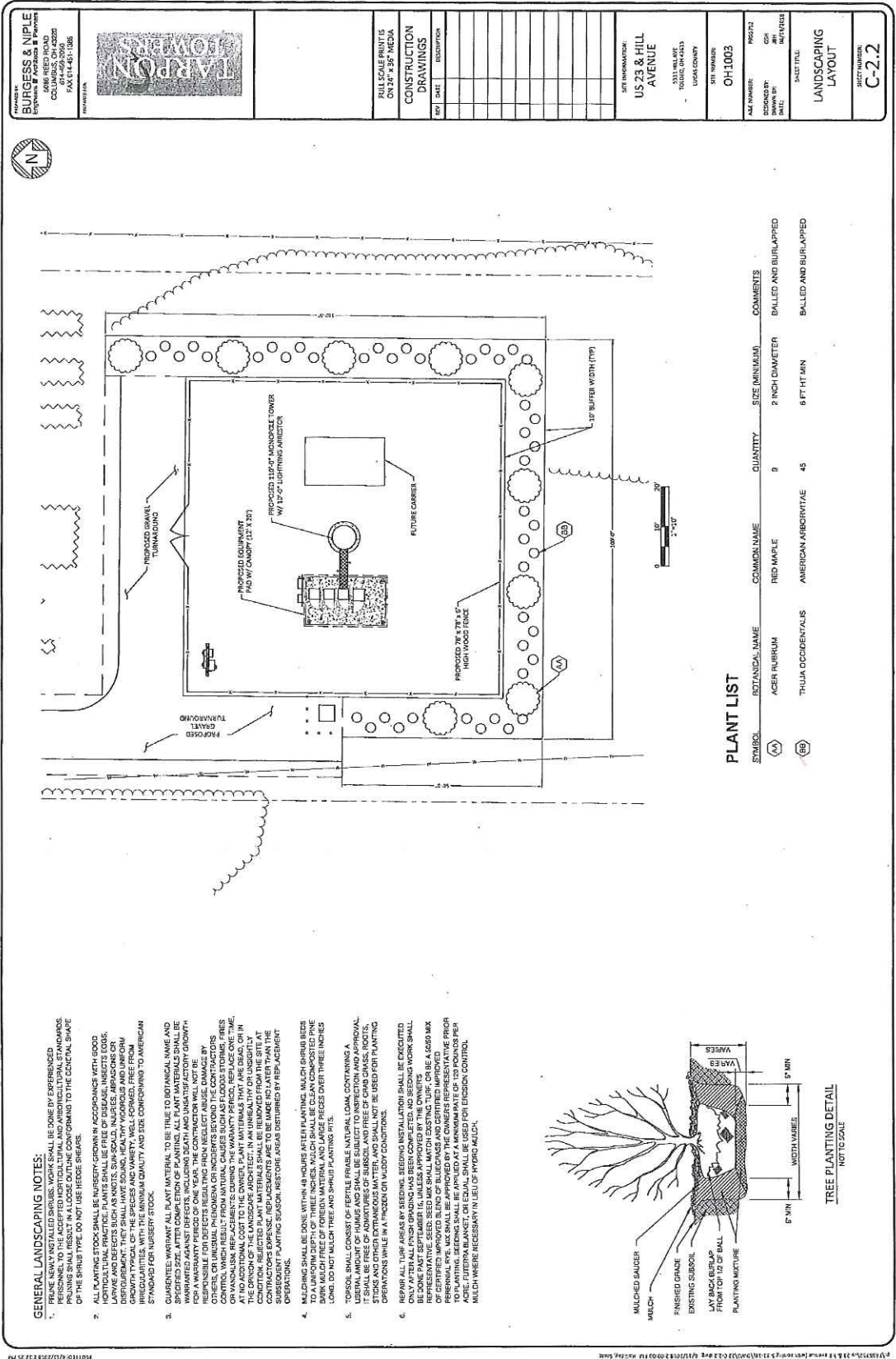
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# LANDSCAPE PLAN

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ID 120





**SUP-6004-18**  
**ID 120**

