

- LUCAS COUNTY PLAN COMMISSIONS

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

DATE: September 10, 2020

SUP-7003-20 REF:

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 a Radio Tower at 578 High Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 10, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Special Use Permit for a Radio Tower Request

Location

578 High Street

Applicant

Sean Nestor, Treasurer

Toledo Integrated Media Education

2357 Scottwood Avenue #5

Toledo, OH 43620

Engineer

Ken Zuercher, Engineer

Toledo Integrated Media Education

3905 Woodmont Road Toledo, OH 43613

Owner

Melinda Rapp, Executive Director

Seagate Food Bank 526 High Street Toledo, OH 43609

Site Description

Zoning

IG / General Industrial

Area

Frontage

 ± 1.6 acres

±440' along High Street

Existing Use

Undeveloped land on Seagate Food Bank property

Proposed Use

Radio Tower

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GENERAL INFORMATION (cont'd)

Area Description

North - Railroad / IL

South - Seagate Food Bank / IL

East - Seagate Food Bank, used auto sales / IG & IL

West - Undeveloped land, warehouse / IG

Parcel History

SUP-58-81 - Special Use Permit for industrial training & related

education. PC recommended approval 03/19/1981.

Ord. 287-81 passed 05/06/1981.

V-52-94 - Resolution 52-94, request for the vacation of part of

alley running north-south, north of High Street extended westerly. PC recommended approval

07/07/1994. Expired.

Applicable Regulations

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

• Toledo 20/20 Comprehensive Plan

Old South End Master Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a new radio tower on the site of the Seagate Food Bank. The tower will broadcast the community radio station WAKT 106.1FM, and will be operated and maintained by the applicant, Toledo Integrated Media Education. The radio tower will broadcast to the Toledo area. The site is ±1.6 acres and is zoned IG – General Industrial. Adjacent land uses include a railroad to the north, Seagate Food Bank facilities to the south and east, a used auto facility further to the east, and undeveloped land and a warehouse to the west. A Special Use Permit is required for all radio or TV towers.

The proposed self-supporting tower will be ninety-six feet (96') in height and be constructed to the west of the existing buildings on site. Wireless Facilities are required to have a setback distance from the property line in all directions equal to the height of the tower or 100 feet, whichever is greater, if the facility abuts a residential district or household living or group living uses. The site does not abut these, but still is setback more than 100 feet from the southern, eastern, and western property lines. The structure will be setback forty-four feet (44') from the northern property line, which abuts the railroad to the north.

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STAFF ANALYSIS (cont'd)

Building Design & Materials

The proposed radio tower is a self-supporting Titan T200 Tower. Pursuant to TMC§1104.1801(C) 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 (FAA), or other federal or state authorities, require otherwise. Signals or lights are not permitted unless required by FAA and unless they are directed away from any nearby residential districts. No commercial advertising is allowed on the tower.

Landscaping

Per TMC§1104.1801(C), wireless telecommunications facilities must have an eight foot (8') high privacy fence or wall, as measured from the finished grade of the site, constructed around the perimeter of the wireless facility. Wireless facilities are considered an industrial use, and the buffer and screening requirements of TMC§1108.0203 apply. However, as the site is already zoned IG – General Industrial, a landscape buffer is not required. The use of barbed wire, razor wire, concertina wire, or the like is not permitted.

Old South End Master Plan

The site is located in the Old South End neighborhood of Toledo. The Old South End Master Plan identifies the site as a potential greenspace, however the site is the location of the Seagate Food Bank and is zoned IG-General Industrial. The nonprofit organization applying for the Special Use Permit has partnered with Lourdes University and Owens Community College to provide hands-on experiences in media and radio broadcasting. The radio tower will help provide media experience for students. Although The Old South End Master Plan identifies the site as the location of a greenspace, it also encourages non-profits to engage in the community and to support the neighborhood. Permitting the Special Use Permit would allow the existing industrial site to provide another benefit to the community in addition to the existing food bank.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Light Industrial land uses. Light Industrial 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 land uses. As wireless facilities are considered an Industrial use and because the proposed structure is setback compatibly with residential uses, the future land use is compatible with the proposed radio tower.

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STAFF ANALYSIS (cont'd)

Staff recommends approval of the request for two (2) reasons. First, the proposed use complies with all applicable provisions of the Zoning Code. Second, the use compatible with adjacent uses in terms of scale, site design, and operating characteristics.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-7003-20, a request for a Special Use Permit for a radio tower at 578 High Street, to the Toledo City Council, for the following two (2) reasons:

- 1. The proposed use complies with all applicable provisions of the Zoning Code (TMC§1111.0706(B)).
- 2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C)).

The Toledo City Plan Commission further recommends approval of SUP-7003-20, a request for a Special Use Permit for a radio tower at 578 High Street, to the Toledo City Council, subject to the following **twenty (20)** 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.

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PLAN COMMISSION 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.

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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.

Sewer & Drainage Services

- 5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
- 6. S&DS requires that the private sanitary lines (after they have cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Environmental Services

- 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 infrastructure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

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PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

10. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.

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

Fire Prevention

No comments or concerns.

Transportation

No comments or concerns.

Plan Commission

- 12. The facility shall be setback from the property line in all directions a distance equal to the height of the tower or antenna or 100 feet, whichever is greater, if the Facility abuts a Residential District or Household Living or Group Living uses. **Acceptable as depicted.**
- 13. The tower or antenna shall be constructed so that if a failure does occur, it will collapse into itself and will not fall onto structures near the site.
- 14. 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.
- 15. 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.
- 16. 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:

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PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

a. All wireless facilities are subject to setback requirements, have an eight foot (8') high privacy fence or wall, as measured from the finished grade of the site constructed around the perimeter of the wireless facility. Subject to the approval of the Plan Director.

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- b. Topsoil must be back filled to provide positive drainage of the landscape areas;
- Landscaped areas may not contain bare soil, aggregated stone or decorative rock.
 Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage;
- d. The location number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained;
- e. The location, height and materials for any fencing to be installed and maintained.
- f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
- 17. All wireless facilities may be inspected at any time by the City in order to determine compliance with original constructions standards. Deviation from the original construction for which a permit is obtained constitutes a violation of the Zoning Code.
- 18. 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.
- 19. 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.
- 20. 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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Respectfully Submitted,

Thomas C. Gebbon

REF: SUP-7003-20

Thomas C. Gibbons

Secretary

DR

Four (4) sketches follow

Sean Nestor, 2357 Scottwood Avenue #5, Toledo OH 43620

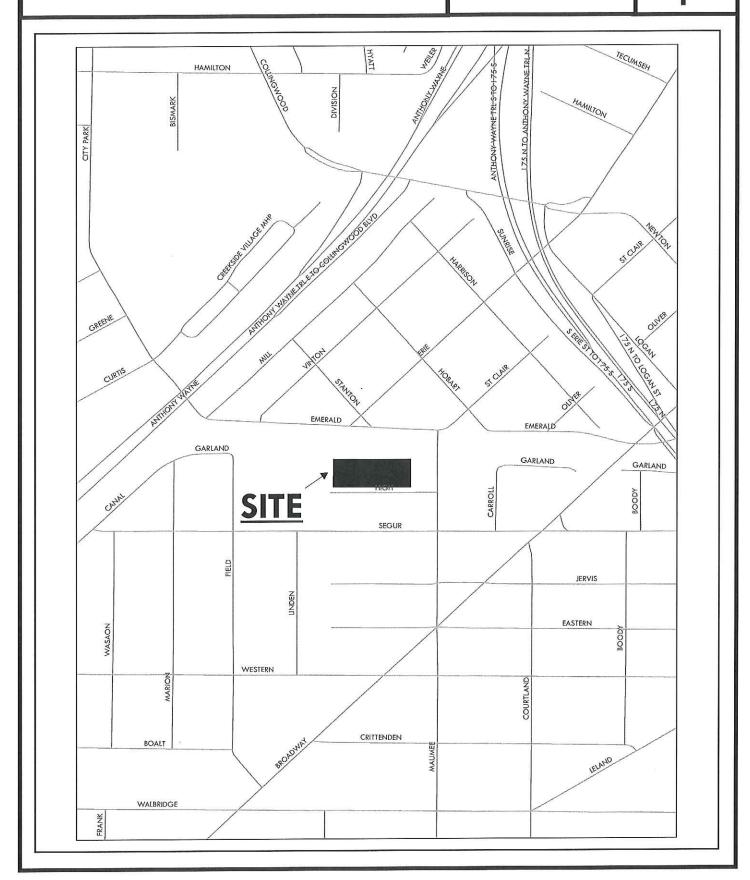
Ken Zuercher, 3905 Woodmont Road, Toledo OH 43613

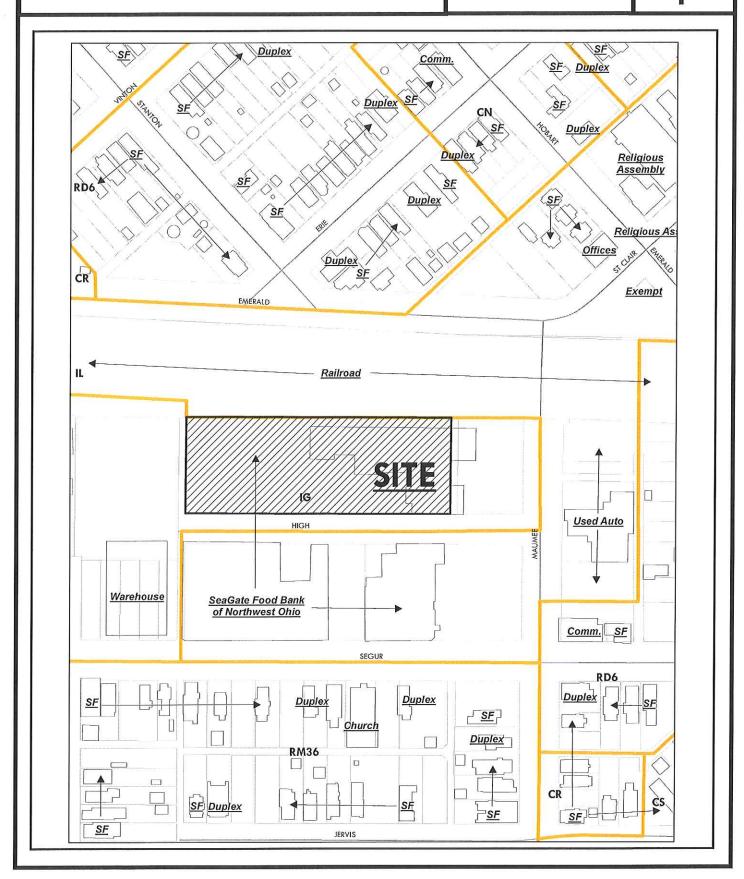
Melinda Rapp, Seagate Food Bank, 526 High Street, Toledo OH 43609

Lisa Cottrell, Administrator Dana Reising, Planner

GENERAL LOCATION

SUP-7003-20 ID 12 N 1







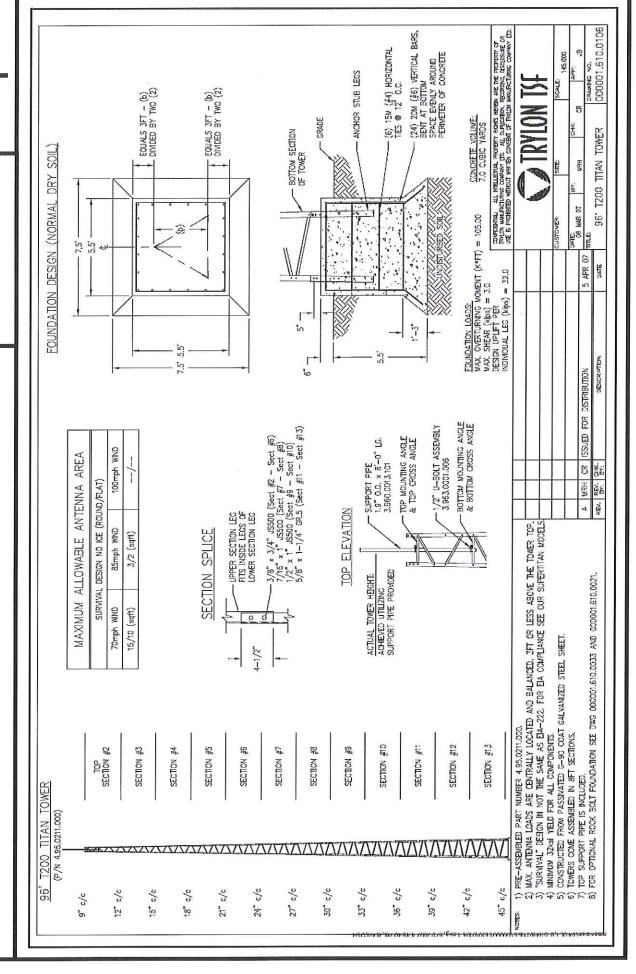
SITE PLAN



ELEVATIONS

SUP-7003-20 ID 12





TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE:

August 28, 2020

REF:

SUP-7003-20

PLANNER:

Reising

NOTICE OF PUBLIC HEARING

on

Date: Thursday, September 10, 2020

Request:

Special Use Permit for a radio tower

Location:

578 High Street

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the **project applicant** as well as owners of property within and contiguous to and directly across the street from subject parcel (or parcels at the addresses of such owners appearing on the County Auditor's current tax list). Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at 2:00 p.m. on Thursday, September 10, 2020 as a Zoom meeting. You may attend this hearing by clicking on the following link at the time of the hearing. You will then be added as an "attendee" and will have opportunity to communicate via a "question and answer" tab. We will receive your comments/questions, and a facilitator will communicate them to the Commission Members. If you are the project applicant, please make every effort to attend the hearing.

Zoom Link:

Join from PC, Mac, Linux, iOS or Android: https://toledo-oh-gov.zoom.us/j/99041407815

You may also call the office of the Toledo City Plan Commission at 419-245-1200 or email any comments that you have to the planner at <u>dana.reising@toledo.oh.gov</u>. We will ensure that your comments are incorporated as part of the public record.

TOLEDO CITY PLAN COMMISSION

CITY OF TOLEDO, OHIO

Clerk of Council One Government Center Toledo, Ohio 43604

Julie Gibbons Assistant Clerk of Council

Telephone 419-245-1060

Date: August 28, 2020 Ref: SUP-7003-20

NOTICE OF PUBLIC HEARING

Wednesday, October 14, 2020

The Zoning and Planning Committee of Council, at a Zoom meeting to be held on Wednesday, October 14, 2020 at 4:00 p.m., will consider the following request:

Special Use Permit for a radio tower at 578 High Street

When: Oct 14, 2020 04:00 PM Eastern Time (US and Canada) Topic: Toledo City Council Zoning & Planning Committee Meeting

Please click the link below to join the webinar:

https://toledo-oh-gov.zoom.us/j/98982221294?pwd=RzFMVEhIb29VM25IUWdCZ3RRajRVQT09

Passcode: 718785

Or Telephone:

Dial:

USA 602 333 2017

USA 8882045987 (US Toll Free)

Conference code: 623767

Julie Gibbons

Assistant Clerk of Council

**Failure of applicant to appear may result in a deferral or denial of your request.

NOTICE PUBLISHED IN TOLEDO CITY JOURNAL

STEVENSON RANCH CA 91381 TOLEDO OH 43604 8535 **FOLEDO OH 43609 2551** TOLEDO OH 43609 2553 TOLEDO OH 43609 2551 TOLEDO OH 43609 2551 TOLEDO OH 43609 2545 PERRYSBURG OH 43552 NORFOLK VA 23510 MAUMEE OH 43537 **TOLEDO OH 43615 TOLEDO OH 43609 TOLEDO OH 43609 FOLEDO OH 43609 TOLEDO OH 43604 TOLEDO OH 43609 TOLEDO OH 43615 TOLEDO OH 43604 FOLEDO OH 43697 TOLEDO OH 43604 TOLEDO OH 43607** CANADA T4L 2B2 mailing address 2 THREE COMMERCIAL PLACE BOX 209 4873 46TH ST LACOMBE ALBERTA ONE GOVT.CENTER #2120 ONE GOVT. CENTER #1620 ONE GOVT.CENTER #500 25876 THE OLD RD # 52 206 MAUMEE AVE 757 TECUMSEH ST mailing address 1 5726 ELMER DR P.O. BOX 70544 **361 SEGUR AVE 505 SEGUR AVE** 535 SEGUR AVE 5044 KITCHNER **569 SEGUR AVE 609 SEGUR AVE** 541 SEGUR AVE 45 MAUMEE P.O. BOX 256 P.O. BOX 373 P.O. BOX 670 526 HIGH ST **FOLEDO LUCAS COUNTY PLAN COMMISSIONS** LUCAS COUNTY LAND REUTILIZATION CORP COUNCILMEMBER THERESA GADUS **BROADWAY CORRIDOR COALITION** MADD POWER INVESTMENTS LLC **BISHOP MARVIN D CRITTENDEN TOLEDO SEAGATE FOOD BANK** BENNETT ENTERPRISES INC **ASUNDER PROPERTIES LLC** PENNSYLVANIA LINES LLC **LUCIO ADAN VAZQUEZ** SOTO JENNIFER WORK -RY DONALD & DIANA CORLEY WILLIAM J II ROBINSON ROBIN L MEACH MARLENE DDT TOLEDO LLC MUNOZ HECTOR CODY TIFFANY L WHITE LISA M COOK ERIC W WHITE HAL D owner

CITY OF TOLEDO SIGN POSTING REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedure established by the City Zoning Code (TMC 1111.0304) are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of the public rights-of-way (if the way has been in use) also require signs.

The applicant is responsible for posting the required sign(s) and ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Upon notification, the sign(s) is to be picked up at the Toledo-Lucas County Plan Commission office between the hours of 8:00 a.m. and 4:45 p.m.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Plan Commission staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be two to seven feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign in order to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then in addition to a sign placed on the property a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

A. Sign(s) shall be mounted on a post, stake or building at the site.

4. PERIOD OF POSTING

A. Signs must be posted from (dates) 8/25/2020 to 10/23/2020

5. REMOVAL

- A. The sign shall not be removed before the final hearing on the request.
- B. The sign shall be removed between seven (7) and ten (10) days after the final hearing.

I hereby acknowledge that I have read the above Sign Posting Requirements and discussed them with the Plan Commission staff. I understand all the requirements and agree to comply with each of them. I acknowledge receiving a copy of these Sign Posting Requirements.

| Kenneth R. Znercher | |
|------------------------------------------------|------------------------------|
| (Applicant or Agent) | (Print Name or Organization) |
| | 419-304-2792 |
| | (Telephone No.) |
| lissued 1 signs for this application $8/21/20$ | Dana Reisins |
| (Date) | (Staff Member) |
| Location of sign(s) Segur Avenue | |
| | CASE NUMBER SUP-7003-20 |
| TLCPC 6/2004 | |



A Non-Profit Organization

MELINDA M. RAPP Executive Director

ALICE T. MOSINIAK

July 23, 2020

To: Toledo-Lucas County Plan Commissions

RE: Special Use Permit for Community Radio Tower at 578 High Street

We, the undersigned, wish to convey our support for this special-use permit seeking the erection of a small tower at the site of the Seagate Food Bank (578 High Street). We understand that the tower's sole purpose will be the broadcast of a licensed community radio station (WAKT 106.1FM), and that it's visual impact on our neighborhood will be minimal due to its small size and remote location. We feel that this station will help enhance the profile of our neighborhood and provide a way to get important information out to the broader community.

Operated by a registered 501c3 non-profit, Toledo Integrated Media Education, WAKT 106.1FM is committed to giving a voice to underrepresented perspectives in local media. Through partnerships with Lourdes University and Owens Community College, the station provides opportunities for those seeking careers in media and communications to obtain hands-on experience in the industry. It also provides a platform, training, support, and resources for area citizens with ideas for original programming.

Though the station is already available for streaming through the Internet, erecting the tower at 578 High Street will enable a terrestrial broadcast signal that is expected to reach most of the Toledo area. The tower itself will not stand more than 96' off the ground and will not require any form of lighting per FAA rules. Furthermore, the tower would reside on an isolated street with no adjacent residential properties.

In light of these facts, we seek to reiterate our support of this special use permit and urge your commission to approve it.

Respectfully,

Executive Director

Mindy Kapp

Toledo Seagate Food Bank

526 High Street

Toledo, OH 43609



To: Toledo-Lucas County Plan Commissions

RE: Special Use Permit for Community Radio Tower at 578 High Street

Mosaic Ministries is pleased to support a special-use permit seeking the erection of a small tower at the site of the Seagate Food Bank (578 High Street). We understand that the tower's sole purpose will be the broadcast of a licensed community radio station (WAKT 106.1FM), and that it's visual impact on our neighborhood will be minimal due to its small size and remote location. We feel that this station will help enhance the profile of our neighborhood and provide a way to get important information out to the broader community.

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In light of these facts, we seek to reiterate our support of this special use permit and urge your commission to approve it.

Respectfully,

David Kaiser

Marion

Pastor

Mosaic Ministries of South Toledo

419.344.58



To: Toledo-Lucas County Plan Commissions

RE: Special Use Permit for Community Radio Tower at 578 High Street

The Broadway Corridor Coalition wishes to convey our support for this special-use permit seeking the erection of a small tower at the site of the Seagate Food Bank (578 High Street). A positive vote of support was made at our August 2020 meeting of the Board. We understand that the tower's sole purpose will be the broadcast of a licensed community radio station (WAKT 106.1FM), and that its visual impact on our neighborhood will be minimal due to its small size and remote location. We feel that this station will help enhance the profile of our neighborhood and provide a way to get important information out to the broader community.

Operated by a registered 501c3 non-profit, Toledo Integrated Media Education, WAKT 106.1FM is committed to giving a voice to underrepresented perspectives in local media. Through partnerships with Lourdes University and Owens Community College, the station provides opportunities for those seeking careers in media and communications to obtain hands-on experience in the industry. It also provides a platform, training, support, and resources for area citizens with ideas for original programming.

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Considering these facts, we seek to reiterate our support of this special use permit and urge your commission to approve it.

Respectfully,

Robert Welly

Robert Welly President