



Legislation Details (With Text)

File #: O-199-22 **Version:** 1 **Name:**

Type: Ordinance **Status:** Reported to Council

File created: 4/14/2022 **In control:** Zoning & Planning Committee12324

On agenda: 4/26/2022 **Final action:** 4/26/2022

Title: Granting a Special Use Permit for a Scrap and Salvage Facility for a site located at 2351 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
4/26/2022	1	City Council	Suspension	Pass
4/26/2022	1	City Council	Emergency	Pass
4/26/2022	1	City Council	Passage	Pass

Zoning & Planning Committee

Granting a Special Use Permit for a Scrap and Salvage Facility for a site located at 2351 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-9003-21) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Scrap and Salvage Facility for a site located at 2351 Hill Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 10, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a Scrap and Salvage Facility for a site located at 2351 Hill Avenue, in the City of Toledo, Lucas County, Ohio.

On April 13, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Scrap and Salvage Facility for a site located at 2351 Hill Avenue, the City of Toledo, Lucas County, Ohio and all other things required by law to be done, have been done.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a Special Use Permit for a Scrap and Salvage Facility for a site located at 2351 Hill Avenue, in the City of Toledo, Lucas County, Ohio and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

3 9 NW 1/4 IRREG PCE BEING E 340 FT F RT W 1587.63 FT FRT BY 607.71 FT ON S LINE PT BET HILL AVE & NYC RR SUBJ TO HILL AVE WDNG

SECTION 2. That the approval of the Special Use Permit for a Scrap and Salvage Facility for a site located at 2351 Hill Avenue, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 47 conditions as follows:

The following forty-seven (47) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. All proposed sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
2. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening. Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.
4. Contact Division Of Engineering Services for inspection of above-mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. 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. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for this site.
7. The design professional or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service line, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and

- backflow prevention device, be brought into compliance with current City of Toledo standards.
8. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
 9. Water service is not available to 2341 Hill Avenue. If water service is required for 2341 Hill Avenue, a public water main shall be extended along Hill Avenue, across the property frontage, at the developer's expense. This public water main can then be tapped for water service to 2341 Hill Avenue.
 10. In the event of site plan approval as-is without stormwater planning shown, the applicant understands that the city intends to give no assurance at this time that the plan appears to be feasible for stormwater compliance. Rather, the city assumes that preliminary engineering review by the applicant has determined that the site plan is stormwater feasible and will be shown to be so at the time of the full stormwater submittal. Changes to the site plan prior to final stormwater acceptance will require coordination with the Plan Commission.
 11. Being in or adjacent to a flood hazard zone, this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full. Application shall be made for a Floodplain Hazard Development Permit through City Building Inspection One Stop Shop. An escrow agreement may be required if a Conditional Letter of Map Revision or Letter of Map Revision are required to be submitted to the Federal Emergency Management Agency per TMC 1110.
 12. To allow for maintenance access; structures, permanent fences, walls or other obstructions are not permitted within 12 feet of the top of bank or ordinary high-water mark of the ditch, or within the floodway. Clearing of vegetation/storage of materials/development within 40 feet of the ordinary high-water mark is discouraged due to water quality impacts.
 13. Dredging, filling, clearing, or otherwise altering wetlands is prohibited without first providing proof of compliance with the following permits: Section 401 of the Clean Water Act, Ohio EPA Isolated Wetland Permit, and Section 404 of the Clean Water Act. If a permit does not apply, provide a letter from a qualified professional certifying that they have surveyed the site and determined that the permit is not applicable. All certifications and delineations shall include written concurrence from the U.S. Army Corps of Engineers and/or Ohio EPA, as appropriate, in accordance with protocols currently accepted by the U.S. Army Corps of Engineers.
 14. Pre-submittal correspondence is welcome, but a stormwater review of stormwater design plans requires submittal of all of the following:

- a) Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
<https://cdn.toledo.oh.gov/uploads/documents/Public-Utilities/Engineering-Services/2014->
- b) Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's.
- c) A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.

15. Following the review process, the following will be needed for final stormwater approval:

- a) Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
- b) SWP3 contact list for responsible parties. Form is available at <http://www.tmacog.org/storc/swp3.htm>.
- c) Notice of Intent to construct under the OEPA construction general permit.
- d) Covenant for the approved O&M plan. If an OEPA Multi Sector SWP3 approval is applicable, then the O&M plan must be approved through that process as well prior to recording the post construction O&M covenant.

16. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <https://toledo.oh.gov/business/environment/storm-water-program>

Division of Environmental Services

17. 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.

Division of Environmental Services

- a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later

than three days prior to the commencement of construction activities.

- b. Construction BMPs shall be in place prior to the start of construction activities.
 - a. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal work hours.
18. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
19. Applicant should determine if the facility and associated activities are eligible for coverage under the Ohio's Industrial Storm Water permit. Facilities and activities eligible for coverage are identified in Appendix D of the Ohio Multi-Sector General Permit No.: OH000006. If applicable, your facility should apply for coverage by submitting a Notice of Intent to the Ohio EPA by the end of construction.
20. 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.
21. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
- http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_ohio_invasive_plant_species.pdf
22. 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.

Division of Transportation

23. Bicycle parking is required per TMC 1107.0900.
24. One van and one auto accessible parking with 5' loading aisle for auto and 8' loading aisle for van is required per TMC 1107.1701 & TMC 1107.1702.
25. Parking areas, loading areas, driveways, drive aisles and maneuvering areas are required to be made of concrete, asphalt and or other dust free material per TMC 1107.1906. (Stone and gravel are not permitted outside of fence line. Parking area and drive ways shall be paved)

26. Wheel stops are required at all parking spaces abutting sidewalks, buildings, planting areas and property lines per TMC 1107.1907.
27. All parking spaces are required to be a minimum of 9'x18' with dimensions for all driveways, drive aisles and parking spaces clearly shown per TMC 1107.1911.
28. All unused curb cuts and driveways must be removed with new curb and grass to be installed to match adjacent areas.
29. Sidewalk is required to be installed on Hill Avenue per TMC 1107.1300.

Fire Prevention

30. More information is required to better determine the requirements for this site. Such as what type of metal is to be stored, is there a shredding process taking place, how high are the storage piles going to be. A revised site plan shall be submitted addressing this concern.
31. Private fire service mains and appurtenance may be required for the metal storage area.
32. Approved fire apparatus access shall be required throughout the facility including the proposed metal storage area.

Plan Commission

33. One (1) car accessible parking space shall be provided. At least one (1) van accessible parking space shall be provided (TMC§1107.1701). Not Acceptable as Depicted.
34. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
35. Both lots occupied by the facility shall be combined.
36. Litter receptacles for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910. Not shown on Site Plan.
37. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any

required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code Not Shown on Site Plan.

38. The minimum number of parking spaces for this site as indicated in TMC§1107.0300 - Off-street parking schedule "A" is five (5). Parking is not changing and therefore does not need to be reduced to meet parking maximum. No new parking shall be added.
39. Bicycle parking shall be placed within proximity to the primary entrance of the building to allow for safe use of the facility for cyclists entering the site from any frontage.
40. Parking areas, loading areas, driveways, drive aisles and maneuvering areas are required to be made of concrete, asphalt and or other dust free material per TMC 1107.1906. (Stone and gravel are not permitted outside of fence line. Parking area and drive ways shall be paved)
41. A pedestrian path shall be provided connecting the sidewalk to be installed along Hill Avenue to the primary entrance of the building. Not acceptable as depicted.
42. No new free-standing signs greater than forty-two (42) inches from grade are permitted - any proposed signage must meet the requirements of Toledo Municipal Code Title Nine - Sign Code.
43. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A fifteen-foot (15') greenbelt is required along Hill Ave, and shall include one (1) tree per every thirty feet (30') of frontage. A total of twenty-nine (29) trees are required. Not acceptable as depicted.
 - b. An opaque fence between six-feet (6') and ten-feet (10') in height shall be installed around all outdoor storage areas along Hill Avenue. Fence height and material shall be indicated on a revised plan. Where feasible a Type A landscape buffer shall be used to soften the appearance of the fence (Type A buffer requirements can be found in TMC§1108.0203E). Not acceptable as depicted. Barbed wire along the right-of-way shall be removed and an opaque fence material around the entire storage area shall be clarified on a revised site plan.
 - c. Additional shrubs lining the paved portion of the western parking area along Hill Avenue shall be required Not acceptable as depicted.

- d. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage. Acceptable as depicted.
 - e. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches and evergreen trees must be a minimum of 5'.
44. 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.
45. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
46. 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.
47. 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.

SECTION 3. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor