



Legislation Details (With Text)

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**Title:** Granting a Special Use Permit, for a Community Center for a site located at 3319 Nebraska 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
3/21/2023	1	City Council	Suspension	Pass
3/21/2023	1	City Council	Passage	Pass
3/21/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit, for a Community Center for a site located at 3319 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-12001-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Community Center, for a site located at 3319 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 9, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Community Center, for a site located at 3319 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio.

On March 15, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit, for a Community Center, for a site located at 3319 Nebraska Avenue, in 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 Community Center, for a site located at 3319 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio be 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 5 SW 1/4 NW 1/4 EXC N 660 FT W 660 FT & EXC W 580 FT PT S OF N 660 FT & EXC S 16.5 FT P T E OF W 580 FT

SECTION 2. That the approval of a Special Use Permit, for a Community Center, for a site located at 3319 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 29 conditions as follows:

The following twenty-nine (29) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions

#### Engineering Services

1. All proposed sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines
2. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8” thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening. Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
3. Installation of the drainage tiles in athletic fields (at this time or in the future) necessitates stormwater management for an increase in runoff, per Ohio standards as of 2018.
4. The stormwater planning provided for the SUP can be considered substantially complete for site planning purposes, but further submittal and review is necessary for stormwater construction permitting.
5. For stormwater permitting, this project may be submitted as a full storm submittal for a new permit, or a partial submittal to modify and continue the existing permit. The submittal needs to be made in any case with a new update submittal cover sheet. <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
6. Engineer-stamped drawings will be needed. The engineering standards document is online in the drop-down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>
7. Following a stormwater review, additional new or updated items are needed to complete the applications:
  - a. As outlined on the stormwater submittal cover sheet, submittal step 2.
  - b. Fee and a Toledo Licensed Sewer Contractor for the construction permit.

#### Sewer & Drainage Services

8. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
9. S&DS requires that the existing private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity. Environmental Services
10. All current Stormwater Pollution Prevention Plan requirements for the current active construction on site shall be met and any deficiencies resolved prior to proceeding with this portion of the project
11. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to activities during and after construction.
12. 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.
  - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
  - b. Construction BMPs shall be in place prior to the start of construction activities.
  - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
13. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
14. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
15. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from [https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives\\_to\\_ohio\\_invasive\\_plant\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
16. 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.

#### Transportation

17. Bicycle parking is required per TMC§1107.0900.

#### Plan Commission

18. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards

outlined in TMC§1107.1700. Five (5) Car spaces and one (1) van spaces are required. Acceptable as depicted.

19. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires eighteen (18) bicycle parking slots are required. These may be placed anywhere on site for use of the community center building, walking path, or sports fields, however distribution between the uses is encouraged for optimal efficiency by bicycle users. Not acceptable as depicted. Eighteen (18) spaces required.
20. 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.
21. 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)).
22. Active recreation area must be set back at least fifty (50) feet from any RS or RD district and at least 25 feet from any other Residential or Commercial zoning district. Acceptable as depicted.
23. The proposed parking count (182) is acceptable as depicted, based on the information supplied by the applicant. In the event operational characteristics of the sports fields or community center increase the parking demand beyond current capacity, this special use permit shall be subject to review.
24. 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:  
Landscape plan is acceptable as depicted.
  - a. Topsoil must be back filled to provide positive drainage of the landscape areas;
  - b. 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;
  - b. 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;
  - c. a type “A” land-use buffer when abutting IL Limited Industrial parcels. A type “A” landscape buffer is required to include twenty-five feet (25’) of width, and four (4) canopy trees and twenty (20) shrubs per one-hundred (100) linear feet. The proposed landscape buffers are acceptable as depicted.

- d. The location, height, and materials for any fencing to be installed and maintained; species list acceptable as depicted.
  - e. The location and direction of any proposed lighting (any lighting is to be directed away from adjacent residential properties).
25. No fence, sign structure or planting which obstructs visibility between 42 inches and 84 inches above grade shall be maintained within 23 feet of the curb or pavement edge of any street.
26. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
27. 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.
28. 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.
29. 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 10, nays 0.

Adopted: March 21, 2023, as an emergency measure: yeas 10, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved: March 21, 2023