



Legislation Details (With Text)

File #: O-079-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 2/9/2023 **In control:** City Council
On agenda: 2/21/2023 **Final action:** 2/21/2023
Title: Granting a Special Use Permit, for a CDL Driving Pad with Propane Station/Storage, for a site located at 5600 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and two waivers; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
2/21/2023	1	City Council	Suspension	Pass
2/21/2023	1	City Council	Emergency	Pass
2/21/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

Granting a Special Use Permit, for a CDL Driving Pad with Propane Station/Storage, for a site located at 5600 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and two waivers; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-11001-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a CDL Driving Pad and Propane Storage/Station for a site located at 5600 Hill Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 12, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a CDL Driving Pad and Propane Storage/Station, for a site located at 5600 Hill Avenue, in the City of Toledo, Lucas County, Ohio.

On February 15, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent without a recommendation, a request for a Special Use Permit for a CDL Driving Pad and Propane Storage/Station, for a site located at 5600 Hill 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 CDL Driving Pad and Propane Storage/Station, for a site located at 5600 Hill 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:

17.451 ACRE SPLIT PARCEL

Being a part of the Southeast and Southwest Quarters of Section 2, Town 2, United States Reserve of 12 Miles Square at the Foot of the Rapids of the Miami of the Lake Erie, City of Toledo, Lucas County, Ohio, bounded and described as follows:

COMMENCING at Mag nail found on the Centerline of Hill Avenue at the South Quarter Corner of Said Section 2;

Thence North 00 degrees 21 minutes 39 seconds East a distance of 50.00 feet, along the North-South Centerline of said Section 2, to a 5/8 inch capped iron pin set on the northerly right of way line of Hill Avenue, at The TRUE POINT OF BEGINNING;

Thence North 89 degrees 48 minutes 37 seconds West a distance of 619.57 feet, along said northerly right of way line of Hill Avenue, to a 5/8 inch capped iron pin set;

Thence North 44 degrees 35 minutes 30 seconds West a distance of 35.22 feet, continuing along said northerly right of way line of Hill Avenue to a 5/8 inch capped iron pin set on the easterly right of way line of McTigue Drive;

Thence North 00 degrees 36 minutes 08 seconds East a distance of 324.75 feet, along said easterly right of way line of McTigue Drive to a 5/8 inch capped iron pin set;

Thence North 89 degrees 23 minutes 52 seconds West a distance of 5.00 feet, continuing along said easterly right of way line to a 5/8 inch capped iron pin set;

Thence North 00 degrees 36 minutes 08 seconds East a distance of 146.75 feet, continuing along said easterly right of way line to a 5/8 inch capped iron pin set;

Thence South 89 degrees 50 minutes 44 seconds East a distance of 785.59 feet, to a 5/8 inch capped iron pin set over the center of Deline Ditch;

Thence North 01 degrees 34 minutes 37 seconds East, along said center of Deline Ditch to a point;

Thence South 89 degrees 12 minutes 09 seconds East a distance of 529.33 feet, continuing along said center of Deline Ditch to a point on the East line of the West Quarter of said Southeast Quarter of Section 2;

Thence South 00 degrees 23 minutes 13 seconds West a distance of 697.05 feet, along said East line of the West Quarter of the Southeast Quarter of Section 2, also being the westerly line of Renhill Estates Plat 1, as recorded in Plat Volume 64, Page 17, Lucas County Records, to a capped iron pin set on the northerly right of way line of Hill Avenue;

Thence North 89 degrees 12 minutes 09 seconds West a distance of 671.35 feet, along said northerly right of way line of Hill Avenue, to the POINT OF BEGINNING, containing 17.451 acres more or less, being all 8.648 acres of Lucas County Auditor's Parcel number 2017256 and 8.803 acres of Lucas County Auditor's Parcel number 2017250 and subject to all right of ways, easements and restrictions of record.

Grantor claims title by Instrument #20220217-0008199 and #20220217-0008200.

This description was prepared on November 17, 2022 by The Mannik Smith Group and is based on a survey of the premises.

Bearing control based on Ohio State Plane Coordinate System (Ohio North Zone, NAD 83 (2011)).

SECTION 2. That the approval of the Special Use Permit for a CDL Driving Pad and Propane Storage/Station for a site located at 5600 Hill Avenue, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 42 conditions as follows:

The following forty-two (42) 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. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. Show the existing 8-inch diameter private fire line on each plan sheet. Maintain a minimum of 5 feet of cover over the top of the existing private fire line. Maintain 18 inches of vertical clearance between the existing private fire line and proposed storm sewer.
5. The stormwater plan can be considered substantially complete for site plan purposes, but further stormwater review is necessary for approval of a construction permit. The review necessary for it begins with a full submittal of multiple items as outlines on the regional submittal cover sheet, listed under the heading for submittal step 1: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
6. Toledo infrastructure requirements for stormwater management of a project of this size are per the document available 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 the stormwater review additional items are needed to complete the application:
 - a. As outlined on the regional SWP3 submittal cover sheet, submittal step 2.
 - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.

Water Distribution

8. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
9. Detailed plans for any proposed water main shall be submitted to the Division of Water Distribution for review and approval.
10. 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 43604 for review and approval. Approval of site utility plan is contingent on approval

of meter setting and backflow preventer.

11. 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 (419-392-2032) to verify the backflow prevention requirements for the site.
12. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
13. Detailed water plans shall also be submitted to Fire Prevention for review and approval.
14. Sheet C06:
 - a. It appears that there is going to be a grading cut for the proposed storm water management area in the middle of the site. The "dog-leg" at the southern end extends over the existing water main. There shall be 5 feet of cover maintained over the existing water main.
 - b. There shall be a minimum 18" clearance between the proposed outlet from the proposed storm water management area to the existing ditch and the existing water main.

Fire Prevention

15. Check with the State Fire Marshalls office for the requirements on above ground tank permitting.
16. Construction documents are required.
17. All LP gas equipment shall be installed in accordance with the international Fuel Gas Code, FPA 58 and the Ohio Fire Code.
18. Fire Department Accessibility.

Division of Environmental Services

19. 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.
20. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

21. 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.
22. 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](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
23. 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

24. Six auto and one van accessible parking spots are required with 5' loading aisle for auto and 8' loading aisle for van per TMC 1107.1700
25. Wheel stops are required at all parking spaces abutting sidewalks, buildings, planting areas and property lines per TMC 1107.1907.
26. Bicycle parking is required per TMC 1107.0900.
27. Label driveway apron and curb cut to be removed and replaced with new curb and grass to match adjacent areas.

Plan Commission

28. The portion of the property identified as the site for purposes of the improvements shall be separated from the parcel with the High School via a lot split or replat and combined with any other portions intended to be used. Survey provided for split is acceptable, split and combination shall still need to be applied for.
29. A minimum of one (1) van accessible spaces shall be provided on a revised site plan TMC§1107.1701. A minimum of six (6) auto accessible spaces shall be provided. Not acceptable as depicted.
30. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
31. Twenty-five (25) bicycle parking spaces are required.
32. Installation of propane system. must comply to the requirements for permits set forth in Chapter 1511 of the Fire Prevention Code at 1365 of the Building Code pertaining to liquefied petroleum gases.

33. 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 (if applicable).
34. 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. Acceptable as depicted on site plan.
35. A minimum of one litter receptacle shall be provided near the employee parking area. Not acceptable as depicted, none provided.
36. The relocated pedestrian walkway shall be designed in such a way as to be fully accessible to people with physical disabilities.
37. No free-standing signs greater than forty-two inches (42") from grade are permitted - any proposed signage must meet the requirements of signs per Toledo Municipal Code Title Nine - Sign Code.
38. 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 thirty-foot (30') greenbelt is required along each frontage, and shall include one (1) tree per every thirty feet (30') of frontage. The portion of the site with a parking lot facing right-of-way shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Acceptable as depicted.
 - b. The solid evergreen hedge plantings shall be extended north along the CDL pad to screen headlights from the right-of-way. Not acceptable as depicted
 - c. All parking areas visible from the right-of-way or adjacent properties shall be screened from view using an evergreen hedge line so that no headlights of any vehicle can be seen. Acceptable as depicted.
 - d. Perimeter landscape parking is required along the eastern side of the parking lot containing at least one canopy tree must be provided for each 40 linear feet, plus a continuous shrub with a minimum height of 18 inches. Not acceptable as depicted. Landscaping or waiver required.
 - e. The total interior landscaping required in parking lots is twenty (20) square feet per parking and stacking space; Acceptable as depicted.
 - f. Landscape areas within the parking area must be peninsular or island types and must be constructed with six-inch (6") by eighteen-inch (18") concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;

- g. Six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. One (1) canopy tree may substitute for three shrubs. Thirty (30) shrubs required, twenty (20) shrubs and five (5) trees are provided. Acceptable as depicted.
 - h. All parking spaces must be within 100 linear feet of a landscaped area; acceptable as depicted.
 - i. Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details. Irrigation plan or waiver required.
 - j. Topsoil must be back filled to provide positive drainage for the landscape area.
 - k. 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.
 - l. 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.
 - m. The location, height, and materials for any fencing to be installed and maintained; Pursuant to TMC§1105.0402(A)(1), fences may not exceed three and a half feet (3.5') in height in the required front setback. Location acceptable as depicted.
 - n. A seven-foot (7') solid fence screening the eastern side of the site from neighboring residential uses. Not acceptable as depicted.
39. 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.
40. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
41. 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.
42. 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. Waiving Section 1108.0202(C)(2) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5600 Hill Avenue,

in the City of Toledo, Lucas County, Ohio.

Chapter 1108 - Landscaping and Screening

1108.0204(C)(2) - Parking Lot Landscaping - Quantity Requirements - Perimeter

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 canopy tree must be provided for each 40 linear feet, plus a continuous shrub with a minimum height of 18 inches (when installed so as to achieve full screening at maturity). As this section of code relates to the east side of the bus storage area abutting residential uses.

Approve a waiver to the required perimeter landscaping to the east of the bus storage area. Plan Commission recommends approval due to the constraints of the existing site, which is not planned to be reconfigured.

SECTION 4. Waiving Section 1108.0406 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5600 Hill Avenue, in the City of Toledo, Lucas County, Ohio.

Chapter 1108 - Landscaping and Screening

1108.0406 - Irrigation/Watering

Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation shall be required for projects of over ½ acre in site area. Irrigation plans must be submitted with the development plans and must contain all construction details.

SECTION 5. 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 6. 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 11, nays 0.

Passed: February 21, 2023, as an emergency measure:
yeas 9, nays 2.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved: February 22, 2023
Wade Kapszukiewicz
Mayor