



## Legislation Details (With Text)

**File #:** O-589-23      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 10/19/2023      **In control:** City Council  
**On agenda:** 10/24/2023      **Final action:** 10/24/2023  
**Title:** Granting a Special Use Permit for modifications to a major utility, for a site located at 3900 N. Summit Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Hyperlink

Date	Ver.	Action By	Action	Result
10/24/2023	1	City Council	Suspension	Pass
10/24/2023	1	City Council	Emergency	Pass
10/24/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit for modifications to a major utility, for a site located at 3900 N. Summit Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-7004-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for modifications to a major utility, for a site located at 3900 N. Summit Street, a in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 14, 2023, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit, for modifications to a major utility, for a site located at 3900 N. Summit Street, in the City of Toledo, Lucas County, Ohio.

On October 18, 2023, Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval a request granting a Special Use Permit, for modifications to a major utility, for a site located at 3900 N. Summit Street, 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 granting a Special Use Permit, for modifications to a major utility, for a site located at 3900 N. Summit Street, 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:

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ST NW OF HARBOR LINE SW OF U S NAVAL ARMORY & MACADAM RD & N OF S  
LINE

SECTION 2. That the approval of the granting of a Special Use Permit for modifications to a major utility, for a site located at 3900 N. Summit Street, in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 31 conditions as follows:

The following thirty-one (31) 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 & Construction

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. The City of Toledo public water system (within the public right-of-way) does not appear to be impacted by this project. Refer to comments provided by the division of Water Distribution regarding private water mains and/or service lines.

Fire Prevention

5. The proposed new building will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
6. Approved Premises identification is required.
7. Key box(s) for access to buildings and areas restricted by fences, gates, etc.
8. Fire apparatus access roads shall have an unobstructed width of not less than 20'. Paved road south east of the new building from where it leaves the main paved area to its dead end.
9. Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13'6".
10. Dead end fire apparatus access roads in excess of 150' shall be provided with an approved turn around area. Paved road south east of the new building from where it leaves the main paved area to its dead end.

11. Fire apparatus access roads shall be designed and maintained to support imposed loads of fire apparatus and shall be surfaced to support all- weather driving capabilities.

#### Sewer and Drainage Services (S&DS)

12. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
13. 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.

#### Division of Environmental Services

14. 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.
15. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
16. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
17. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species).
18. 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.

#### Plan Commission

19. Existing off-street parking shall not be reduced.
20. Existing parking shall adhere to the standards of TMC§1107.1700 - Accessible parking for physically disabled persons. A revised site plan shall list the total quantity of accessible van and

- car spaces.
21. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
  22. 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).
  23. 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.
  24. No free-standing signs greater than forty-two inches (42”) from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
  25. All structures shall utilize durable building materials such as brick, stone, metal, or concrete. Proposed materials on chlorination building area acceptable as depicted.
  26. Final pigmentation of the Effluent Pump and Injector Pump shall be submitted to the Plan Commission for approval.
  27. 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. Four (4) additional two-inch caliper trees are required per TMC§1108.0205. Not acceptable as depicted.
    - b. The location, height and materials for any new and existing fencing to be maintained. Per TMC 1108.0203(H), the fencing shall be at least 6 feet high, but not higher than 10 feet and may be shadow box, chain link with slats, stockade, or another type approved by the Plan Commission.
    - c. Topsoil must be back filled to provide positive drainage of the landscape area.
    - d. No rip-rap, crushed stone, concrete or other impervious materials may be exposed above the average pool elevation for any retention pond.
    - e. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards. Shall be submitted on a revised site plan.
    - f. The location and direction of any proposed lighting.

- g. The location, lighting and size of any signs.
- 28. 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.
- 29. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 30. 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.
- 31. 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 12, nays 0.

Passed: October 24, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

October 24, 2023  
Wade Kapszukiewicz  
Mayor