



Legislation Details (With Text)

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**On agenda:** 9/12/2023      **Final action:** 9/12/2023

**Title:** Granting a Special Use Permit, for Community Recreation-Active for a site located at 2053 N. 14th Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; three waivers and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: Agenda Review 9/5/2023, 3. Video: City Council 9/12/2023

Date	Ver.	Action By	Action	Result
9/12/2023	1	City Council	Suspension	Pass
9/12/2023	1	City Council	Emergency	Pass
9/12/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit, for Community Recreation-Active for a site located at 2053 N. 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; three waivers and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-5008-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for Community Recreation-Active for a site located at 2053 N. 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 13, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for Community Recreation-Active for a site located at 2053 N. 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

On August 16, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval of a request for a Special Use Permit for Community Recreation-Active for a site located at 2053 N. 14<sup>th</sup> 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 a Special Use Permit for Community Recreation-Active for a site located at 2053 N. 14<sup>th</sup> Street, 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:

INEZ NASH PARK PARCEL NO. 1409614

Shaws Addition lots 1-12 & n 25.4 ft lot 13 & Fitchs Addition lot 49 & n ½ vac Beacon Street & lots 50-62 & all vacated Linwood Avenue adj & exc pt in rd

WAYMAN PALMER PARCEL NO. 1409640

Shaws Addition lot 15 to 22 & lots 15 to 22 & 41 to 48 Fitchs Addn & all vacated Linwood Avenue adj & s1/2 vac Beacon Street lying between cen Linwood Ave & w r/

PART OF WAYMAN PALMER COURT

A parcel of land being part of Dedicated Wayman Palmer Court, being Lot 14 and part of vacated Linwood Avenue and part of Wayman Palmer Court (formerly Beacon Street) in Shaws Addition as Recorded in Volume 2A, Page 33 Lucas County Plat Records, in the City of Toledo, Lucas County Ohio, said parcel of land being bounded and described as follows:

Commencing at the intersection of Wayman Palmer Court and with the centerline of Franklin Avenue, said point of intersection being marked with a found monument box;  
thence in an easterly direction along the centerline of Wayman Palmer Court, having a bearing of North eighty-eight (88) degrees, fifty-seven (57) minutes, sixteen (16) seconds East, a distance of four hundred fifty-six and thirty-one hundredths (456.31') feet to the Point of Beginning;  
thence North zero (00) degrees, fifty-six (56) minutes, fifty-eight (58) seconds West along a line, passing by a found Mag nail at a distance of thirty-three and ten hundredths (33.10') feet and zero and twenty-three hundredths (0.23') East, a total distance of eighty-three and zero hundredths (83.00') feet to the intersection of the North line of Dedicated Wayman Palmer Court;  
thence North eighty-eight (88) degrees, fifty-seven (57) minutes, sixteen (16) seconds East along North line of Dedicated Wayman Palmer Court, a distance of one hundred fifty and sixty-five hundredths (150.65') feet to the intersection of the East line of Dedicated Wayman Palmer Court;  
thence South zero (00) degrees, fifty-six (56) minutes, fifty-eight (58) seconds East along the East line of Dedicated Wayman Palmer Court, a distance of one hundred sixteen and zero hundredths (116.00') feet to the intersection of the South line of Dedicated Wayman Palmer Court;  
thence South eighty-eight (88) degrees, fifty-seven (57) minutes, sixteen (16) seconds West along the South line of Dedicated Wayman Palmer Court, a distance of one hundred fifty and sixty-five hundredths (150.65') feet to a point, said point being referenced by a found iron pipe being 0.07' feet North and 0.15' feet East from said point;  
thence North zero (00) degrees, fifty-six (56) minutes, fifty-eight (58) seconds West along a line, a distance of thirty-three and zero hundredths (33.00') feet to the Point of Beginning  
Said parcel of land containing an area of 17,475 square feet, 0.401 acres of land, more or less. Subject to legal highways.

The above-described parcel of land is subject to any and all leases, easements, and restrictions of record. Said parcel of land having a present right-of-way occupied area of 17,474 square feet or 0.401 acres of land, more or less.

SECTION 2. That the approval of the Special Use Permit for Community Recreation Active for a site located at 2053 N. 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 521 conditions as follows:

The following fifty-two (52) 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. Required permits for all approved work in the public right-of-way shall be obtained, before work begins.
4. Existing utility easements and/or right-of-way, over existing public water mains that will remain City-owned and in service, shall be retained by the City of Toledo.
5. Contact the Division of Engineering and Construction Management for information regarding alignment of existing water mains and water service lines, and revise accordingly.
6. Privately-owned fire hydrants shall be installed on private property and not in the City right-of-way or easement areas. For example, the proposed private hydrant along Bancroft shall be installed outside of the City right-of-way. The existing hydrant proposed to be relocated, will be removed by the City of Toledo and a main-line valve shall be installed just outside of City right-of-way and easements. The portion of the existing water line from the newly installed valve in the relocated hydrant will convert to a privately owned water main and will no longer be the responsibility of the City of Toledo.
7. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
8. 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 outlined on the regional submittal cover sheet, listed under the heading for submittal step 1: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
9. 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>
10. Following the stormwater review, additional items are needed for final approval:
  - 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.

11. The underground detention system (UDS) is proprietary and outside the scope of the City's services for sewer inspection. The following notes shall be added to the plans:
  - a. The Contractor shall have the underground detention system manufacturer's representative on-site during the installation of the UDS. This representative shall advise the contractor as to the required installation procedures for the UDS.
  - b. The City of Toledo will be provided with an as-built signature by an Ohio P.E. representing the detention system manufacturer with the certification statement to the effect of: 'I certify that the underground detention system was installed in accordance with the manufacturer's installation requirements and that the underground detention system will function as designed in accordance with the contract documents.'
12. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
13. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
14. The existing portion of the public sewer on the property, which is not being abandoned, shall become private and the responsibility of the property owner to maintain.

#### Water Distribution

15. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
16. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
17. 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.
18. 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 to verify the backflow prevention requirements for the site.
19. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
20. Plans must be submitted to Fire Prevention review and approval.
21. Sheet C3.00:
  - a. Have the existing water kills called out (redline plans attached to email, available in Plan

Commission offices).

- b. Call out the relocation of the existing fire hydrant.

22. Sheet C6.01:

- a. Coordinate revisions with Sheets C3.00 and C6.03.

23. Sheet C6.03:

- a. Show valve box located near the tap. May want to move proposed water main east so valve box doesn't fall in curb line.
- b. Revise per sketch provided on attached markups.

24. Sheet C8.02:

- a. Provide updated Water General Notes (attached to e-mail, available in Plan Commission offices).

25. 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.

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

27. 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.

28. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information <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)

29. 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

30. The fire hydrant proposed for the SW corner of the building needs to be supplied by an eight (8) inch water main per City of Toledo Municipal Code, Rule 6 Fire Services Features, #2, Section 507.5.3 #a.

31. The proposed new building will require compliance with all applicable fire sprinkler and alarm, building, electrical, mechanical and plumbing code requirements.

#### Transportation

32. Painted ground directional arrows are required to indicate where one-way traffic is being utilized to prevent wrong way traffic flow.
33. The accessible parking space must be the closest space to the accessible entrance per the Americans with Disabilities Act (ADA). (Accessible parking in question is shown on south side of building).
34. Traffic Management recommends angled parking to be changed to perpendicular parking if one-way traffic is not being utilized.

#### Plan Commission

35. Per TMC§1107.0600 - Off-Street Parking Schedule “D”, the applicant shall submit an off-street parking study to ensure parking is adequate. Applicant shall provide documentation stating the potential number of attendees, hours of operation, and details of the uses contained within the center.
36. Wayman Palmer Court as utilized within the scope of this plan shall be vacated.
37. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Four (4) Car spaces and one (1) van spaces are required. Acceptable as depicted.
38. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted, exact rack placement shall be specified, location and dimensions acceptable.
39. Future redevelopment of Inez Nash Park shall require an amendment to the Special Use Permit.
40. 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.
41. All outdoor play areas must be a minimum of fifty (50) feet from adjacent residential uses. A waiver shall be obtained or the play area shown to the east of the building shall be relocated.
42. A minimum twenty-five-foot setback from the right-of-way shall be maintained. A waiver shall be obtained or the building shall be relocated. Relocation may require an amendment of this Special Use Permit.
43. 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)).

44. The location of the dumpster is not acceptable as depicted. The six-foot masonry enclosure is acceptable, however shall be moved to the interior of the site or nearer the commercial uses and away from the residential district to the east.
45. Color elevations, including a breakdown of materials by percentage for each elevation, shall be submitted. Acceptable as submitted  
Elevations breakdown by material as follows:
- a. South: 31.2% dark-colored architectural metal siding (shown on the plan as MP-2), 15.9% split-face architectural brick (shown on the plan as BRK-1), 35.1% light-colored architectural metal siding (shown on the plan as MP-3), 9% fiber-cement plank (shown on the plan as FC-1), 6.9% glazing, and 2% perforated metal screening (MP-1)
  - b. North: 19.1% dark-colored architectural metal siding, 34.7% split-face architectural brick, 0% light-colored architectural metal siding, 0% fiber-cement plank, 9.5% glazing, and 36.7% perforated metal screening
  - c. East: 49.6% dark-colored architectural metal siding, 12.3% split-face architectural brick, 33.6% light-colored architectural metal siding, 0.8% fiber-cement plank, 2.6% glazing, and 1% perforated metal screening.
  - d. West: 18.3% architectural metal siding, 19.6% split-face architectural brick, 21.2% light-colored architectural metal siding, 8.3% fiber-cement plank, 14.7% glazing, and 17.9% perforated metal screening
46. 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. The minimized ten-foot (10') greenbelt is acceptable as depicted in width, however one (1) tree per thirty (30) feet of frontage is required. Nine (9) trees shall be required within thirty (30) feet of the property line adjacent to Bancroft. Trees in the right-of-way shall not be credited. Not acceptable as depicted.
  - b. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). Not acceptable as depicted: Additional shrubs required along the northern portion of the parking lot facing Bancroft and eastern portion facing residential.
  - c. Interior landscaping must be installed in all parking areas including twenty (20) square feet of landscaped area per parking space and two (2) trees per ten parking spaces and six (6) shrubs per ten (10) parking spaces. Acceptable as depicted.
  - d. Concrete drainage structures must be located to provide maximum benefit for stormwater

treatment effectiveness, and must also be mostly concealed within the side slope, and be surrounded by landscape screening rather than visibly protruding into the landscaping.

- e. Foundation plantings shall be provided along the northern and eastern elevations. Not acceptable as depicted.
  - f. Screening shall be provided between the structure and residences to the east. Acceptable as depicted.
  - g. Topsoil must be back filled to provide positive drainage of the landscape areas;
  - h. 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;
  - i. 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;
  - j. The location, height, and materials for any fencing to be installed and maintained;
  - k. 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;
  - l. The location and direction of any proposed lighting (any lighting is to be directed away from adjacent residential properties).
47. 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.
48. No new free-standing sign greater than 42" from grade shall be permitted. Only monument signs shall be allowed.
49. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
50. 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.
51. 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.



52. 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 1106.0802 (A) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2053 N. 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1106.0800 - Parks and Open Space District Intensity and Dimensional Standards

1106.0802 - Minimum Required Setbacks

A. Building and off-street parking areas must be set back at least 25 feet from all street and place rights-of-way

Approve of a waiver to allow ten-foot (10') setback from Bancroft in order to help establish a street-wall in an older neighborhood, and create a welcoming entrance to the facility and park.

SECTION 4. Waiving Section 1106.0802 (C) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2053 N. 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1106.0800 - Parks and Open Space District Intensity and Dimensional Standards

1106.0802- Minimum Required Setbacks

C. Any playground, sport court or other active recreation area must be set back at least 50 feet from any RS or RD district and at least 25 feet from any other residential or commercial district.

Approve of a waiver to allow a setback less than fifty-feet from RS or RD districts for the outdoor play area shown on the plan. The proposed play area is screened with a separate gate, and not intended for public use outside of supervised hours.

SECTION 5. Waiving Section 1108.0202 (1) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2053 N. 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1108.0200 - Landscape Standards

1108.0202 - Frontage Greenbelt

1. Frontage greenbelts shall be a minimum width of 15 feet. For properties over 5 acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum of 30 feet wide measured perpendicular from the street or place right-of-way abutting the property.

Approve of a waiver to allow ten-foot (10') greenbelt from Bancroft in order to help establish a street-wall in an older neighborhood, and create a welcoming entrance to the facility

SECTION 6. 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 7. 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: September 12, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

September 12, 2023  
Wade Kapszukiewicz  
Mayor