



## Legislation Details (With Text)

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**File created:** 10/19/2022      **In control:** City Council

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**Title:** Waiving TMC Section 1111.0709 "Successive Applications" to allow the Division of Building Inspection to accept an application for a Special Use Permit for a Propane Station, CDL Driving Pad, and Bus Storage for a site located at 222 McTigue Drive in Toledo, Lucas County, Ohio; and declaring an emergency.

**Sponsors:** Nick Komives

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/25/2022	1	City Council		
10/25/2022	1	City Council		
10/25/2022	1	City Council		

Council Member Komives

### **Waiving TMC Section 1111.0709 "Successive Applications" to allow the Division of Building Inspection to accept an application for a Special Use Permit for a Propane Station, CDL Driving Pad, and Bus Storage for a site located at 222 McTigue Drive in Toledo, Lucas County, Ohio; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

By application (SUP-11004-20) followed the City of Toledo's Central Permit Center, a request for a special use permit for a Propane Station, CDL Driving Pad, and Bus Storage for a site located at 222 McTigue Drive in the City of Toledo, Lucas County, Ohio was submitted to the Toledo City Plan Commission for its review and recommendation. On January 13, 2022, the Toledo City Plan Commission recommended approval for the request for the special use permit. On February 16, 2022, Toledo City Council, Planning and Zoning Committee deferred the case until March 16, 2022. On March 16, 2022, Toledo City Council, Planning and Zoning Committee deferred the case until April 13, 2022, at the request of the applicant. On April 13, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent, without recommendation, the Request for a Special Use Permit to City Council. Thereafter, on April 26, 2022, Ordinance 202-22 approving the SUP failed to pass Toledo City Council by a vote of 3 yeas, 7 nays.

Toledo Municipal Code 1111.0709 sets forth a one (1) year waiting period from the denial on the processing of another application for the same or similar special use affecting the same property or a portion of it. This ordinance simply waives the one (1) year period and authorizes the applicant to immediately file, and the City to accept and process, a successive application rather than wait until expiration of the one (1) year period which expires on April 27, 2023. This waiver does not approve the Special Use Permit and a new application will undergo the same process set forth in the same review and approval process set forth in the same development

approval process and procedures set forth in Chapter 1111 of the Planning and Zoning Code.

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

SECTION 1. That Toledo Municipal Code Section 1111.0709 be and the same is hereby waived to allow the Division of Building Inspection to accept a successive application for a Special Use Permit within the one (1) year timeframe, for the property at 222 McTigue Drive, Toledo, Lucas County, Ohio.

SECTION 2. That this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and property of the City for the further reason that this ordinance is required to be immediately effective so that a new use at the subject location can be immediately reviewed.

Vote on emergency clause: yeas 11, nays 0.

Passed: October 25, 2022 as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

October 25, 2022  
Wade Kapszukiewicz  
Mayor