



## Legislation Details (With Text)

**File #:** O-232-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 4/16/2021      **In control:** City Council  
**On agenda:** 4/27/2021      **Final action:** 4/27/2021  
**Title:** Amending a Special Use Permit, for Recreational Field Improvements, originally granted by Ord. 117-14, for a site located at 4244 Suder 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, 2. Audio: Agenda Review April 20, 2021, 3. Audio: City Council April 27, 2021

| Date      | Ver. | Action By    | Action                                          | Result |
|-----------|------|--------------|-------------------------------------------------|--------|
| 4/27/2021 | 1    | City Council | Dispense with the rules of Council requiring... | Pass   |
| 4/27/2021 | 1    | City Council | declare emergency                               | Pass   |
| 4/27/2021 | 1    | City Council | passage                                         | Pass   |

Zoning & Planning Committee

**Amending a Special Use Permit, for Recreational Field Improvements, originally granted by Ord. 117-14, for a site located at 4244 Suder Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-1001-21) filed with the City of Toledo Central Permit Center, a request for an Amendment to a Special Use Permit, for Recreational Field Improvements, originally granted by Ord. 117-14, for a site located at 4244 Suder Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 11, 2021, the Toledo City Plan Commission recommended approval for the request for an Amendment to a Special Use Permit, for Recreational Field Improvements, originally granted by Ord. 117-14, for a site located at 4244 Suder Avenue, in the City of Toledo, Lucas County, Ohio.

On April 14, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for an Amendment to a Special Use Permit, for Recreational Field Improvements, originally granted by Ord. 117-14, for a site located at 4244 Suder Avenue, 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 the Amendment to a Special Use Permit, for Recreational Field Improvements, originally granted by Ord. 117-14, for a site located at 4244 Suder 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:

PROPERTY LEGAL DESCRIPTION:

8 9 17 SE ¼ S 5 AC N 26 AC W ½ PT E OF RD EXC N 75 FT W 200 FT ON N LINE

SECTION 2. That the approval of the Amendment to a Special Use Permit, for Recreational Field Improvements, originally granted by Ord. 117-14, for a site located at 4244 Suder Avenue, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 25 conditions as follows:

Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: 419-245-1341

Roadway: 419-245-1344

Water: 419-936-2163

Stormwater Drainage: 419-245-3221; 419-245-1338

Sanitary Sewers: 419-936-2276

2. 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.
3. 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.
4. 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.

Contact (419) 245-1341 for inspection of above-mentioned items.

5. In the event of site plan approval as-is without stormwater planning shown, future site plan changes made during the process of stormwater plan finalization shall be done with the Plan Commission included. Stormwater approval will be dependent on their approval of site plan changes.
6. Completion of the stormwater review requires submittal of the following:
  - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
  - Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's.
  - A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.

7. Following the review process, the following will be needed for final stormwater approval:
  - Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
  - SWP3 contact list for responsible parties. Form is available at <http://www.tmacog.org/storc/swp3.htm>.
  - Covenant for the approved O&M plan.
8. Future installation of drainage tiles in athletic fields would change the runoff calculations and require a stormwater resubmittal for review and approval.

#### Sewer & Drainage Services

9. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
10. S&DS requires that the private sanitary lines (after they have 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

11. 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.
12. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
13. 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.
14. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives to Ohio Invasive Plant Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives%20to%20Ohio%20Invasive%20Plant%20Species.pdf)
15. 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

16. Transportation has concerns that existing parking will not be adequate for the combined use of existing baseball field with new soccer and football fields.

## Plan Commission

17. Per TMC§1107.0600 - Off-Street Parking Schedule “D”, the applicant shall submit an off-street parking study to ensure the existing parking at existing parking at 4262 Suder Avenue is adequate. Applicant shall provide documentation stating the potential number of attendees, hours of operation, and anticipated number of games in a season.
18. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Acceptable as depicted on site plan.
19. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted, a minimum of nine (9) bicycle parking spaces are required and shall be depicted on a revised site plan.
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)). Not acceptable as depicted on site plan. Wheel stop devices shall be added to prevent damage to the required landscaping.
22. 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. As the site and all abutting properties are zoned RS6 Single Family Residential, no landscape buffer is required. However, fencing shall be installed where the site abuts single-family dwellings. Dwellings with existing fencing abutting the site are exempt from this condition of approval;
  - b. On 10/13/2014, Plan Commission approved a landscape plan for SUP-11002-13. The parking lot landscaping shall be installed per the approved landscape plan, or shall meet the requirements of TMC§1108.0204 *Parking Lot Landscaping (Interior and Perimeter)*. The requirements are outlined below;
  - c. 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 be at least ten feet (10’) in width. A minimum of at least one (1) canopy tree must be provided for each thirty linear feet (30’), plus a continuous shrub row with a minimum height eighteen inches (18”),

shall be depicted on a landscape plan;

- d. Interior landscaping required in parking lots is twenty square feet (20') per parking space. Two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot; shall be depicted on a landscape plan;
- e. Topsoil must be back filled to provide positive drainage of the landscape areas;
- f. 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;
- g. 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;
- h. The location, height, and materials for any fencing to be installed and maintained; and,
- i. The location and direction of any proposed lighting (any lighting is to be directed away from adjacent residential properties).

23. 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. Parking lot landscaping must be installed within one (1) year of approval.

24. 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.

25. 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: April 27, 2021 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved: April 28, 2021

Wade Kapszukiewicz  
Mayor