



## Legislation Details (With Text)

**File #:** O-264-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 5/18/2022      **In control:** City Council  
**On agenda:** 5/24/2022      **Final action:** 5/24/2022  
**Title:** Granting a Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 2922 131st Street, 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

Date	Ver.	Action By	Action	Result
5/24/2022	1	City Council	Suspension	Pass
5/24/2022	1	City Council	Emergency	Pass
5/24/2022	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 2922 131st Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-2004-21) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 2922 131st Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 14, 2022, the Toledo City Plan Commission recommended approval for the request for Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 2922 131st Street, in the City of Toledo, Lucas County, Ohio.

On May 18, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 2922 131st 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 a New Utility Pole with an AMI Antenna for a site located at 2922 131st Street, in the City of Toledo, Lucas County, Ohio; 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:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LUCAS, STATE OF OHIO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT NUMBER FORTY-FOUR (44) AND EIGHTY-ONE (81), BOTH INCLUSIVE, IN GLENBURY PARK, AN ADDITION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO.

PARCEL 2:

LOTS NUMBER TWO (2) TO TEN (10) BOTH INCLUSIVE; ALSO LOTS NUMBER TWELVE (12) TO THIRTY (30) BOTH INCLUSIVE; ALSO LOTS NUMBER THIRTY-FOUR (34) TO FORTY-THREE (43) BOTH INCLUSIVE; ALSO LOTS NUMBER EIGHTY-TWO (82) TO NINETY (90) BOTH INCLUSIVE; ALSO LOT NUMBER NINETY-FIVE (95), ALL IN GLENBURY PARK AN ADDITION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO.

PARCEL 3:

LOT NUMBER ELEVEN (11) IN GLENBURY PARK, AN ADDITION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, TOGETHER WITH ONE-HALF (1/2) OF 128TH STREET AND ONE-HALF OF 304TH STREET, VACATED ADJACENT ON SOUTH AND EAST SIDE RESPECTIVELY OF SAID LOT. THIS CONVEYANCE IS MADE PURSUANT TO A CERTAIN ---- IN CAUSE NO. 176499 IN THE COURT OF COMMON PLEAS, LUCAS COUNTY OHIO.

PARCEL 4:

LOT NUMBERS THIRTY-ONE (31), THIRTY-TWO (32) AND THIRTY-THREE (33) IN GLENBURY PARK, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO.

SECTION 2. That the approval of the Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 2922 131st Street; in the City of Toledo, Lucas County, shall be subject to compliance with the 11 conditions as follows:

The following eleven (11) 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.
4. Plan does not indicate if the pole has guy wires that could interfere with the vacated alley where multiple underground utilities exist. If need be, adjust location of pole to eliminate any conflict with the space needed to maintain existing utilities shown on the SUP plan.

Plan Commission

5. TMC§1104.1804.C requires that the pole be located at least 100 feet from any property line where abutting a residential zoning district or use. Acceptable as depicted.
6. The proposed pole shall be protected and visually screened by shrubs or foundation plantings subject to the approval of the Director. (TMC§1104.1801.C)
7. All operation of the facility shall be in accordance with the requirements of TMC§1104.1800, “*Wireless Telecommunications Facilities*”.
8. 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.
9. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
10. 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.
11. 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 \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor