



Legislation Details (With Text)

File #: O-119-21 **Version:** 1 **Name:**

Type: Ordinance **Status:** Approved

File created: 2/19/2021 **In control:** City Council

On agenda: 3/2/2021 **Final action:** 3/2/2021

Title: Granting a Special Use Permit, for a stand-alone greenhouse for a site located at 1446 Macomber 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
3/2/2021	1	City Council		
3/2/2021	1	City Council		
3/2/2021	1	City Council		

Zoning & Planning Committee

Granting a Special Use Permit, for a stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-11006-20) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 14, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio.

On February 17, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for stand-alone greenhouse for a site located at 1446 Macomber 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 stand-alone greenhouse for a site located at 1446 Macomber 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:

Parcel no. 0107977
AUBURNDALE LOTS 59 - 61

SECTION 2. That the approval of the Special Use Permit for a stand-alone greenhouse for a site located at 1446 Macomber Street, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 32 conditions as follows:

The following thirty-two (32) 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. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: 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.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Plans for new water service line shall be submitted to the Division of Engineering Services for review and approval.
8. Plans for new water meter shall be submitted to the Division of Water Distribution for review and approval.
9. 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 (419-936-2839) to verify the backflow prevention requirements for this site.

10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
11. New water service taps will be installed by City of Toledo at the developer's expense.
12. In the event of site plan approval as-is without stormwater planning shown, the applicant shall understand that no construction is permissible without the future submittal and acceptance of a stormwater plan. The site plan approval process can proceed in the meantime with this condition noted and the assumption that it is likely possible to achieve stormwater acceptance without the need for a site plan change.
13. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>

Sewer & Drainage Services

14. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
15. S&DS requires that the 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

16. Approved Premises identification is required.

Division of Environmental Services

17. 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.
18. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
19. 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.
20. 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

21. 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

22. All activities on site shall be subject to the Use Regulations of TMC§1104.2400 - Urban Agriculture.
23. All structures used for agriculture shall comply with the Division of Building Inspection regulations (TMC§1104.2404). The proposed greenhouse is subject to obtaining the proper building permits through the Division of Building Inspections.
24. In the event the activities on site generate traffic and the need for a designated off-street parking area, the applicant shall submit a revised site plan depicting the parking areas subject to the approval by the Division of Transportation.
25. 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.
26. 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).
27. 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.
28. 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. A Type A Landscape Buffer is required along the east side of the property where it abuts the residential property. The Type A Landscape Buffer shall be a minimum of ten-feet (10') in width with a solid privacy fence, wall, or berm six-feet (6') to eight-feet (8') in height and consist of a minimum of four (4) trees and fifteen (15) shrubs for every 100 linear feet. Not acceptable as depicted on site plan. A solid privacy fence shall be installed along the eastern property line.
 - b. 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.
 - c. 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.

- d. The location, height and materials for any fencing to be installed and maintained; not acceptable as depicted on site plan. A solid privacy fence shall be installed in the Type A Landscape Buffer area; and
- e. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

29. 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.

30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

31. 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.

32. 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

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council