



Legislation Details (With Text)

**File #:** O-379-22      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Approved

**File created:** 7/14/2022      **In control:** City Council

**On agenda:** 7/19/2022      **Final action:** 7/19/2022

**Title:** Granting a Special Use Permit for Community Recreation Active for a site located at 1111 E. Manhattan Blvd., in the City of Toledo, Lucas County, Ohio; subject to certain conditions, a waiver; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
7/19/2022	1	City Council		
7/19/2022	1	City Council		
7/19/2022	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit for Community Recreation Active for a site located at 1111 E. Manhattan Blvd., in the City of Toledo, Lucas County, Ohio; subject to certain conditions, a waiver; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-4004-22) 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 1111 E. Manhattan Blvd., in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 9, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for Community Recreation- Active for a site located at 1111 E. Manhattan Blvd., in the City of Toledo, Lucas County, Ohio.

On July 13, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for Community Recreation- Active for a site located at 1111 E. Manhattan Blvd., 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 1111 E. Manhattan Blvd., 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:

Parcel Nos. 18-58807 and 18-00010

1111 E. Manhattan Blvd

That portion of the East 20 acres of that part of the West Yi of the Northwest Y4 of Section 19, Town 9 South, Range 8 East, City of Toledo, Lucas County, Ohio, lying North of the Manhattan Road, described as follows: Beginning at a point where the Easterly line of said described property intersects the Northerly line of Manhattan Road;

Thence Northerly along said Easterly line, 500 feet;

Thence Westerly along a line, which is at right angles to said Easterly line, to the Westerly line of said described property, a distance of 366.2 feet, more or less;

Thence Southerly at a right angle along the Westerly line of said 20 acres, to the Northerly line of Manhattan Road;

Thence Easterly along the Northerly line of Manhattan Road, to the Point of Beginning; containing 4.316 acres, more or less; EXCEPTING THEREFROM, the South 20 feet thereof.

SECTION 2. That the approval of the Special Use Permit for Community Recreation- Active for a site located at 1111 E. Manhattan Blvd., in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 29 conditions as follows:

The following twenty-nine (29) 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, from One Stop Shop, (419) 245-1220.
4. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution will provide comments regarding existing and/or proposed private water mains and/or service lines.
5. A stormwater plan is needed. If the current site plan is approved as-is, and a future stormwater submittal alters the site plan, then the stormwater approval shall be done in coordination with the plan commission.
6. The stormwater submittal requires multiple items:
  - Items are listed on the regional SWP3 submittal coversheet: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
  - Plans according to the 2014 Infrastructure Requirements document found in the drop-down

menu on this page:

<https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>

7. Following the stormwater review, additional items are needed for final approval:
  - a. As listed on the regional SWP3 submittal cover sheet. The signed agreement will be through a covenant which will need to be recorded.
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
  - c. Construction inspection and completion of obligations in the stormwater permit.
8. There is a private sanitary sewer that runs along the west side of the existing drive. Location to be verified to make sure no poles are driven thru sewer.

#### Sewer & Drainage Services

9. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
10. S&DS requires that the existing 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 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 amount of new and/or additional impervious surface on site.
14. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. [Information is at https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants](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)
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.

### Water Distribution

16. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
17. Detailed plans for the proposed water service shall be submitted to the Division of Water Distribution for review and approval.
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 (419-392-2032) to verify the backflow prevention requirements for the site.
19. Site plan sheet shows a proposed water fountain, but doesn't show how it is being fed.

### Plan Commission

20. 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 1111 E. Manhattan Blvd is adequate. Applicant shall provide documentation stating the potential number of attendees, hours of operation, and anticipated number of games in a season.
21. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Not acceptable as depicted on site plan, one (1) additional car accessible parking space shall be provided on a revised site plan.
22. Per TMC§1107.0400, Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. Acceptable as depicted.
23. 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.
24. 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)).
25. 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 fifteen-foot (15') greenbelt is required along Manhattan Blvd and shall include one (1) tree per every thirty feet (30') of frontage. Trees are not required to be evenly spaced and may be clustered. Not acceptable as depicted. Four (4) additional trees along Manhattan Blvd shall be depicted on a revised landscape plan.

- b. A Type A landscape buffer is required where Residential abuts Industrial. This buffer requires four (4) trees and twenty (20) shrubs per 100 linear feet. Not acceptable as depicted. A shrub row shall be depicted along the eastern edge of the site, west side of the existing driveway. Subject to the Director's approval,
  - 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"), acceptable as depicted,
  - d. Topsoil must be back filled to provide positive drainage of the landscape areas;
  - e. 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;
  - f. 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;
  - g. The location, height, and materials for any fencing to be installed and maintained; applicant shall obtain a waiver to allow the eight-foot (8') and twenty-foot (20') fence around the baseball and soccer field and,
  - h. The location and direction of any proposed lighting (any lighting is to be directed away from adjacent residential properties).
26. 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. Proposed signage placement is not acceptable, signage must be setback at least twenty-three feet (23') from the curb or pavement edge of any street.
27. 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.
28. 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.
29. 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 1105.0301 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1111 E. Manhattan Blvd, in the City of Toledo, Lucas County, Ohio  
Chapter 1105 Accessory Uses

Sec. 1105.0301 - Fences or hedges may not exceed three and a half feet (3 ½') in the required front setback. Fences may not exceed four feet (4') in the side setback or seven feet (7') in height in any other location on a lot.

Approve a waiver to allow an eight-foot (8') and twenty-foot (20') fence in a Residential District. The fence will help prevent athletic activities and equipment from exiting the baseball and soccer field.

SECTION 4. 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 5. 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