



## Legislation Text

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**File #: O-380-22, Version: 1**

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Zoning & Planning Committee

### **Granting a Special Use Permit for a new AMI Pole for a site located at 3620 River Rd., in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-4002-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a new AMI Pole for a site located at 3620 River Rd., 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 a Special Use Permit for a new AMI Pole for a site located at 3620 River Rd., 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 a new AMI Pole for a site located at 3620 River Rd., 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 AMI Pole for a site located at 3620 River Rd., 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 I:

A CERTAIN PIECE OR PARCEL OF LAND IN RIVER TRACT NUMBER SIXTEEN (16) TOWN THREE (3) UNITED STATES RESERVE OF TWELVE (12) MILES SQUARE AT THE FOOT OF THE RAPIDS OF THE "MIAMI OF THE LAKES" IN ADAMS TOWNSHIP, LUCAS COUNTY AND STATE OF OHIO AND BEING ALL THAT PART OF THE NORTH HALF (1/2) OF SAID RIVER TRACT THAT LIES BETWEEN THE CENTER OF BROADWAY (OR RIVER ROAD) AND THE MIAMI AND ERIE CANAL, EXCEPTING THE RIGHT OF WAY OF THE TOLEDO, ST. LOUIS AND WESTERN RAILROAD OF EIGHTY (80) FEET IN WIDTH ACROSS SAID NORTH HALF (1/2), THE SOUTH LINE OF SAID NORTH HALF (1/2) BEING PARALLEL WITH AND SIX HUNDRED AND SIXTY-SIX AND SIX TENTHS (666.6) FEET SOUTH OF THE NORTH LINE OF SAID RIVER TRACT NUMBER SIXTEEN (16) AND CONTAINING THIRTY AND ONE HUNDRED AND EIGHTY-FOUR THOUSANDTHS (30.184) ACRES OF LAND, MORE OR LESS.

#### PARCEL II:

LOT NUMBERED ONE (1) IN BURNLEY WOOD, A SUBDIVISION FORMERLY IN ADAMS TOWNSHIP LUCAS COUNTY, OHIO, NOW IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, TOGETHER WITH THE PRIVILEGES AND APPURTENANCES TO THE SAME BELONGING.

LESS AND EXCEPT FROM PARCEL I AND II:

THAT PART OF THE NORTH ONE-HALF (1/2) OF RIVER TRACT SIXTEEN (16) IN TOWN THREE (3) OF THE UNITED STATES RESERVE OF TWELVE (12) MILES SQUARE AT THE FOOT OF THE RAPIDS OF THE MIAMI OF LAKE ERIE IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, AND OF LOT NUMBER ONE (1) IN BURNLEY WOOD, AN ADDITION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, AS PER PLAT THEREOF RECORDED IN VOLUME 30 OF PLATS, PAGE 43 LUCAS COUNTY, OHIO RECORDS, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF REPLAT OF LOTS IN BURNLEY WOOD AS PAR PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE 36 LUCAS COUNTY, OHIO RECORDS;

THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE EXTENDED OF SAID REPLAT OF LOTS IN BURNLEY WOOD (SAME BEING THE EASTERLY LINE OF THE ANTHONY WAYNE TRAIL AS ESTABLISHED BE WILLIAM E. CAMPBELL IN 1947 AND 1948 FOR THE CITY OF TOLEDO) TO ITS INTERSECTION WITH THE NORTH LINE OF SAID RIVER TRACT SIXTEEN (16);

THENCE EAST ALONG THE NORTH LINE OF SAID RIVER TRACT SIXTEEN (16) TO A POINT FIVE HUNDRED NINETY AND FIFTY-SIX HUNDREDTHS (590.56) FEET EASTERLY OF A BRASS PLATE MONUMENT ON SAID NORTH LINE OF RIVER TRACT SIXTEEN (16), LOCATED NEAR THE EASTERLY CURB OF THE EASTERLY DRIVE (AS NOW LOCATED) OF THE ANTHONY WAYNE TRAIL;

THENCE SOUTH AT RIGHT ANGLES WITH THE NORTH LINE OF SAID RIVER TRACT SIXTEEN (16) TO A POINT ON THE SOUTH LINE OF SAID LOT NUMBER ONE (1) IN BURNLEY WOOD;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOT NUMBER (1) IN BURNLEY WOOD TO THE SOUTHWEST CORNER OF SAID LOT NUMBER ONE (1);

THENCE NORTH ALONG THE WEST LINE OF SAID LOT NUMBER ONE (1) TO THE NORTHWEST CORNER OF SAID LOT NUMBER ONE (1);

THENCE WEST ALONG THE NORTH LINE OF REPLAT OF LOTS IN BURNLEY WOOD TO THE POINT OF BEGINNING; EXCEPTING FROM SAID PREMISES THAT PART THEREOF WHICH LIES NORTHERLY OF A LINE FORTY-FIVE (45) FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID RIVER TRACT SIXTEEN (16), TOGETHER WITH ALL THE PRIVILEGES AND APPURTENANCES THEREUNTO BELONGING.

\*THIS LEGAL DOES NOT REFLECT THE SECOND DESCRIPTION INCLUDED IN PARCEL I. THIS PARCEL BEING BETWEEN RIVER ROAD, ALSO KNOWN AS BROADWAY STREET AND THE MAUMEE RIVER.

SECTION 2. That the approval of the Special Use Permit for a new AMI Pole for a site located at 3620 River Rd., in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 22 conditions as follows:

The following twenty-two (22) 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, from One Stop Shop, (419) 245-1220.

### Water Distribution

4. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
5. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
6. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
7. 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 (Shawn Clark: [shawn.clark@toledo.oh.gov](mailto:shawn.clark@toledo.oh.gov), 419-392-2032) to verify the backflow prevention requirements for the site.
8. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
9. Plans must be submitted and approved by Fire Prevention (Lynn Thompson: [lynnthompson@toledo.oh.gov](mailto:lynnthompson@toledo.oh.gov), 419-245-1263).

### Environmental Services

10. 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.
11. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

12. 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.
13. 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)
14. 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.

#### Sewer & Drainage

15. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
16. 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.

#### Plan Commissions

17. All operation of the facility shall be in accordance with the requirements of TMC§1104.1800, "Wireless Telecommunications Facilities".
18. The proposed pole shall be protected and visually screened by shrubs or foundation plantings subject to approval of the Director. (TMC§1108.1801.C).
19. 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.
20. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
21. 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.
22. 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