



## Legislation Text

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**File #:** O-352-20, **Version:** 1

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Zoning & Planning Committee

**Granting a Special Use Permit, for a Community Recreation Active, for a site located at 4450 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-5002-20) 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 4450 Hill Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 9, 2020, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Community Recreation Active for a site located at 4450 Hill Avenue, in the City of Toledo, Lucas County, Ohio.

On August 12, 2020, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for Community Recreation Active for a site located at 4450 Hill Avenue, 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 Community Recreation Active for a site located at 4450 Hill 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:

A parcel of land located in part of the Southeast Quarter of Section 1, Town 2, United States Reserve, in the City of Toledo, Lucas County, Ohio and being further bounded and described as follows:

Commencing from a 3/4 inch iron pin in a monument box found marking the Southeast corner of the Southeast Quarter of said Section 1, said iron pin also being on the centerline of Hill Avenue (Right of way varies);

Thence Westerly along the South line of said Section 1, also being the centerline of said Hill Avenue, North 89 degrees 06 minutes 32 seconds West, a distance of 665.45 feet to the intersection of the West line of the East Quarter of the Southeast Quarter of Section 1;

Thence Northerly along the West line of the East Quarter of the Southeast Quarter of said Section 1, North 00 degrees 55 minutes 22 seconds East, a distance of 50.00 feet to a 5/8 inch iron pin with cap found on the Northerly right of way line of said Hill Avenue, also marking the Southwesterly corner of Lot 9 of Inverness Estates as recorded in Plat Volume 61, Page 22 of the Lucas County Records and the True Point of Beginning

of the parcel herein described;

1. Thence Westerly along the Northerly right of way line of said Hill Avenue, North 89 degrees 06 minutes 32 seconds West, a distance of 417.74 feet to an iron pin set marking the Southeasterly corner of lands now or formerly owned by Clair E. Miller through Instrument No. 20050712-0049970 of the Lucas County Records;
2. Thence Northerly along a line parallel with the West line of the East Half of the Southeast Quarter of said Section 1, also being the Easterly line of said Miller lands, North 01 degrees 07 minutes 50 seconds East, a distance of 130.00 feet to an iron pin set marking the Northeasterly corner of said Miller lands;
3. Thence Westerly along a line parallel with the centerline of said Hill Avenue, also being the Northerly line of said Miller lands, the Northerly line of lands now or formerly owned by David A & Shirley J. Cutshall through Microfiche 90-037C1 of the Lucas County Records and the Northerly line of lands now or formerly owned by Tribune A. Dailey through Instrument No. 20140930-0039828 of the Lucas County Records, North 89 degrees 06 minutes 32 seconds West, a distance of 247.50 feet to an iron pin set on the West line of the East Half of the Southeast Quarter of said Section 1, also being the Northwesterly corner of said Dailey lands;
4. Thence Southerly along the West line of the East Half of the Southeast Quarter of said Section 1, also being the Westerly line of said Dailey lands, South 01 degrees 07 minutes 50 seconds West, a distance of 130.00 feet to an iron pin set on the Northerly right of way line of said Hill Avenue, also being the Southwesterly corner of said Dailey lands;
5. Thence Westerly along the Northerly right of way line of said Hill Avenue, North 89 degrees 06 minutes 32 seconds West, a distance of 461.59 feet to an iron pin with ap found marking the Southeasterly corner of lands now or formerly owned by Zepf Housing Four through Microfiche 93-138B08 of the Lucas County Records;
6. Thence Northerly along the a line parallel with the West line of the East Quarter of the South Half of the West Half of the Southwest Quarter of the Southeast Quarter of said Section 1, also being the Easterly line of said Zepf lands, North 01 degrees 23 minutes 10 seconds East, a distance of 303.46 feet to a 5/8 inch iron pin with cap found marking the Northeasterly corner of said Zepf lands;
7. Thence Westerly along a line parallel with the centerline of said Hill Avenue, also being the Northerly line of said Zepf lands, North 89 degrees 06 minutes 32 seconds West, a distance of 132.00 feet to a 5/8 inch iron pin with cap found marking the Northwesterly corner of said Zepf lands;
8. Thence Southerly along the a line parallel with the West line of the East Quarter of the South Half of the West Half of the Southwest Quarter of the Southeast Quarter of said Section 1, also being the Westerly line of said Zepf lands, South 01 degrees 23 minutes 10 seconds West, a distance of 303.46 feet to a 5/8 inch iron pin with cap found on the Northerly right of way line of said Hill Avenue, also being the Southwesterly corner of said Zepf lands;
9. Thence Westerly along the Northerly right of way line of said Hill Avenue, North 89 degrees 06 minutes 32 seconds West, a distance of 555.35 feet to an iron pin set marking a point of curvature of said Hill Avenue;

10. Thence continuing Westerly along the Northerly right of way line of said Hill Avenue, along a curve to the right, said curve having a radius of 5679.58 feet, a delta of 01 degrees 49 minutes 55 seconds, a chord bearing of North 88 degrees 11 minutes 35 seconds West, a chord distance of 181.60 feet, a distance of 181.60 feet to an iron pin set on the West line of the Southeast Quarter of said Section 1, also being the Southeasterly corner of lands now or formerly owned by Metropolitan Park District of the Toledo Area through Instrument No. 20150510-00183202 of the Lucas County Records;
11. Thence Northerly along the West line of the Southeast Quarter of said Section 1, also being the Easterly line of said Metropolitan Park lands, North 01 degrees 32 minutes 13 seconds East, a distance of 514.35 feet to a point on the centerline of a ditch, passing over a 5/8 inch iron pin with cap found at a distance of 2.95 feet and an iron pin set at a distance of 487.49 feet;
12. Thence Easterly along the centerline of said ditch, South 86 degrees 59 minutes 33 seconds East, a distance of 42.39 feet to a point;
13. Thence Northeasterly along the centerline of said ditch, North 69 degrees 23 minutes 17 seconds East, a distance of 92.67 feet to a point;
14. Thence Northeasterly along the centerline of said ditch, North 75 degrees 43 minutes 22 seconds East, a distance of 37.16 feet to a point;
15. Thence Southeasterly along the centerline of said ditch, South 75 degrees 55 minutes 30 seconds East, a distance of 8.26 feet to a point;
16. Thence Northeasterly along the centerline of said ditch, North 75 degrees 34 minutes 44 seconds East, a distance of 40.8 feet to a point;
17. Thence Northeasterly along the centerline of said ditch, North 59 degrees 30 minutes 00 seconds East, a distance of 20.83 feet to a point;
18. Thence Northeasterly along the centerline of said ditch, North 80 degrees 43 minutes 27 seconds East, a distance of 9.14 feet to a point;
19. Thence Southeasterly along the centerline of said ditch, South 82 degrees 09 minutes 04 seconds East, a distance of 41.98 feet to a point;
20. Thence Northeasterly along the centerline of said ditch, North 60 degrees 06 minutes 56 seconds East, a distance of 33.18 feet to a point;
21. Thence Northeasterly along the centerline of said ditch, North 34 degrees 51 minutes 17 seconds East, a distance of 34.79 feet to a point;
22. Thence Northeasterly along the centerline of said ditch, North 56 degrees 08 minutes 51 seconds East, a distance of 15.37 feet to a point;
23. Thence Southeasterly along the centerline of said ditch, South 79 degrees 39 minutes 42 seconds East, a distance of 19.45 feet to a point;

24. Thence Southeasterly along the centerline of said ditch, South 25 degrees 42 minutes 02 seconds East, a distance of 40.70 feet to a point;
25. Thence Southeasterly along the centerline of said ditch, South 66 degrees 58 minutes 37 seconds East, a distance of 13.88 feet to a point;
26. Thence Northeasterly along the centerline of said ditch, North 37 degrees 20 minutes 56 seconds East, a distance of 14.57 feet to a point;
27. Thence Northeasterly along the centerline of said ditch, North 10 degrees 00 minutes 47 seconds East, a distance of 62.21 feet to a point;
28. Thence Northwesterly along the centerline of said ditch, North 11 degrees 46 minutes 45 seconds West, a distance of 54.48 feet to a point;
29. Thence Northeasterly along the centerline of said ditch, North 11 degrees 56 minutes 24 seconds East, a distance of 60.41 feet to a point;
30. Thence Easterly along a line, South 89 degrees 06 minutes 32 seconds East, a distance of 229.64 feet to an iron pin set, passing over an iron pin set at a distance of 25.00 feet;
31. Thence Northeasterly along a line, North 55 degrees 07 minutes 47 seconds East, a distance of 726.65 feet to an iron pin set;
32. Thence Easterly along a line, South 87 degrees 38 minutes 43 seconds East, a distance 762.28 feet to an iron pin set on the Westerly line of said Inverness Estates;
33. Thence Southerly along the Westerly line of said inverness Estates, South 00 degrees, 55 minutes 22 seconds West, a distance of 1176.17 feet to the **True Point of Beginning**, containing in all 41.825 acres of land more or less, subject however to all legal highways and prior easement of record.

6.913 acres lie within Lucas County Parcel No. 20-00137.

17.617 acres lie within Lucas County Parcel No. 20-00021.

17.295 acres lie within Lucas County Parcel No. 20-00081.

Grantor claims title by microfiche 18-93D631, Deed Volume 1893, page 444 and microfiche 88-523A08 of the Lucas County records.

The above legal description is based on a land survey performed during May 2017, by DGL Consulting Engineers, LLC. And was prepared by Ronald J. Lumbrezer, Ohio Professional Surveyor #8029.

NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

All references to “an iron pin set” are 5/8” diameter x 30” long iron pins with cap “DGL - RJL 8029”

SECTION 2. That the approval of the Special Use Permit for a Community Recreation Active for a site located at 4450 Hill Avenue, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the

35 conditions as follows;

The following thirty-five (35) 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: 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.
5. Contact (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. Contact the Division of Engineering Services for information regarding the location of the existing 12-inch diameter public water main in Hill Avenue.
8. Detailed plans for the proposed water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
9. The current version of “WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LINES AND LARGE SERVICES” shall be included on the plans and can be obtained from the City of Toledo Division of Engineering Services.

Division of Engineering Services

10. 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 43602 for

review and approval.

11. 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](http://BSIonlinetracking.com) @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
12. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site. Contractors performing work on new or existing fire systems shall be licensed by the State of Ohio Fire Marshall and certified by the City of Toledo Fire & Rescue Department.
13. New water service taps will be installed by City of Toledo at the developer's expense.
14. Stormwater drainage for site development submittals are required in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>
15. A Stormwater Pollution Prevention Plan (SWP3) submittal shall be approved by the city prior to commencement of construction.
  - Submittal of the completed CGP checklist is required for a full stormwater review of the proposal; therefore, it shall be submitted in order for the city to issue a list of required stormwater corrections.
  - SWP3 shall include, in its final form, a list of responsible parties and their contact information. Form is available at: <http://www.tmacog.org/store/swp3.htm>.
16. Being in or adjacent to a flood hazard zone, this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full. Application shall be made for a Floodplain Hazard Development Permit through City Building Inspection One Stop Shop. An escrow agreement may be required if a Conditional Letter of Map Revision or Letter of Map Revision are required to be submitted to the Federal Emergency Management Agency per TMC 1110.
17. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

#### Division of Sewer and Drainage Services

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

Department of Environmental Services

20. 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.
  - i. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
  - ii. Construction BMPs shall be in place prior to the start of construction activities.
  - iii. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
21. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
22. 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.
23. 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_to_Ohio_Invasive_Plant_Species.pdf)
25. 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.

Fire and Rescue Department

26. Approved Premises identification is required.

Division of Transportation:

27. Wheel stops are required at all parking spots abutting buildings, property lines and sidewalks per TMC 1107.

Plan Commission

28. Revised elevations not yet received at time of print. The elevations that were originally presented to not meet the Building Design standards of TMC§1109 and cannot be approved. (Revised elevations have now been received which meet the standards of TMC§1109 and can be approved)
29. The Toledo 20/20 Plan recommends developing a Greenway Corridor along the Heldman Ditch to connect nearby parks and trails. The Toledo Bike Plan (2015) plans for the Greenhouse Trail to run within the perimeter of this site. The applicant is required to consult with the Division of Engineering Services and the Division of Parks, Recreation, and Forestry to make accommodations for multi-use trails around the site.
30. 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. Per TMC§1108.0202, an extensively landscaped frontage greenbelt shall be provided along

public right-of-ways and shall include at least one (1) tree for every thirty (30) feet of frontage. Staff supports the use of existing tree credits to aid in meeting this requirement. The site offers 1434.68' of frontage along Hill Ave and shall provide a frontage greenbelt including at least forty-eight (48) trees. Acceptable as presented.

- b. Buffer landscaping is encouraged between the subject sites and neighboring residential properties.
- c. The dumpster shall be screened by a combination of a solid wall and evergreen plantings. The wall materials are encouraged to match the primary building materials. Evergreen landscaping shall also be provided surrounding the dumpster.
- d. Perimeter parking lot landscaping shall be provided to the east of the eastern driveway and parking area, and shall include at least two (2) trees and a solid row of shrubs.
- e. Foundation plantings shall be provided along all portions of the building that are visible from the public right-of-way.
- f. Per TMC§1108.0205, at least one tree for every one thousand square feet of building coverage shall be provided. The landscape plan shows four (4) trees in front of the building that meet this requirement. At least fifteen (15) trees shall be provided. Staff encourages that this landscaping be located around the principal building.
- g. 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.
- h. 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.
- i. Because the site is over one-half acre, an irrigation plan shall be submitted with site plans for final approval.
- j. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches and evergreen trees must be a minimum of 5'.
- k. Fencing is proposed to be black chain link. In a residential zoning district, fencing is limited to four (4) feet in height in the side yard and seven (7) feet in height in the rear yard. Shall be clarified on a revised site plan, or a variance shall be approved by the Board of Zoning Appeals.

31. No new 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. Signage materials are encouraged to match masonry used on the primary building.

- 32. 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.
- 33. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 34. 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.
- 35. 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