



## Legislation Text

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**File #:** O-238-18, **Version:** 1

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### Zoning & Planning Committee

**Granting a Special Use Permit for a Utility Major for a site located at 220 and 236 N. Berlin Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and the granting of waivers; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-4001-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Utility Major for a site located at 220 and 236 N. Berlin Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On May 10, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Utility Major for a site located at 220 and 236 N. Berlin Avenue, in the City of Toledo, Lucas County, Ohio.

On June 13, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Utility Major for a site located at 220 and 236 N. Berlin Avenue, 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 Utility Major for a site located at 220 and 236 N. Berlin Avenue, 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 I - BOWERS

The West 18 acres of the North 21 acres of the West 44 acres of the East 1/2 of the Southwest 1/4 of Section 33, Town 9 South, Range 8 East, partly in the City of Toledo and partly in the City of Oregon, Lucas County, Ohio, excepting therefrom that part thereof lying easterly of the east right of way line of Ira Road extended southerly and also excepting therefrom that part thereof lying northerly of the south right of way line of Winter Street.

#### CITY OF TOLEDO

Lot 21 in Newborns Addition, in the City of Toledo, Lucas County, Ohio.

SECTION 2. That the approval of the Special Use Permit for a Utility Major for a site located at 220 and 236 N. Berlin Avenue City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 16 conditions as follows:

The following sixteen (16) 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. The plan submitted for plan commission review indicates earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Stormwater Pollution Prevention Plan (SWP3), for this project shall be submitted directly to the Division of Engineering Services for stormwater review & approval.
2. Post-Construction BMP's may be required depending on the final restoration of the site. A plan for the site restoration will be required as part of the SWP3 plan.
3. All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.
4. 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. No fill is allowed within the floodplain without compensatory cut. No fill or development is allowed within the Floodway without performing a hydrologic and hydraulic analysis demonstrating no increase in base flood elevation. Storage of material or equipment in the flood hazard area which could become buoyant and pose an obstruction to flow is prohibited unless it is firmly anchored.
5. Dredging, filling, clearing, or otherwise altering wetlands is prohibited without first providing proof of compliance with the following permits: Section 401 of the Clean Water Act, Ohio EPA Isolated Wetland Permit, and Section 404 of the Clean Water Act. If a permit does not apply, provide a letter from a qualified professional certifying that they have surveyed the site and determined that the permit is not applicable. All certifications and delineations shall include written concurrence from the U.S. Army Corps of Engineers and/or Ohio EPA, as appropriate, in accordance with protocols currently accepted by the U.S. Army Corps of Engineers.

#### Plan Commission

6. Construction and truck traffic shall be restricted from Berlin Avenue and only allowed from Winter Street via Wheeling Road.
7. Applicant shall submit proper documentation for all necessary permits to allow development within the floodplain to the Floodplain Administrator.
8. The applicant shall provide documentation stating the potential number of employees, hours of operation and the number of shifts.
9. 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.
10. Applicant shall obtain a waiver of TMC§1105.0301(A) & (B) for maximum allowable fence height

in the front and side setbacks.

11. Applicant shall obtain a waiver of TMC§1105.0303 to allow barbed wire in a residential district and a front yard setback.
12. Applicant shall obtain a waiver of TMC§1107.1906 to allow gravel as a surface material for the maneuvering area on site.
13. 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.
14. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
15. 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.
16. Hours of operation will be limited to 8:00 AM to 8:00 PM.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 220 and 236 N. Berlin Road, in the City of Toledo, Lucas County, Ohio:

Chapter 1105.0300 Fences and Hedges

Sec. 1105.0301 (A)(B) Residential Districts

Approve a waiver of the maximum height requirement of 3 1/2 feet in the front yard setback to allow for a 6' chain link fence.

Approve a waiver of the maximum height requirement of 4 feet in the side setback to allow for a 6' chain link fence.

Sec. 1105.0303 Barbed Wire Prohibited

Approve a waiver of the prohibition of barbed wire, razor wire, concertina wire in the residential zoning district.

Chapter 1107.1900 Design Standards

Sec. 1107.1906 Surfacing and Drainage

Approve a waiver of the required surface material, to allow gravel for the maneuvering area on the site.

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