



Legislation Text

File #: O-201-22, Version: 1

Zoning & Planning Committee

Granting a Special Use Permit for an AMI Pole, for a site located at 925 Palmwood Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-1003-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for an AMI Pole for a site located at 925 Palmwood Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 10, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for an AMI Pole for a site located at 925 Palmwood Avenue, in the City of Toledo, Lucas County, Ohio.

On April 13, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for an AMI Pole for a site located at 925 Palmwood Avenue, 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 an AMI Pole for a site located at 925 Palmwood Avenue, 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:

A PARCEL OF LAND IN THE EXTENSION TO MCCASKEY'S ADDITION, SPALDING'S ADDITION, AND KNOWER'S THIRD ADDITION, ALL IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF FOREST AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF FERNWOOD AVENUE;

THENCE EAST ALONG THE SAID SOUTH RIGHT-OF-WAY LINE EXTENDED EAST OF FERNWOOD AVENUE, A DISTANCE OF EIGHT HUNDRED SEVENTY-THREE AND FIFTY-NINE HUNDREDTHS (873.59') FEET, MORE OR LESS, TO A POINT ON THE CENTER LINE OF WAITE AVENUE VACATED;

THENCE SOUTH ALONG THE SAID CENTER LINE OF WAITE AVENUE VACATED, A DISTANCE OF TWO HUNDRED NINETY (290) FEET, MORE OR LESS, TO A POINT ON THE CENTER LINE OF PALMWOOD AVENUE VACATED;

THENCE EAST ALONG THE SAID CENTER LINE OF PALMWOOD AVENUE VACATED A DISTANCE OF FOUR HUNDRED FIFTY-THREE AND FIFTY-SIX HUNDREDTHS (453.56') FEET, MORE OR LESS, TO A POINT WHICH IS FIFTY (50') FEET WEST OF THE CENTER LINE OF LAWRENCE AVENUE;

THENCE SOUTH ALONG A LINE FIFTY (50') FEET WEST OF AND PARALLEL TO THE CENTER LINE OF LAWRENCE AVENUE A DISTANCE OF TWO HUNDRED FIFTEEN AND TWENTY-THREE HUNDREDTHS (215.23') FEET, MORE OR LESS, TO A POINT WHICH IS FIFTY (50') FEET WEST OF THE CENTER LINE OF LAWRENCE AVENUE AND ONE HUNDRED TEN (110') FEET NORTH OF THE CENTER LINE OF DORR STREET;

THENCE IN A SOUTHWESTERLY DIRECTION A DISTANCE OF FORTY-TWO AND FOUR TENTHS (42.4') FEET, MORE OR LESS, TO A POINT WHICH IS EIGHT (80') FEET WEST OF THE CENTER LINE OF LAWRENCE AVENUE AND EIGHTY (80') FEET NORTH OF THE CENTER LINE OF DORR STREET;

THENCE WEST ALONG A LINE WHICH IS EIGHTY (80') FEET NORTH OF AND PARALLEL TO THE CENTER LINE OF DORR STREET A DISTANCE OF ONE THOUSAND THREE HUNDRED TWENTY-SEVEN AND THREE HUNDREDTHS (1327.03') FEET, MORE OR LESS, TO A POINT WHICH IS EIGHTY (80') FEET NORTH OF THE CENTER LINE OF DORR STREET AND FORTY (40') FEET EAST OF THE CENTER LINE OF FOREST AVENUE;

THENCE IN A NORTHWESTERLY DIRECTION A DISTANCE OF FOURTEEN AND ONE TENTH (14.1') FEET TO A POINT WHICH IS ON THE EAST RIGHT-OF-WAY LINE OF FOREST AVENUE AND NINETY (90') FEET NORTH OF THE CENTER LINE OF DORR STREET;

THENCE NORTH ALONG THE SAID EAST RIGHT-OF-WAY LINE OF FOREST AVENUE A DISTANCE OF FIVE HUNDRED SIXTEEN AND THIRTY-THREE HUNDREDTHS (516.33') FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 571.637 SQUARE FEET, MORE OR LESS.

SECTION 2. That the approval of the Special Use Permit for an AMI Pole for a site located at 925 Palmwood Avenue, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 7 conditions as follows:

The following seven (7) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Plan Commissions

1. TMC§1104.1804.C requires that the pole be located at least 100 feet from any property line where abutting a residential zoning district or use. The proposed pole shall be moved south so that it is at least 100 feet from the northern property line. Staff recommends areas further from neighboring residential uses and less visible from publicly travelled rights-of-way. Possible sites include areas close to the rear of the Mott Branch library parking lot, or adjacent to the tennis courts. Final location shall be subject to the approval of the Director.
2. The proposed pole shall be protected and visually screened by an 8-foot solid wood privacy fence, as well as a combination of evergreen and canopy trees surrounding the facility, subject to the approval of the Director. (TMC§1104.1801.C)
3. All operation of the facility shall be in accordance with the requirements of TMC§1104.1800, “*Wireless Telecommunications Facilities*”.

4. 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.
5. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
6. 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.
7. 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