



## Legislation Text

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**File #: O-141-24, Version: 1**

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Special Use Permit Community Recreation (Active)  
1030 and 0 Water Street  
Zoning & Planning Committee

**Granting a Special Use Permit for Community Recreation (Active) for a site located at 1030 and 0 Water Street in the City of Toledo, Lucas County, Ohio; subject to certain conditions; granting of 2 waivers and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-12002-23) 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 1030 and 0 Water Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 8, 2023, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit for Community Recreation (Active) for a site located at 1030 and 0 Water Street in the City of Toledo, Lucas County, Ohio.

On March 12, 2024 Toledo City Council, Planning and Zoning Committee reviewed, and left in Committee due to lack of a quorum the request for a Special Use Permit for Community Recreation (Active) for a site located at 1030 and 0 Water Street, 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 granting a Special Use Permit for Community Recreation (Active) for a site located at 1030 and 0 Water Street, 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:

VISTULA LOT 137, 153-155, 169-170 & Pt LOT 138 & LOT 152 & ALSO LAND ADJ TO HARBOR LINE & VAC CEDAR ST & EXC PT & T9S R8E Sec 31 PT LAWRENCE LANDS BLK BET ELM & OLIVE STS & BET WATER ST & HARBOR LINE INC L LOTS 171, 172, 186 & 187 VISTULA

SECTION 2. That the approval of the granting of a Special Use Permit for Community Recreation (Active) for a site located at 1030 and 0 Water Street, in the City of Toledo, Lucas County, Ohio, be subject to compliance with the 38 conditions and two (2) waivers as follows:

The following thirty-eight (38) conditions and two (2) waivers 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 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

Division of Sewer & Drainage Services

4. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. 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.
6. For operation and maintenance purposes, 20 foot wide sewer and drain easements (centered on the pipe), for City use, shall be retained along the existing public sewers and drains located within the proposed use area. City access to the easement area shall not be denied by fences, walls, or other barriers. The easement shall state that no temporary or permanent structure (excluding parking lot pavement), including barriers denying access, may be constructed within the easement area.

Division of Environmental Services

7. 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.
8. Applicant shall maintain compliance with Ohio EPA’s General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.

10. 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>>; 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)>
11. 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.

#### Bureau of Fire Prevention

12. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler, Fire Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
13. Approved Premises identification is required.
14. Key box(s) for access to buildings and areas restricted by fences, gates, ect...

#### Division of Transportation

15. Accessible parking signage must be posted directly in front of parking space at a height of no less than 60" and no more than 72" above pavement level per TMC§1107.1704.
16. Wheel stops are required at parking spots abutting sidewalks, property lines, planting strips and buildings per TMC§1107.1907.

#### Plan Commission

17. Approval of companion cases Z-12001-23, a Zone Change from IG (General Industrial) to CM (Mixed Commercial-Residential) at 1030 & 0 Water Street, and MRO-1-24, a Maumee River Overlay review of Community Recreation (active) at 1030 & 0 Water Street.
18. Compliance with all conditions of approval for companion cases Z-12001-23, a Zone Change from IG (General Industrial) to CM (Mixed Commercial-Residential) at 1030 & 0 Water Street, and MRO-1-24, a Maumee River Overlay review of Community Recreation (active) at 1030 & 0 Water Street.
19. Careful consideration shall be given to protecting the vistas from Summit Street and the Vistula Historic District neighborhood to the Maumee River, pursuant to TMC§1103.1206(D). **Acceptable as depicted.**
20. Proposed mural shall gain the approval of the Arts Commission of Greater Toledo.
21. A minimum of two (2) car accessible and one (1) van accessible spaces are required pursuant to TMC§1107.1701. **Acceptable as depicted.**
22. Parking spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **Acceptable as depicted.**
23. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). One bicycle parking slot shall be provided per every ten (10) parking spaces for a total of seven (7) spots. **Acceptable as depicted.**

24. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities (TMC§1107.1906).
25. 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)).
26. Parking lots on the sides of a building in the Summit Street Corridor Redevelopment UNO District must be screened pursuant to TMC§1103.1212(C). **Acceptable as depicted.**
27. Pursuant to TMC§1103.1007(H), all telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.
28. All roof-mounted mechanical equipment must be screened from public view pursuant to TMC§1103.1206(E)(4).
29. Grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s) per TMC§1103.1209(A)(3).
30. Dumpster shall be screened in compliance with TMC§1108.0304(B).
31. A detailed landscape plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. Any part of the lot area not used for buildings, other structures, or for roads, walks, parking, service areas or accessways must be landscaped with a combination of groundcover, trees, and shrubs. Grass may be used in conjunction other plant material. **Acceptable as depicted.**
  - b. Landscape improvements must be provided in the sidewalk or other paved area in front the building in the form of one shrub or understory tree for every 30 feet of lot frontage. Such plantings may be in the right-of-way pursuant to TMC§1108.0303. **Acceptable as depicted.**
  - c. Topsoil must be back filled to provide positive drainage of landscaped areas.
  - d. 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.
  - e. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards.
  - f. The site is larger than ½ acre: landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted and

must contain all construction details.

32. A detailed lighting plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. The location and direction of any proposed lighting (lights are to be directed away from adjacent public ways and away from the sky above the light fixture). Lighting shall be a Shoe Box fixture with a maximum height of 25' or a lighting fixture similar to the ornamental design used along Summit Street subject to approval by the Director. Lighting intended for walkways shall be pedestrian scale (pole top mount) and similar in visual design to those used along Summit Street. **Fixture details shall be submitted for approval by the Plan Director. Applicant is encouraged to coordinated with staff.**
  - b. Lighting must factor in standards found in TMC§1103.1213 *Lighting Requirements*.
  - c. The western parking lot must meet the standards found in TMC§1103.1214 *Site Lighting for Small Parking Lots*.
  - d. The Eastern parking lot must meet the standards found in TMC§1103.1215 *Site Lighting for Large Parking Lots*.
33. An updated site plan matching the submitted landscape plan featuring access to the storm water building shall be submitted to the Plan Director for review and approval.
34. No new free-standing signs greater that forty-two inches (42") from grade are permitted - any proposed signage must meet the requirements if low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
35. 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.
36. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
37. 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.
38. 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.

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 3. Waiving Section 1107.1202(B) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1030 and 0 Water Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1107 - Parking, Loading, and Access

Sec. 1107.1200 - Location

TMC§1107.1202(B) - Commercial and Industrial Setbacks

Off-street parking facilities, including vehicular drives and maneuvering areas, in Commercial or Industrial districts are prohibited within:

2. 15 feet, and for properties over 5 acres and/or those with over 500 feet of frontage 30 feet, of street rights-of-way, except for approved driveways from streets

Approve waiver to allow parking facility ten (10) feet from street right-of-way. Additional separation and screening is provided in the right-of-way, along with a solid three (3) to four (4) foot evergreen hedge within the ten (10) foot separation.

SECTION 4. Waiving Section 1103.1216 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1030 and 0 Water Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1103 - Overlay Zoning Districts

Sec. 1103.1200 - Summit Street Corridor Redevelopment UNO District

TMC§1103.1216 - Canopies/Awnings

- A. ... Signage on awnings shall be prohibited.

Approve waiver to allow awning with signage as the proposed design adds much needed depth to the existing building.

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 11, nays 0.

Passed: March 27, 2024, as an emergency measure: yeas 11, nays 0.

Attest: Julie Gibbons Clerk of Council Carrie Hartman President of Council

Approved: March 27, 2024  
Wade Kapszukiewicz  
Mayor