



## Legislation Text

File #: O-337-22, Version: 2

Zoning & Planning Committee

**Granting a Special Use Permit, for Community Recreation- Active for a site located at 2007 N. Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-4003-21) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Community recreation- Active for the property located at 2007 N. Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 10, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Community Recreation- Active for the property located at 2007 N. Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio

On July 14, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and recommended disapproval for a Special Use Permit for a Community Recreation- Active for the property located at 2007 N. Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio.

On June 15, 2022 Toledo City Council, Planning and Zoning Committee reviewed, and this time recommended approval for a Special Use Permit for a Community Recreation- Active for the property located at 2007 N. Holland Sylvania Road, 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 the property located at 2007 N. Holland Sylvania Road, 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 no. 20-24305

GARDEN LAND THT PT LOTS 1 & 2 MEAS S 2 91 FT FRT N 661.68 FT FRT BY 496.12 FT ON S LINE

Parcel no. 20-24306

GARDEN LAND THT PT LOTS 1 & 2 MEAS S 1 20 FT FRT N 781.68 FT FRT BY 496.14 FT ON S LINE

Parcel no. 20-24308

GARDEN LAND THT PT LOTS 1 & 2 MEAS S 1 71 FT FRT N 952.68 FT FRT BY 496.17 FT ON S LINE

SECTION 2. That the approval of the Special Use Permit, for a Community Recreation- Active for the property located at 2007 N. Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio, shall be subject

to compliance with the 29 conditions as follows:

The following twenty-nine (29) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

### 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. For final stormwater approval, a plan for pollution prevention for the construction phase must be submitted and approved, including the responsible parties form (TMACOG form). Post-construction stormwater planning is not needed because the existing stormwater pond at the rear of the property was built to accommodate a greater amount of site development than this proposal.
7. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

#### Sewer and Drainage Services (S&DS)

8. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
9. 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.

#### 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. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
12. Construction BMPs shall be in place prior to the start of construction activities.
13. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
14. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
15. 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.
16. 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)

17. 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

#### Transportation

18. Bicycle parking required per TMC 1107.

#### Plan Commission

19. To ensure quality of life of the abutting residential neighborhood, the site shall adhere to the regulations defined in TMC§507.14 - *Fixed Source Noise Levels*. Sound amplifying equipment shall not be used after 9:00 pm and before 8:00 am the following day.
20. To ensure quality of life of the abutting residential neighborhood the site shall be required to turn off exterior lights illuminating volleyball courts after 10:00 pm and before 8:00 am.
21. An alternative parking plan shall be submitted to the Director to indicate expected parking demand.
22. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
23. Off-street parking and loading spaces, parking lots, maneuvering areas, 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 towards the interior of the parking lot. Acceptable as depicted on site plan.
24. 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)). Acceptable as depicted on site plan.
25. Per TMC§1107.0900, nine (9) bicycle parking spaces are required. Shall be shown on a revised site plan.
26. 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§1108.0203, a Type A landscape buffer shall be provided on the western portions of the site with four (4) canopy trees and twenty (20) shrubs every 100 linear feet. Existing landscaping is acceptable;

- b. If the site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details. Existing landscaping is acceptable;
  - c. 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;
  - d. 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. Not acceptable as submitted;
  - e. Dumpster location(s) shall have a concrete pad surrounded by a screening in the form of a minimum six (6) foot tall combination of evergreen plantings, fences, or wall structures per TMC §1108.0400B. Dumpsters shall not be located in any required setback. Acceptable as submitted;
  - f. Per TMC§1108.0202 an extensively landscaped frontage greenbelt shall be provided along N. Holland-Sylvania Road containing at least four (4) trees. Not acceptable as submitted;
  - g. The location, height and materials for any fencing to be installed and maintained. Not acceptable as submitted, revised site plan shall indicate fencing material and height; and,
  - h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties). Not acceptable as submitted. Direction of light shall be indicated.
27. The Special Use Permit shall be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code one (1) year after approval. If outstanding issues are found and not addressed the Special Use Permit shall be revoked.
28. 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.
29. 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 exhibit A shall be attached which contains 7 additional criteria that were agreed upon by the manager (Jeremy Hartle) and the neighboring Developer (Zac Isaac). Agreement to add to the Ordinance agreed by above parties.

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