



Legislation Text

File #: O-459-22, Version: 1

Zoning & Planning Committee

Granting a Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 4820 Airport Highway, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-5004-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 4820 Airport Highway, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 14, 2022, the Toledo City Plan Commission recommended approval for the request for Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 4820 Airport Highway, in the City of Toledo, Lucas County, Ohio.

On August 17, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 4820 Airport Highway, 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 New Utility Pole with an AMI Antenna for a site located at 4820 Airport Highway, 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:

BEING THE SOUTHWESTERLY PART OF THE SOUTHWESTERLY ONE-HALF (1/2) OF LOTS NUMBERS ONE HUNDRED TWENTY-THREE (123), ONE HUNDRED TWENTY-SIX (126) IN PRIVATE GRANT FIVE HUNDRED SEVENTY-EIGHT (578) FORMERLY IN ADAMS TOWNSHIP, NOW IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE CENTERLINE OF PRIVATE GRANT FIVE HUNDRED SEVENTY-EIGHT (578) INTERSECTS THE NORTH R/W LINE OF AIRPORT HIGHWAY, THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID PRIVATE GRANT FIVE HUNDRED SEVENTY-EIGHT (578) A DISTANCE TWO HUNDRED TWELVE (212') FEET; THENCE NORTHEASTERLY NINETY (90°) DEGREES TO THE AFORESAID LINE, A DISTANCE ONE HUNDRED SIXTY-SIX (166') FEET; THENCE SOUTHEASTERLY NINETY (90°) DEGREES TO THE AFORESAID LINE, AND PARALLEL WITH THE CENTERLINE OF PRIVATE GRANT FIVE HUNDRED SEVENTY-EIGHT (578) A DISTANCE OF TWO HUNDRED SIXTY-FIVE AND TWENTY-NINE HUNDREDTHS (265.29') FEET TO A POINT IN THE NORTHWESTERLY LINE OF AIRPORT HIGHWAY;

THENCE NORTHWESTERLY ALONG THE NORTH R/W LINE OF AIRPORT HIGHWAY, A DISTANCE ONE HUNDRED SEVENTY-FOUR AND THIRTY-FOUR HUNDREDTHS (174.34') FEET TO THE PLACE OF BEGINNING. CONTAINS NINETY-THREE (.93) HUNDREDTHS ACRES MORE OR LESS.

SECTION 2. That the approval of the Special Use Permit for a New Utility Pole with an AMI Antenna for a site located at 4820 Airport Highway; in the City of Toledo, Lucas County, shall be subject to compliance with the 10 conditions as follows:

The following ten (10) 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. 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.

Plan Commissions

4. The shown location of the pole is permissible due to the constraints of the site and the replacement of an existing tower. Acceptable as depicted.
5. The proposed pole shall be protected and visually screened by shrubs or foundation plantings subject to the approval of the Director. (TMC§1104.1801.C)
6. All operation of the facility shall be in accordance with the requirements of TMC§1104.1800, "*Wireless Telecommunications Facilities*".
7. 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.
8. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
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. 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 11, nays 0.

Passed: September 13, 2022, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

September 15, 2022
Wade Kapszukiewicz
Mayor