



Legislation Text

File #: O-023-20, Version: 1

Zoning & Planning Committee

Granting a Special Use Permit, for a Tow Lot for a site located at 4425 Stickney Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-10005-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Tow Lot for a site located at 4425 Stickney Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On December 5, 2019, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Tow lot for a site located at 4425 Stickney Avenue, in the City of Toledo, Lucas County, Ohio.

On January 8, 2020, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Tow lot for a site located at 4425 Stickney 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 Tow Lot for a site located at 4425 Stickney 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:

THE NORTH 50 FEET OF THE SOUTH 200 FEET OF THE EAST 130 FEET OF THAT PART OF ORIGINAL LOT NUMBER 10 IN THE SOUTHEAST 1/4 OF FRACTIONAL SECTION 13, TOWN 9 SOUTH, RANGE 7 EAST IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, LYING WEST OF THE WEST LINE OF STICKNEY AVENUE AND NORTH OF THE NORTH LINE OF WINDEMERE BLVD.

PARCEL II:

THAT PART OF ORIGINAL LOT 10 IN FRACTIONAL SECTION 13, TOWN 9 SOUTH, RANGE 7 EAST IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF STICKNEY AVENUE THAT IS 200 FEET NORTH OF THE NORTH LINE OF WINDEMERE BOULEVARD;

THENCE WEST, AT RIGHT ANGLES TO THE WEST LINE OF STICKNEY AVENUE, A DISTANCE OF 130 FEET; THENCE NORTH ON A LINE PARALLEL WITH THE WEST LINE OF STICKNEY AVENUE, A DISTANCE OF 110 FEET;

THENCE EAST, A DISTANCE OF 130 FEET TO A POINT ON THE WEST LINE OF STICKNEY AVENUE, THAT IS 110 FEET NORTH OF THE POINT OF BEGINNING;

THENCE SOUTH ALONG THE WEST LINE OF STICKNEY AVENUE, A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING.

PARCEL III:

A PARCEL OF LAND BEING PART OF ORIGINAL LOT 10 IN FRACTIONAL SECTION 13, TOWN 9 SOUTH RANGE 7 EAST, CITY OF TOLEDO, LUCAS COUNTY, OHIO, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN MICROFICHE #96-0448B03, LUCAS COUNTY DEED RECORDS;

THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE LAST DESCRIBED LINE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 110.23 FEET TO THE EAST EDGE OF THE OTTAWA RIVER;

THENCE IN A GENERALLY NORTHERLY DIRECTION ALONG SAID EAST EDGE OF THE OTTAWA RIVER THE FOLLOWING COURSE AND DISTANCES;

NORTH 71 DEGREES 08 MINUTES 45 SECONDS EAST, 1.48 FEET;

NORTH 43 DEGREES 52 MINUTES 56 SECONDS EAST, 14.26 FEET;

NORTH 06 DEGREES 23 MINUTES 36 SECONDS EAST, 30.90 FEET;

NORTH 02 DEGREES 16 MINUTES 26 SECONDS EAST, 118.63 FEET TO THE NORTH LINE EXTENDED WESTERLY OF A PARCEL OF LAND DESCRIBED IN MICROFICHE #96-0448B03, LUCAS COUNTY DEED RECORDS;

THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST ALONG SAID LINE TO A POINT ON SAID LINE LOCATED 160.02 FEET WESTERLY OF THE EASTERLY LINE OF SAID SECTION 13, A DISTANCE OF 90.80 FEET AS MEASURED ALONG SAID NORTHERLY LINE;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS, WEST ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN MICROFICHE #96-0448B03, LUCAS COUNTY DEED RECORDS A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 15,148 SQUARE FEET OF LAND, OR 0.348 ACRES, MORE OR LESS, SUBJECT TO LEGAL HIGHWAYS, AND ANY OR ALL LEASES, EASEMENTS, OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREIN ARE BASED ON PREVIOUS DESCRIPTIONS, AND ARE FROM AN ASSUMED MERIDIAN.

EXCEPTING FROM THE ABOVE DESCRIBED PREMISES, ANY PART THEREOF, RESULTING THROUGH CHANGE IN THE COURSE OF THE OTTAWA RIVER OCCASIONED BY OTHER THAN NATURAL CAUSES OR BY NATURAL CAUSES OTHER THAN ACCRETION.

(TAX PARCEL NO. 22-08138)

SECTION 2. That the approval of the Special Use Permit for a Tow lot for a site located at 4425 Stickney Avenue, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 32 conditions as follows:

The following thirty two (32) 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. 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 One Stop Shop, (419) 245-1220.

Contact (419) 245-1341 for inspection of above mentioned items.

Environmental Services

4. Applicant shall maintain compliance with the City of Toledo's Stormwater 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.
5. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
6. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize

runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

7. Any effort made to plant non-invasive trees, shrubs, and perennials is highly encouraged. http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species
8. 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 Anti-Noise Laws and Asbestos abatement.

Transportation

9. Van and auto accessible parking spaces are required to be a minimum of 9'x18' with an 8' aisle for van accessible parking and 5' aisle for auto accessible parking required by TMC 1107.
10. Accessible parking signage required at every accessible parking space per TMC 1107.
11. Wheel stops are required at all parking spots along sidewalk, property lines and abutting building locations per TMC 1107.
12. A parking plan of all parking spaces must be established with 25' aisle widths required where two way traffic is established. All parking spaces required to be a minimum of 9'x18' per TMC 1107.
13. All driveways and gated entrances must be a minimum of 25' wide where two way traffic is to be established per TMC 1107.

Plan Commission

14. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials. Arborvitae, as indicated on the landscape plan shall be maintained around the dumpster indefinitely. (If applicable).
15. Dumpster/Trash Receptacle Screening states that a dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible. (If applicable).
16. All four (4) sides of the dumpster must be screened and screening must be a minimum height of six (6) feet in height. Screening materials can be any combination of evergreen plantings, fence or wall structure. Screening should be incorporated into access to the dumpster by using a wooden fence or other opaque device to serve as a gate. (If applicable).
17. 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, or to a stormwater system subject to the regulations and approval of the Department of Public Utilities. (Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance subject to the review and approval of the Planning Director).

18. 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)). (Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).
19. The required minimum of off-street parking spaces is subject to parking schedule “C”. Calculations conclude that the number of parking spaces required is three (3) with one (1) of those handicap parking spaces dedicated for van accessibility. (Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).
20. One (1) bicycle parking slot per every 10 parking spaces must be provided. When the provision of bicycle parking slots is required, the minimum number of slots provided shall be two (2) (TMC§1107.0901(B)). The Planning Director may waive the bicycle parking requirements for a particular use if the owner or operator can demonstrate in writing, supported by evidence, that the use does not generate any bicycle usage. (Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).
21. To facilitate movement and to help maintain parking arrangement, all parking spaces and aisles must be clearly striped, with a minimum width of 4 inches. The width of the parking stall shall be computed from the centers of the striping. When a parking space is designated for the use of persons with disabilities, it shall be clearly marked and signed as provided in Sec. 1107.1704. (Not clearly depicted on the overall site plan. A revised site shall be submitted that depict the location and signage for ADA parking spaces).
22. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. (Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).
23. All parking lots shall be provided with proper ingress and egress to a public street or alley by means of access drives and aisles in accordance with City of Toledo standards. (The southernmost access drive is not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance subject to the approval of the Planning Director).
24. Parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the construction of paving, lighting fixtures, retaining walls, fences, curbs, and benches must be continuously maintained and kept free of debris and hazard (TMC§1107.1909).
25. Required off-street parking and loading areas are to be used solely for loading, unloading, and the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the outdoor display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile home, or building materials.
26. Any proposed signage must meet the requirements of the Toledo Municipal Code *Title Nine* -

Sign Code (if applicable).

27. A detailed site, lighting, fencing and four (4) landscape plans shall be submitted, separate from Building Plans, to the Plan Director for review and approval. Such plan shall include:
 - a. At least one tree must be provided for every 30 feet of frontage or fraction thereof. Trees are not required to be evenly spaced and may be clustered. (Not acceptable as depicted on the site plan. A revised site plan shall be submitted showing compliance);
 - b. Any space for the storage of vehicles outdoors must be shielded by a fence between 6 and 10 feet tall that shields the premises from ordinary view on all sides and protected by a guardrail or other barriers approved by the Planning Director. All inventor of the business must be stored behind the fence. (A revised site plan shall be submitted showing compliance);
 - c. A Type A landscape buffer shall be provided as required by the Planning Director to soften the appearance of the fence. (A revised site plan shall be submitted showing compliance);
 - d. No part of any fencing may extend into the public right-of-way. (Acceptable as depicted on site plan);
 - e. 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. (stone covering north of the warehouse is not acceptable as submitted on the site plan. Revised site plan showing compliance with ground covering shall be submitted);
 - f. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.
1. 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.
2. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.
30. 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.
31. Per TMC§1111.0814, if a building permit is not issued within one (1) year of this approval date then the site plan approval is null and void.

32. 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. Waiving the following sections of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 4425 Stickney Avenue, in the City of Toledo, Lucas County, Ohio:

Chapter 1106 Intensity and Dimensional Standards
Sec. 1106.0103 Industrial District Standards

Approve a waiver to allow for a 21 foot variance of the 30 foot required building setback to allow for a 9 foot building setback for the existing building.

Chapter 1108 Landscape and Screening
Sec. 1108.0202(B)(3) Frontage greenbelt requirements

Approve a waiver to allow for a 9 foot frontage greenbelt in front of the existing warehouse building only.

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