



Legislation Text

File #: O-192-24, **Version:** 2

Zoning & Planning Committee
120 Wayman Palmer Court

Granting a Special Use Permit for redevelopment of Inez Nash Park for a site located at 120 Wayman Palmer Court, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-1021-24) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for redevelopment of Inez Nash Park for a site located at 120 Wayman Palmer Court, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 14, 2024, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit for redevelopment of Inez Nash Park for a site located at 120 Wayman Palmer Court, in the City of Toledo, Lucas County, Ohio.

On April 16, 2024 Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval the request for a Special Use Permit for redevelopment of Inez Nash Park for a site located at 120 Wayman Palmer Court, 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 redevelopment of Inez Nash Park for a site located at 120 Wayman Palmer Court, 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:

Wayman Palmer south portion

A parcel of land in Shaw's Addition as Recorded in Volume 2A, Page 33 Lucas County Plat Records, and also in of Finch's Addition, as recorded in Volume 2A, page 21, Lucas County Plat Records, in the City of Toledo, Lucas County Ohio, said parcel of land being bounded and described as follows:

Commencing at the intersection of Wayman Palmer Court and with the centerline of Franklin Avenue, said point of intersection being marked with a found monument box;

thence in an easterly direction along the centerline of Wayman Palmer Court, having a bearing of North eighty-eight (88) degrees, fifty-seven (57) minutes, sixteen (16) seconds East, a distance of four hundred fifty-six and thirty hundredths (456.30') feet to a point;

thence South zero (00) degrees, fifty-six (56) minutes, fifty-eight (58) seconds East along a line, a distance of thirty-three and zero hundredths (33.00') feet to the intersection of the South Right of Way line of Wayman Palmer Court, said point of intersection being referenced by a found iron pipe being 0.07' feet North and 0.15' feet East, said point of intersection also being the Point of Beginning;

thence North eighty-eight (88) degrees, fifty-seven (57) minutes, sixteen (16) seconds East along the easterly extension of the South Right of Way of Wayman Palmer Court, a distance of four hundred fourteen and seventy-three hundredths four hundred fourteen and seventy-three hundredths (414.73') feet to the intersection of the West Right of Way line of 14th Street;

thence South zero (00) degrees, fifty-seven (57) minutes, forty-eight (48) seconds East along the West Right of Way line of 14th Street, a distance of three hundred nine and seventy-six hundredths (309.76') feet to the intersection of the North line of Lot 23 in Finch's Addition, as recorded in Volume 2A, page 21, Lucas County Plat Records;

thence South eighty-eight (88) degrees, fifty-nine (59) minutes, ten (10) seconds West along the North line of Lot 23 and Lot 40 in Finch's Addition, as recorded in Volume 2A, page 21, Lucas County Plat Records, also along the North line of Lot 22 in Shaw's Addition as Recorded in Volume 2A, Page 33 Lucas County Plat Records, a distance of four hundred fourteen and eighty hundredths (414.80') feet to the intersection of the East line of Lot 41 in Shaw's Addition as Recorded in Volume 2A, Page 33 Lucas County Plat Records, said point of intersection being referenced by a found iron pipe being 0.029' North and 0.10' East of said point of intersection;

thence North zero (00) degrees, fifty-six (56) minutes, fifty-eight (58) seconds West along the East line of Lot 41 through Lot 48 in Shaw's Addition as Recorded in Volume 2A, Page 33 Lucas County Plat Records, a distance of three hundred nine and fifty-three hundredths (309.53') feet to the Point of Beginning

Said parcel of land containing an area of 128,428 square feet, 2.948 acres of land, more or less.

The above-described parcel of land is subject to any and all leases, easements, and restrictions of record.

The bearings used hereon are based on an assumed meridian and are for the express purpose of calculating angular measurement.

SECTION 2. That the approval of the granting of a Special Use Permit for redevelopment of Inez Nash Park for a site located at 120 Wayman Palmer Court, in the City of Toledo, Lucas County, Ohio, be subject to compliance with the twenty-nine (29) conditions and one (1) waiver as follows:

The following twenty-nine (29) conditions and one (1) waiver 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 Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. The portion of existing water main in vacated Linwood Avenue, between vacated Beacon Street and the south property line, shall be abandoned. The portion of the existing water main to remain in service, in vacated Linwood Avenue south of the property line, shall become property of the property owner to the south of the property line.
5. The portion of existing water main to remain in service, in vacated Beacon Street from N 14th Street to the west, shall become the property of the Wayman Palmer YMCA.
6. The stormwater design is substantially complete for site plan purposes, and is under stormwater engineering review. Following the stormwater review, additional items are needed to complete the application:
 - a. As outlined on the regional SWP3 submittal cover sheet, submittal step 2.
 - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
7. The underground detention system (UDS) is proprietary and outside the scope of the City's services for sewer inspection. The following notes shall be added to the plans:
 - a. The Contractor shall have the underground detention system manufacturer's representative on-site during the installation of the UDS. This representative shall advise the contractor as to the required installation procedures for the UDS.
 - b. The City of Toledo will be provided with an as-built signature by an Ohio P.E. representing the detention system manufacturer with the certification statement to the effect of: 'I certify that the underground detention system was installed in accordance with the manufacturer's installation requirements and that the underground detention system will function as designed in accordance with the contract documents.'
8. Provide 10' diameter flat work zone around sanitary mh P2.
9. Connect storm mh P15 into site storm water detention system.
10. All lines to be abandoned shall be plugged inside of the manhole.

11. All manholes shall be readily accessible by sewer maintenance vehicles.

Division of Sewer & Drainage Services

12. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
13. 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.

Division of Environmental Services

14. 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.
15. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
16. 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.
17. 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>
18. 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.

Plan Commission

19. All conditions of approval of SUP-5008-23, a Special Use Permit for Community Recreation (Active) at 5053 N 14th Street, shall remain in effect.
20. Per TMC§1107.0600 - Off-Street Parking Schedule "D", the applicant shall submit an off-street parking study to ensure parking is adequate. **Provided documentation is acceptable as depicted.**
21. In the event parking demand increases or is found to be greater than originally estimated, parking needs shall be accommodated so as not to negatively impact surrounding properties.

22. 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 fourteen (14) spots. **Acceptable as depicted.**
23. All playground, sport court or other active recreation areas must be a minimum of fifty (50) feet from adjacent residential uses. **A waiver shall be obtained or the semi-formal soccer field shall be removed / informalized.**
24. 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. A thirty-foot (30') frontage greenbelt is required along N. 14th Street and shall include one (1) tree per every thirty feet (30') of frontage. Twelve (12) trees shall be required within thirty feet (30') of the property line. **Acceptable as depicted if existing trees are shown on landscape plan and included in count.**
 - b. The applicant shall save as many existing trees as practicable, especially those labeled as “tree to be confirmed for removal by city” on the site demolition plan. Such saved trees shall be shown on the final landscaping plan.
 - 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, unless native and drought resistant landscape materials are utilized. If required, irrigation plans must be submitted and must contain all construction details.
 - g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
25. No new free-standing signs greater than forty-two inches (42”) from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
26. 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.
27. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

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.

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 1106.803 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 120 Wayman Palmer Court, in the City of Toledo, Lucas County, Ohio.

Chapter 1106 - Intensity and Dimensional Standards

1106.802 - Minimum Required Setbacks

- C. Any playground, sport court or other active recreation area must be set back at least 50 feet from any RS or RD District and at least 25 feet from any other Residential or Commercial District.

Approve of a waiver to allow a setback less than fifty feet (50') from RS or RD districts for semi-formal soccer field. The proposed semi-formal soccer field will be formalized only during certain events held by the YMCA / Department of Parks and Youth Services. The space will usually be a grass field.

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 12, nays 0.

Passed: April 24, 2024, as an emergency measure: yeas 12, nays 0.

Attest:

Julie A. Gibbons
Clerk of Council

Carrie Hartman
President of Council

Approved:

April 24, 2024
Wade Kapszukiewicz
Mayor