



## Legislation Text

File #: O-547-18, Version: 1

Zoning & Planning Committee

**Granting a Special Use Permit for Community Recreation - Active for baseball fields for a site located at 1800 Krieger Drive, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-9002-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Community Recreation - Active for baseball fields for a site located at 1800 Krieger Drive, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 1, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Community Recreation - Active for baseball fields for a site located at 1800 Krieger Drive, in the City of Toledo, Lucas County, Ohio.

On December 5, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Community Recreation - Active for baseball fields for a site located at 1800 Krieger Drive, 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 baseball fields for a site located at 1800 Krieger Drive 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:

6 9 35 LOT 1 PT S OF DITCH...E 5. 42 AC W 16.54 AC EXC PT IN KRIEGER DR ALSO N 4 AC E 5 .75 AC W 22.29 AC EXC N 10 FT S 40 FT IN RD

SECTION 2. That the approval of the Special Use Permit for a Community Recreation - Active for baseball fields for a site located at 1800 Krieger Drive, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 35 conditions as follows;

The following thirty-five (35) 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. 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.

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

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for new water service lines shall be submitted to the Division of Water Distribution for review and approval.
7. Plans for new water meter shall be submitted to the Division of Water Distribution for review and approval.
8. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with [BSIOnlinetracking.com](http://BSIOnlinetracking.com) @ 800-414-4990. Contact the Division of Water Distribution (419-245-1395) to verify the backflow prevention requirements for this site.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
10. This project is located within the Oak Openings Region. The following “Oak Openings Region” note must be placed on the plans and the conditions set forth in the note must be complied with.

#### OAK OPENINGS REGION

THIS PROJECT IS LOCATED WITHIN THE OAK OPENINGS REGION, A SIGNIFICANT, HIGH QUALITY, ENVIRONMENTAL RESOURCE. DREDGING, FILLING, CLEARING, OR

OTHERWISE ALTERING CATEGORY 3 WETLANDS (SEE OAC 3745-1-54 FOR WETLAND CATEGORY DEFINITIONS) WITHIN THE OAK OPENINGS REGION IS PROHIBITED. DREDGING, FILLING, CLEARING, OR OTHERWISE ALTERING CATEGORY 1 OR 2 WETLANDS WITHIN THE OAK OPENINGS REGION IS STRONGLY DISCOURAGED, AND IS PROHIBITED WITHOUT FIRST PROVIDING PROOF OF COMPLIANCE WITH THE FOLLOWING PERMITS: SECTION 401 OF THE CLEAN WATER ACT, OHIO EPA ISOLATED WETLAND PERMIT, AND SECTION 404 OF THE CLEAN WATER ACT. IF A PERMIT DOES NOT APPLY, PROVIDE A LETTER FROM A QUALIFIED PROFESSIONAL CERTIFYING THAT THEY HAVE SURVEYED THE SITE AND DETERMINED THAT THE PERMIT IS NOT APPLICABLE. ALL CERTIFICATIONS AND DELINEATIONS SHALL INCLUDE NOTIFICATION OF AND CONCURRENCE FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR OHIO EPA, AS APPROPRIATE, IN ACCORDANCE WITH PROTOCOLS CURRENTLY ACCEPTED BY THE U.S. ARMY CORPS OF ENGINEERS. ANY MITIGATED WETLANDS PROVIDED IN ACCORDANCE WITH SAID PERMITS SHALL BE LOCATED WITHIN THE OAK OPENINGS REGION.

11. Site layout requires structural practices for managing stormwater, which are not shown on the submittal. Swales are called for in the plan's text notes and are acceptable for conveyance to a structural practice, or the swales themselves might provide adequate management if designed in conformance with necessary engineering elements including but not limited to dimensions, grades, soil amendments, swale residence time, and vegetation. The state of Ohio has recently provided guidance for runoff reduction calculations, which can be used to quantify treatment and infiltration of overland flow and allow for a size reduction of structural practices.
12. Site layout requires a ditch maintenance clear zone of 12' minimum from top of bank be shown on the plans, to remain clear of structures and fences per TMC 1110 (not satisfactory as shown on the submittal).
13. Provide Stormwater detention, post-construction stormwater best management practices (BMP's) and a stormwater pollution prevention plans (SWP3) in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>. Submit the following documents to the Division of Engineering Services for review & approval:
  1. Detailed site grading plan
  2. Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's).
  3. Stormwater Pollution Prevention Plan (SWP3)
  4. Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's.
14. An existing 12" outfall to the creek (which exists mid-way between the east and west site limits) shall be shown on the plans submitted to Engineering Services. The outfall and all connected storm sewers shall either be abandoned per details to be provided on the plans, or if any portions are to remain in service, the Developer/Owner/Consultant shall verify the location of the existing storm system and provide that information on the plan.
15. Designs incorporating low impact development solutions such as those suggested by preliminary notes on the submitted are eligible for a reduction in the property's stormwater utility fee. An

application to the storm water utility credit program can be provided upon request.

16. Show sanitary sewer, manholes and sanitary sewer easement on the drawing.

#### Sewer and Drainage Services

17. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
18. 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

#### Division of Environmental Services

19. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
20. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
21. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
22. 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 sources of pollutants in the stormwater runoff, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
23. Applicant shall maintain compliance with the City of Toledo and 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 Anti-Noise Laws.

#### Division of Transportation

24. Must show 4 bicycle parking spaces per TMC 1107

#### Plan Commission

25. Per TMC§1107.0600 - *Off-Street Parking Schedule "D"*, the applicant shall submit an off-street parking study. Applicant shall provide documentation stating the potential number of attendees, hours of operation and the anticipated number of games in a season.
26. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; acceptable as depicted on site plan.

27. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted on site plan. A total of four (4) bicycle parking slots shall be provided on site and depicted on a revised site plan.
28. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code; if applicable.
29. The hours of operation shall be limited from dawn till dusk; field lighting is not permitted as part of this application.
30. 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.
31. A detailed site, lighting, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A thirty-foot (30’) greenbelt is required along the Krieger Drive and Dorr Street frontages and shall include one (1) tree per every thirty-foot (30’) of frontage. Trees are not required to be evenly spaced and may be clustered. Not acceptable as depicted on site plan. A minimum of fifty (50) trees shall be installed along Krieger Drive and Dorr Street frontages. Shall be depicted on a revised landscaping plan.
  - b. Two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot; not acceptable as depicted on site plan. Shall be depicted on a revised landscape plan.
  - c. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10’) in width; not acceptable as depicted on site plan. Shall be depicted on a revised landscape plan.
  - d. Landscape island terminals shall be located at the end of each parking row; acceptable as depicted on site plan.
  - 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; not acceptable as depicted on plan. One (1) species proposed is not acceptable as depicted on landscaping plan. The Bradford Pear (*Pyrus Calleryana*) is considered an invasive species as listed on the State of Ohio Department of Agriculture’s invasive plant list, effective January 2018. An alternative plant species shall be provided in substitution of the Bradford Pear and depicted on a revised landscaping plan.
  - f. 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; shall be noted on revised landscape plan.

- g. If site is 1/2 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; acceptable as noted on landscaping plan.
- h. The location, height and materials for any fencing to be installed and maintained; if applicable.
- i. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); if applicable.

32. 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.

33. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

34. 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.

35. 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 \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor