



Legislation Details (With Text)

File #: O-218-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 4/18/2019 **In control:** City Council
On agenda: 4/30/2019 **Final action:** 4/30/2019
Title: Granting a Special Use Permit for Community Recreation Active for a site located at 4100 Harvest Lane, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Audio: Agenda Review 4/23/2019, 3. Audio: City Council 4/30/2019

Date	Ver.	Action By	Action	Result
4/30/2019	1	City Council	relieve of Committee	Pass
4/30/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
4/30/2019	1	City Council	declare emergency	Pass
4/30/2019	1	City Council	passage	Pass

Zoning & Planning Committee

Granting a Special Use Permit for Community Recreation Active for a site located at 4100 Harvest Lane, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-1007-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for Community Recreation Active for a site located at 4100 Harvest Lane in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 14, 2019, the Toledo City Plan Commission recommended approval for a Special Use Permit for Community Recreation Active for a site located at 4100 Harvest Lane, in the City of Toledo, Lucas County, Ohio.

On April 17, 2019, Toledo City Council, Planning and Zoning Committee reviewed a Special Use Permit for Community Recreation Active for a site located at 4100 Harvest Lane, 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 Community Recreation Active for a site located at 4100 Harvest Lane, 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:

Christ the King Site

That part of the southeast quarter (1/4) of section eighteen (18), Town nine (9) south, Range seven (7) east, in Washington Township, Lucas County, Ohio, bounded and described as follows:

Beginning at the junction of the center line of Monroe Street and the west line of the southeast one-quarter (1/4) of said Section eighteen (18), Thence southeast along the center line of Monroe Street, a distance of four hundred (400) feet; thence southerly and parallel with the West line of the southeast quarter (1/4) of said Section eighteen (18), to the south line of the Southeast quarter (1/4) of said Section eighteen (18), thence west along the south line of the Southeast Quarter (1/4) of said Section eighteen (18), to the west line of the Southeast one-quarter (1/4) of said Section 13, thence north along the west line of the Southeast One-quarter (1/4) of said Section eighteen (18), to the place of beginning. Subject to legal highways.

Valiton Site

That part of the Southeast ¼ of Section number 18, Township 9 South, Range 7 East, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a point in the center line of Monroe Street, which point is distant Southeasterly 400 feet from the point of intersection of the said centerline of Monroe Street and the Westerly line of the said Southeast ¼ of section 18; thence Southerly, along a line drawn parallel to the said Westerly line of the Southeast ¼ of the Section 18, a distance of 455.95 feet to the point of beginning; thence continuing Southerly along the last described line, a distance of 362.10 feet to a point in the Southerly line of said section 18; thence Easterly, along the said Southerly line of Section 18, a distance of 145.81 feet; thence Northerly, along a line drawn normal to the centerline of Sylvania Avenue which line forms an angle at 89°39'42" measured from West to North with the said Southerly line of Section 18, a distance of 321.38 feet; thence Northwesterly, and in a direct line, a distance of 141.70 feet, more or less, to the place of beginning, containing 1.105 acres, more or less; subject to legal highways, excepting therefrom that part recorded in Deed 2102-92 to the City of Toledo. Parcel No. 22-15773

SECTION 2. That the approval of the Special Use Permit for Community Recreation Active for a site located at 4100 Harvest Lane, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 47 conditions as follows:

The following forty-seven (47) 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. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Detailed plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
8. The current version of "WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LINES AND LARGE SERVICES" shall be included on the plans and can be obtained from the City of Toledo Division of Engineering Services.
9. Plans for new water meter or modifications to the existing water meter shall be submitted to the Division of Water Distribution for review and approval.
10. 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 @ 800-414-4990. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
11. The design professional or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service line, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
12. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
13. Contractors performing work on new or existing fire systems shall be licensed by the State of Ohio Fire Marshall and certified by the City of Toledo Fire & Rescue Department.

14. All existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
15. New fire, domestic, and irrigation taps will be installed by City of Toledo at the developer's expense.
16. Contact the Division of Transportation (419-245-1306) for maintenance of traffic requirements for work in Sylvania Avenue.
17. No objection to site plan. A revision to the storm plan shall be submitted that addresses minor items discussed at a pre-submittal meeting.
18. No earth disturbance may take place without an approved storm water pollution prevention plan (SWP3), including the following:
 - SWP3 submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
 - Long term maintenance plan and maintenance agreement for the post construction stormwater management practices.
19. Designs incorporating low impact development solutions such as those proposed on the site plan are eligible for a reduction in the property's stormwater utility fee through the Stormwater Credit Program. An application to the program can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
20. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
21. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
22. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developers cost.
23. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
24. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.
25. All sanitary sewer manholes in the project area shall have solid lids installed on them.

Sewer and Drainage Services

26. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
27. 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 to the public sewer system if this has not been done in the past (2) two years. An electronic

(DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Environmental Services

28. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
29. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
30. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
31. 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 stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
32. 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.pdf
33. 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 Anti-Noise Laws and Asbestos Abatement.

Transportation

34. All two-way drive aisles need to be a minimum of 26 feet wide per TMC 1107.
35. One-way and do not enter signs need to be added where applicable.

Plan Commission

36. A Zone Change is recommended so that the campus is consolidated under single zoning district. Parcels shall be combined by filing a combination request with the Lucas County Auditor's Office. These actions will minimize potential conflicts with zoning regulations.
37. Parking is not permitted within required landscape buffers or 30 feet of right-of-way for properties over 5 acres or 500' of frontage. Proposed parking encroaches into setbacks along Sylvania Avenue and Harvest Lane. Applicant must obtain a waiver of TMC 1107.1202.B.1&2 or comply fully with the requirements of said section.
38. 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.
39. A Schedule "D" description of expected parking needs is required for the fellowship hall use.

Shall be submitted for review and approval by the Plan Director.

40. A total of 14 bicycle spaces are required. Individual spaces shall be at least 2' by 6' per slot. TMC 1108.0902.A.
41. 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 30' frontage greenbelt is required. The plan provides a 7' to 20' frontage greenbelt along Harvest Lane and Sylvania Avenue, a bioretention facility that exceeds the allowable 50% of the required frontage greenbelt, and lacks a solid evergreen hedge along the parking area adjacent to Harvest Lane. Applicant must obtain a waiver of TMC 1108.0204.B.1 & C.1 or comply fully with the requirements of said section.
 - b. Interior parking lot landscaping requires 2,700 sq. ft. of interior landscaping areas, 27 trees, and 81 shrubs. The plan provides an estimated 2,100 sq. ft., 16 trees, and 200 ornamental grass plantings Applicant must obtain a waiver of TMC 1108.0204.B.1 & C.1 or comply fully with the requirements of said section.
 - c. Perimeter parking lot landscaping requires an additional tree along the eastern property line and a continuous row of shrubs along the parking area adjacent to Harvest Lane. Applicant must obtain a waiver of TMC 1108.0204.C.2. or comply fully with the requirements of said section.
 - d. Interior site landscaping requires 2 additional trees located in the side yard and landscaping installed along the entrance to the fellowship hall. Applicant must obtain a waiver of TMC 1108.0205.B. or comply fully with the requirements of said section.
 - e. Fencing and earth berms are limited to 3 ½' feet in the required 30' front setback. Mounding is proposed at the corner of Harvest Lane & Sylvania Avenue but the height is not specified. A wrought iron fence with decorative brick piers will be extended along Sylvania Avenue at a height of 5' for piers and 4'-4" for fencing. The 6' vinyl fence along the eastern property line shall not encroach into the required front yard setback. Shall be noted on a revised plan. Applicant must obtain a waiver of TMC 1105.0302.A.1 & 1107.2000 or comply fully with the requirements of said section.
 - 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.
 - g. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches, evergreen trees must be a minimum of 5', and shrubs must be at least 18 inches in height or 24 inches in spread when installed.
 - h. If 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.
42. High quality building materials must comprise at least 75% of the total wall area for the south elevation of the maintenance shed. Metal paneling is not an acceptable material and shall be revised.

Applicant must obtain a waiver of TMC 1109.0205.B. or comply fully with the requirements of said section.

43. 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.
44. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
45. 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 and maintained indefinitely.
46. 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. Major adjustments will require an amendment to the Special Use Permit.
47. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 4100 Harvest Lane, in the City of Toledo, Lucas County, Ohio:

1. Chapter 1105 Accessory Uses

1105.0302 Commercial and Industrial Districts

A. The following standards apply in all Commercial and Industrial districts:

1. Fences may not exceed 3½ feet in height in the required front setback.

2. Chapter 1107 Parking, Loading and Access

1107.2000 Sight Distance Setback

No fence, sign structure or planting which obstructs visibility between 42 inches and 84 inches above grade shall be maintained within 23 feet of the curb or pavement edge of any street.

Approve a waiver to all existing fencing and brick piers to be extended at a maximum height of 5' for brick piers and 4' 4" for wrought iron fencing.

3. Chapter 1107 Parking, Loading and Access

1107.1202 Setbacks

B. Commercial and Industrial Districts

Off-street parking facilities, including vehicular drives and maneuvering areas, in Commercial or Industrial districts are prohibited within:

1. required landscape buffers (see Chapter 1108);
2. 15 feet, and for properties over 5 acres and/or those with over 500 feet of frontage 30 feet, of street rights-of-way, except for approved driveways from streets;

Approve a waiver to allow parking in the required 30' setback provided that it be removed from the 20' and 25' setback lines shown on the plan and that the landscaping area be extended.

4. Chapter 1108 Landscaping and Screening

TMC 1108.0202 Frontage Greenbelt

B. Requirements

2. If a parking lot is proposed to be developed in the front of the property, the frontage greenbelt shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Low, undulating earth berms or decorative walls or fencing may also be approved.
3. Frontage greenbelts shall be a minimum width of 15 feet. For properties over 5 acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum of 30 feet wide measured perpendicular from the street or place right-of-way abutting the property.
5. Stormwater treatment facilities may occupy up to fifty (50%) of the frontage greenbelt provided they meet the criteria outlined in TMC 1108.0206 Stormwater Treatment Facilities. Retention and detention pond stormwater treatment facilities are not permitted within the required frontage greenbelt.

Approve a waiver to allow a 20' and 25' frontage greenbelt and a bioretention facility to exceed more than 50% of the frontage greenbelt as shown on the plan provided parking and drive aisles are removed from the required landscape area.

5. TMC 1108.0204 Parking Lot landscaping (Interior and Perimeter)

B. Area and Dimensional Standards

1. The total interior landscaping required in parking lots is 20 square feet per parking and stacking space. Any landscaping required for frontage greenbelt plantings (Sec. 1108.0202) or that required between the building and parking lot does not account for required interior parking lot landscaping.

C. Quantity Requirements

1. Interior

- a. & b. Two canopy trees and six shrubs are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot. One canopy tree may substitute for three shrubs.

2. Perimeter

- a. A perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-ways. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches (when installed so as to achieve full screening at maturity).

Approve a waiver to allow a reduction in the square footage of interior landscaping areas and required canopy trees in both the interior and perimeter landscape buffer as shown on the plan if a continuous row of shrubs is provided along the new parking lot adjacent to Harvest Lane.

6. TMC 1108.0205 Interior Site Landscaping

B. Standards (Residential)

One tree per 500 square feet of building coverage, or fraction thereof, for all structures. Greenbelt Frontage trees are included in this total, minimum of two trees in the front and side yards. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances.

Approve a waiver to forego the required 2 additional trees in the side yard and landscaping at major building entrances provided screening and/or landscaping shall be extended behind the fellowship hall and maintenance building along the 140' diagonal property line. Subject to the review and approval of the Plan director.

7. Chapter 1109 Design Standards

1109.0501 Façade Materials

- A. Facades visible from the public right-of-way shall be comprised of at least seventy-five percent (75%) of the total wall area of

the façade.

Approve a waiver to allow metal panel siding for the maintenance building along the southern facade visible from the right-of-way.

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