



Legislation Details (With Text)

**File #:** O-270-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Mayor's Office  
**File created:** 5/17/2019      **In control:** City Council  
**On agenda:** 5/28/2019      **Final action:** 5/28/2019

**Title:** Granting a Special Use Permit to add a second drive-through lane to an existing fast food restaurant for a site located at 1540 Broadway Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: City Council Meeting 5/28/2019

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council	Dispense with the rules of Council	Pass
5/28/2019	1	City Council	declare emergency	Pass
5/28/2019	1	City Council	pass	Pass

Zoning & Planning Committee

**Granting a Special Use Permit to add a second drive-through lane to an existing fast food restaurant for a site located at 1540 Broadway Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-2001-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit to add a second drive-through lane to an existing fast food restaurant for a site located at 1540 Broadway Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 11, 2019, the Toledo City Plan Commission recommended approval for a Special Use Permit to add a second drive-through lane to an existing fast food restaurant for a site located at 1540 Broadway Street, in the City of Toledo, Lucas County, Ohio.

On May 15, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit to add a second drive-through lane to an existing fast food restaurant for a site located at 1540 Broadway Street, 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 to add a second drive-through lane to an existing fast food restaurant for a site located at 1540 Broadway Street, 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:

MCDONALD'S #34-1037 - TOLEDO/SOUTH -

ADDRESS: 1540 BROADWAY STREET - TOLEDO, OH 43609

LEGAL DESCRIPTION: VAN WORMER ADDITION LOTS 80 & 81

SECTION 2. That the approval of the Special Use Permit to add a second drive-through lane to an existing fast food restaurant for a site located at 1540 Broadway Street, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 24 conditions as follows;

The following twenty-four (24) 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.

#### Sewer and Drainage Services

6. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. S&DS recommends 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 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 Transportation

8. If not already established, cross access agreements shall be formalized with adjacent property owner to the Northeast.

#### Environmental Services

9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.

10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

11. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

12. 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 modifications, including but not limited to long-term operation and maintenance of existing of existing structural and non-structural Best Management Practices.

13. Any effort made to plant non-invasive trees, shrubs and perennials is highly encourage.  
<http://ohiodnr.gov/portals/0/pdfs/invasive/AlternativestoOhioInvasivePlantSpecies.pdf/>

14. 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 Administrative Code including, but not limited to the Asbestos and the Anti-Ohio Noise Laws.

#### Fire Prevention

15. The increase to 12 feet to the bypass lane will meet the needs for Fire/EMS accessibility.

#### Plan Commission

16. 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.

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

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)) (Acceptable depicted on site plan).

19. Landscaping for the site shall adhere to the approved Landscape Master Plan via case D-12-02. The applicant shall obtain a copy of said plan from the Plan Commission and submit a final landscape plan that is compliant with the original approval and the Historic South guidelines. Screening shall be shown on revised site plan.

20. Illumination of parking facilities shall be arranged so as not to reflect direct rays of light into any adjacent residential area. In no case shall direct and indirect illumination from the source of light exceed an illumination level maximum of one-half foot-candle when measured at the nearest point of the lot line in a residential area. Illumination of all parking lots shall be required.

21. Provide at least seven bicycle parking slots as required for the off-street parking Schedule A (Acceptable depicted on site plan).

22. Litter receptacles, for the use of parking area users and others, must be provided in off-street parking areas in accordance with the provisions of Part 9 Street, Utilities and Public Services Code, Section 963.22. A litter receptacle is treated as an accessory structure and must adhere to the criteria outlined in (TMC§1107.1910).

23. 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.

24. 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

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_

Clerk of Council