



Legislation Text

File #: O-324-18, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit for a Solar Energy Facility for a site located at 1000 Jeep Parkway in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-6007-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Solar Energy Facility for a site located at 1000 Jeep Parkway, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation. Ordinance 279-18, passed on July 17, 2018 waived the 30 day period between the Plan Commission hearing and the Zoning and Planning Committee.

On July 25, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Solar Energy Facility for a site located at 1000 Jeep Parkway, in the City of Toledo, Lucas County, Ohio.

On August 13, 2018, Toledo City Council, Planning and Zoning Committee reviewed a Special Use Permit for a Solar Energy Facility for a site located at 1000 Jeep Parkway, 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 Solar Energy Facility for a site located at 1000 Jeep Parkway, 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:

That part of Auditor's Parcel 18-32907 lying south of Willys Parkway

Being that part of the Southeast Quarter of Section 22, Town 9 South, Range 7 East, in the City of Toledo, Lucas County, Ohio bounded and described as follows;

BEGINNING at a brass disk at the Northwesterly corner of Lot 3 of Overland Industrial Park, Plat 2, as recorded in Official Record 20131209-0062912, Lucas County Records;

Thence along the westerly line of said Overland Industrial Park, Plat 2 the following 7 courses;

1. South 16°34'20" West a distance of 138.78 feet to a 6" concrete plat monument;
2. South 11°28'07" West a distance of 379.59 feet to a 6" concrete plat monument;
3. South 29°24'43" West a distance of 173.38 feet to a 6" concrete plat monument;
4. South 53°33'51" West a distance of 163.26 feet to a 6" concrete plat monument;

5. South 76°20'43" West a distance of 288.74 feet to a 6" concrete plat monument;
6. South 60°24'57" West a distance of 45.23 feet to a 6" concrete plat monument;
7. South 53°54'40" West a distance of 58.06 feet to a 6" concrete plat monument on the easterly right of way line of Jeep Parkway;

Thence North 00°28'37" West a distance of 109.43 feet along said easterly right of way line of Jeep parkway to a point in the approximate center of the Ottawa River;

Thence South 71°26'39" West a distance of 103.56 feet along said Ottawa River and easterly right of way line of Jeep Parkway to a point;

Thence continuing along said easterly right of way line of Jeep Parkway the following 9 courses;

1. North 20°38'34" East a distance of 152.92 feet to a point of curvature;
2. Along a curve to the right having a radius of 1891.86 feet through a central angle of 08°22'39" for a arc length of 276.62 feet, said curve having a chord bearing North 24°49'54" East for a distance of 276.37 feet to a point of tangency;
3. North 29°01'13" East a distance of 180.49 feet to a point;
4. North 88°54'28" East a distance of 48.53 feet to a point;
5. North 29°01'13" East a distance of 60.00 feet to a point;
6. North 29°03'09" West a distance of 48.48 feet to a point;
7. North 29°54'06" East a distance of 205.03 feet to a point;
8. North 31°30'25" East a distance of 184.38 feet to a point;
9. North 28°37'57" East a distance of 104.13 feet to a point on the southerly limited access right of way line of Willys Parkway;

Thence North 73°37'57" East a distance of 73.02 feet along said southerly limited access right of way line to a point;

Thence South 66°15'16" East a distance of 282.16 feet, continuing along said southerly limited access right of way line to a point on the westerly line of Lot A of the Replat of Overland Industrial Park, Plat 1, as recorded in Official Record 20160830-0034763, Lucas County Records;

Thence South 26°51'53" West a distance of 201.31 feet, along said westerly line of Lot A of the Replat of Overland Industrial Park, Plat 1, to the POINT OF BEGINNING, containing 11.118 acres more or less and subject to all highways, easements and restrictions of record.

SECTION 2. That the approval of the Special Use Permit for a Solar Energy Facility for a site located at 1000 Jeep Parkway, 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.

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. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more (including an overall common plan of development) and/or the installation of storm sewer services be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.)
6. The following documents shall be submitted to the Division of Engineering Services (Andy Stepnick) for stormwater review & approval:
 - Detailed site grading plan
 - Plans and calculations for storm sewer service and post-construction best management practices (BMP's). This requirement has been met for the North Solar Array. However, the South Array will require a post-construction BMP as it was not previously accounted for within the Overland Park Industrial site.
 - A Stormwater Pollution Prevention Plan (SWP3) - including a completed 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 Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.
1. Submittals shall be 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/>

2. All developments are required to provide Stormwater detention, post-construction stormwater best management practices (BMP's) and a stormwater pollution prevention plans (SWP3) plans, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre-and post-construction land use.
3. All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.
4. Nonresidential properties which have Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and may be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on this program can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
5. All storm drainage must be internal and not run off onto adjacent properties.
6. No construction work, including any earth disturbing work will be permitted without approved plans.
7. Dredging, filling, clearing, or otherwise altering wetlands 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 written 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.
8. Being in or adjacent to a flood hazard zone, this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full. An application shall be made for a Floodplain Hazard Development Permit through City Building Inspection One Stop Shop. An escrow agreement may be required if a Conditional Letter of Map Revision or Letter of Map Revision are required to be submitted to the Federal Emergency Management Agency per TMC 1110. The City is currently waiting on a response from the State Floodplain Administrators office to determine if a Solar field and fencing is even permissible within a Floodway. If the construction is allowed, a Hydrologic and Hydraulic (H&H) Engineering Analysis is required to show the effects of the development on the flood elevations. The proposed development shall not cause a rise in flood elevation. A no rise certificate certified by a Professional Engineer with the State of Ohio will be required with the H&H. Detailed plans, including information on the panels, supports, anchors, equipment, fences, elevations, etc, shall be submitted with the H&H Analysis. The lowest edge of the panels shall be elevated to at least 1 foot about the base flood elevation. A Professional Engineer registered with the State of Ohio shall certify that any supports, equipment, etc. located within the floodway/floodplain are resistant to hydrostatic and hydrodynamic loads including the effects of buoyancy. No fill is allowed within the Floodway. Fill placed in the Floodplain will require compensatory cut.
9. Verify location of sanitary sewer in the area. Access shall be maintained to sewer.

Sewer & Drainage Services

10. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
11. All 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

12. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
13. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
14. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
15. 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.
16. 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

17. Transportation will not approve or comment without an updated site plan showing all proposed and current existing roadways and drives.
18. The site plan depicts solar panels within a portion of remnant right-of-way. The portion of right-of-way in the south array shall be vacated before building plans are approved.
19. Applicant shall submit proper documentation for all necessary permits to allow development within the floodplain to the Floodplain Administrator within the City of Toledo's Division of Building Inspections.
20. 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. Acceptable as depicted/noted on site plan.

21. A detailed site, lighting, sign, fencing and three (3) 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') greenbelt is required along the North Cove Boulevard/Interstate-75 and Jeep Parkway frontages, and shall include one (1) tree per every thirty-foot (30') of frontage; acceptable as depicted on landscaping plan submitted. Applicant received waiver to TMC§1108.0202(B)(3) by Plan Commission on 7/25/2018, in order to allow for the reduced twenty-foot (20') frontage greenbelt along North Cove Boulevard/Interstate-75.
 - b. Topsoil must be back filled to provide positive drainage of the landscape area; acceptable as submitted.
 - c. 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.
 - d. 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; acceptable as noted on landscaping plan submitted.
 - e. The location, height and materials for any fencing to be installed and maintained; Applicant shall obtain a waiver to TMC§1105.0301(A & B) & TMC§1105.0302(A)(1) for the proposed six-foot (6') chain link fence in the required front and side setback; and
 - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
1. 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.
2. 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.
3. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
4. 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.
5. 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 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 1000 Jeep Parkway, in the City of Toledo, Lucas County, Ohio:

Chapter 1105.0300 Fences and Hedges

Sec. 1105.0301(A & B) Residential Districts

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

Fences may not exceed 4 feet in height in the required side setback adjacent to the main building and projected to the required front setback. Any recess in the rear building plane shall not be considered part of the required setback.

Approve a waiver for a six-foot (6') fence in the required front and side setback.

Sec. 1105.0302(A)(1) Commercial and Industrial Districts

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

Approve a waiver for a six-foot (6') fence in the required front setback.

Chapter 1108.0200 Landscape Standards

Sec. 1108.0202(B)(3) Frontage Greenbelt

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.

Approve a waiver for a reduction of ten-feet (10') from the required thirty-foot (30') frontage greenbelt, to allow a twenty-foot (20') frontage greenbelt along North Cove Boulevard/ Interstate-75.

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