



Legislation Text

File #: O-406-19, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit, for Community Recreation-Active for a site located at 4164 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-12004-18) filed with the City of Toledo Central Permit Center, a request for Community Recreation-Active for a site located at 4164 Dorr Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 11, 2019, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for Community Recreation-Active for a site located at 4164 Dorr Street, in the City of Toledo, Lucas County, Ohio.

On August 14, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for Community Recreation-Active for a site located at 4164 Dorr 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 for Community Recreation-Active for a site located at 4164 Dorr 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:

Exhibit A

That part of the Southwest fractional one-quarter (1/4) of Section thirty-one (31), Town nine (9) South, Range seven (7) East, lying East of County Road No. 422 (known as Richards Road) and Westerly of a line described as running from a point on the South line of said Southwest one-quarter (1/4), two thousand fifty-one and ninety-two hundredths (2051.92) feet West of the Southeast corner of said Southwest one-quarter (1/4) to a point on the North line of said Southwest one-quarter (1/4), two thousand fifty-one and ninety-two hundredths (2051.92) feet West of the Northwest corner of said Southwest one-quarter (1/4), situated in the City of Toledo, Lucas County, Ohio. Subject to legal highways

Also a strip of land eleven and one-half (11 1/2) feet in width in the Southwest fractional one-quarter (1/4) of Section thirty-one (31), Town nine (9) South, Range seven (7) East, bounded and described as follows: Beginning at an iron stake set on the South line of said Fractional one-quarter (1/4) Section number thirty-one (31), two thousand fifty-one and ninety-two hundredths (2051.92) feet West of the South one-quarter (1/4) stone of said Section; thence North to an iron stake set on the North line of said Fractional one-quarter (1/4) Section number thirty-one (31), two thousand fifty-one and ninety-two hundredths (2051.92) feet West of an iron stake set at the intersection of the center line of said Section; thence East on the center line of said Section eleven and one-half (11 1/2) feet; thence South on a line parallel with the first described line to a point on the

South line of said one-quarter (1/4) Section eleven and one-half (11 1/2) feet East of the place of beginning; thence West along the South line of said fractional one-quarter (1/4) Section eleven and one-half (11 1/2) feet to the place of beginning, situated in the City of Toledo, Lucas County, Ohio. Subject to legal highways.

EXCEPTING THEREFROM THE REAL PROPERTY BOUNDED AND DESCRIBED AS FOLLOWS:

That part of the Southwest fractional one-quarter (1/4) of Section thirty-one (31), Town nine (9) South, Range seven (7) East in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Beginning at a point being the intersection of the Easterly right-of-way line of Richards Road running North of Dorr Street, said right-of-way line being thirty and no hundredths (30.00) feet East of and parallel to the centerline of right-of-way of said portion of Richards Road, and the Northerly right-of-way line of Dorr Street said right-of-way line being thirty and no hundredths (30.00) feet North of and parallel to the centerline of right-of-way of Dorr Street, said centerline also being the Southerly line of said Southwest fractional one-quarter (1/4) of said Section thirty-one (31); thence Northerly along the Easterly right-of-way line of Richards Road to a point being the intersection of said Easterly right-of-way line of Richards Road, and the East and West centerline of said Section thirty-one (31), thence Easterly along said East and West centerline of said Section thirty-one (31) to a point being fifty and no hundredths (50.00) feet East of the centerline of Richards Road; thence Southerly along a line fifty and no hundredths (50.00) feet East of and parallel to the centerline of right-of-way of Richards Road to a point in the Northerly right-of-way line of Dorr Street, said Northerly right-of-way line of Dorr Street being thirty and no hundredths (30.00) feet North of the centerline of right-of-way of Dorr Street; thence Westerly along said Northerly right-of-way line of Dorr Street to the point of beginning. T.D. Parcel Nos. 20-03914 and 20-03897

SECTION 2. That the approval of the Special Use Permit for Community Recreation-Active for a site located at 4164 Dorr Street in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 45 conditions as follows:

The following forty-five (45) 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.
 5. Contact Joe Warnka at (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 LAINES AND LARGE SERVICES" shall be included on the plans and can be obtained from the City of Toledo Division of Engineering Services.
 9. Water service is available from an 8-inch diameter water main on the west side of Richards Road. The 24-inch diameter water main on the east side of Richards Road is a water transmission main and is not available for domestic usage.
 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. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
 11. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
 12. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site. Verify that the hydrant location shown is acceptable to the Toledo Fire Prevention Bureau.
 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. New fire, domestic, and irrigation taps will be installed by the City of Toledo at the developer's expense.
 15. The site plan could require an increased footprint of on-site stormwater management if the off-site practice (details pending beyond the north limit of this proposal) does not come to fruition by the time of the storm permit approval. Flow of runoff through a wooded area such as this is a recognized management method but must be quantified, meet design requirements, and be set aside to provide this service into perpetuity. If the natural area used for this purpose were to be developed in the future, mitigation would be necessary to replace its function in managing the previous development's runoff.

16. Permit drawings and calculations shall be submitted for stormwater approval, compliant 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/> and the latest Ohio Construction General Permit.
17. No earth disturbance may take place without an approved storm water pollution prevention plan (SWP3), including the following:
 - Site grading plan
 - 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 post-construction stormwater management practices (BMP's)
 - A Notice of Intent (NOI) to the Ohio EPA
1. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
2. 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.
3. 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.

Fire Prevention

21. The Richard Rd. entrance/exit needs to be a minimum of 20 ft. for both the entrance and exit.

Division of Environmental Services

22. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
23. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
24. 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.
25. 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

26. 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 the Anti-Noise Laws.

Division of Transportation

27. Three car and one van accessible parking space must meet minimum dimension requirements 9' x 18' with abutting 5' aisle for car and 8' aisle for van per TMC 1107.
28. Nine bicycle parking spaces required per TMC 1107.
29. New sidewalks required along Dorr Street and Richards Road per TMC 1107. A performance bond shall be posted for the installation of sidewalks along Dorr Street and Richards Road in lieu of bicycle paths.
30. Any old curb cut and driveway apron not being utilized to be removed (specifically one is located on Richards Road). Replace with new curb to match existing adjacent curbing and new grass where driveway apron was removed.
31. Any old curb cut and driveway apron not being utilized to be removed (specifically one is located on Richards Road). Replace with new curb to match existing adjacent curbing and new grass where driveway apron was removed.

Plan Commission

32. The building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. For facades visible from the public right-of-way, predominant materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. Not acceptable as depicted on elevations submitted. The Plan Commission recommended approval of waiver to TMC§1109.0501(C), of the prohibitive building materials, to allow the use of concrete blocks in the construction of the storage/restrooms building.
33. Facade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director.
34. 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. Acceptable to Planning Director as submitted on July 5, 2019.
35. 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.
36. 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 nine (9) bicycle parking slots shall be provided on site and depicted on a revised site plan.

37. The applicant has indicated that no trash dumpsters are intended to be located on the site. In the event there are dumpsters, the 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.
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. 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 or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities (TMC§1107.1906).
40. 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. For properties over five (5) acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum of thirty (30) feet wide measured perpendicular from the street or place right-of-way abutting the property. The frontage greenbelt shall include at least one (1) tree for every thirty-feet (30') of lot frontage and shall also include grass and shrub plantings. The subject site shall have a minimum of thirteen (13) trees installed within the frontage greenbelt along Dorr Street, and a minimum of twenty-six (26) installed within the frontage greenbelt along Richards Road; acceptable as depicted on landscape plan.
 - b. Two canopy trees are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot (existing trees may be used for credits); acceptable as depicted on landscape plan.
 - c. The location, height and materials for any fencing to be installed and maintained; if applicable.
 - d. All parking spaces must be within 100 linear feet of a landscaped area.
 - e. Topsoil must be back filled to provide positive drainage of the landscape area.
 - 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. 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; shall be noted on revised landscaping plan.

- h. 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 depicted on landscaping plan.
 - i. The location, height and materials for any fencing to be installed and maintained. Pursuant to TMC§1105.0301(A), fences may not exceed 3½ feet (42”) in height in the required front (20’) setback; and
 - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
41. 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.
42. 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.
43. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
44. 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.
45. 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 4164 Dorr Street, in the City of Toledo, Lucas County, Ohio:

Chapter 1109 Building Facade Materials and Color

Sec. 1109.0501 Facade Materials

- C. Predominant exterior building materials shall not include the following:
- 1. concrete blocks;
 - 2. smooth-faced tilt-up concrete panels; and
 - 3. wood sheet goods.

Approve a waiver of the prohibited building materials, to allow the use of concrete blocks in the construction of the storage/restrooms building.

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 12, nays 0.

Passed: August 20, 2019, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

August 20, 2019
Wade Kapszukiewicz
Mayor