



## Legislation Text

---

**File #:** O-030-23, **Version:** 1

---

### Zoning & Planning Committee

**Granting a Special Use Permit, for Community Recreation Active for park modifications for a site located at 2434 S. Cove Boulevard, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-10001-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for Community Recreation Active for park modifications for a site located at 2434 S. Cove Boulevard, for the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On December 1, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for Community Recreation Active for park modifications for a site located at 2434 S. Cove Boulevard, in the City of Toledo, Lucas County, Ohio.

On January 4, 2023, Toledo City Council, Planning and Zoning Committee reviewed, and left in committee due to the lack of a quorum, a Special Use Permit for Community Recreation Active for park modifications for a site located at 2434 S. Cove Boulevard, in the 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 park modifications for a site located at 2434 S. Cove Boulevard, in the City of Toledo, Lucas County, Ohio 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:

PARCEL 1844251

7 9 27 PT LAWRENCE LANDS AND SEC 28 & LOT 242 AUBURNDALE & JERMAIN PARK SUBJ TO MONRO E ST WIDENING & EXC PT IN SR 75

SECTION 2. That the approval of the Special Use Permit, for Community Recreation Active for park modifications for a site located at 2434 S. Cove Boulevard, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 21 conditions as follows:

The following twenty-one (21) 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. 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.
2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins.
4. Proposed stormwater basin cannot prevent sewer maintenance trucks from reaching the sanitary MH at the Southwest corner of site.
5. The project requires a Flood Hazard Zone Development Permit per TMC 1100.
6. Full stormwater submittal requires multiple items:
  - a. Items are listed on the regional SWP3 submittal coversheet: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
  - b. Plans according to the 2014 Infrastructure Requirements document found in the drop-down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>
7. Following the stormwater review, additional items are needed for final approval:
  - a. As listed on the regional SWP3 submittal cover sheet. The signed agreement will be through a covenant which will need to be recorded.
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
  - c. Construction inspection and completion of obligations in the stormwater permit.
8. Provide solid lids on any sanitary structures in the area.

#### Transportation

9. Bicycle parking is required per TMC§1107.0900.
10. Do Not Enter signage is required where one-way traffic drive aisle ends at two-way drive aisle to prevent wrong way traffic flow.

#### Plan Commission

11. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Three (3) Car spaces and one (1) van spaces are required. Acceptable as depicted.
12. Per TMC§1107.0400, Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted. Eight (8) spaces require



13. 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.
14. 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)).
15. Active recreation area must be set back at least fifty (50) feet from any RS or RD district and at least 25 feet from any other Residential or Commercial zoning district. Acceptable as depicted.
16. 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:  
Landscape plan is acceptable as depicted.
  - a. A thirty-foot (30') greenbelt is required along Upton include one (1) tree per every thirty feet (30') of frontage. Trees are not required to be evenly spaced and may be clustered. Acceptable as depicted. Trees noted for preservation are acceptable alternatives as depicted.
  - b. Topsoil must be back filled to provide positive drainage of the landscape areas;
  - 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;
  - e. The location, height, and materials for any fencing to be installed and maintained;
  - f. The location and direction of any proposed lighting (any lighting is to be directed away from adjacent residential properties).
17. 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.
18. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
19. 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.
20. 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.



21. 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 12, nays 0.

Passed: January 10, 2023 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

January 10, 2023  
Wade Kapszukiewicz  
Mayor