



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

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THOMAS C. GIBBONS, DIRECTOR



DATE: July 23, 2018

REF: PUD-4004-18

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for an Amendment to a Planned Unit Development, originally granted by Ord. 70-04, to develop multi-family units at 2757 Gardengate Place.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 12, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Amendment to a Planned Unit Development, originally granted by Ord. 70-04, to develop multi-family units

Location - 2757 Gardengate Place

Applicants - Edgebrook Development Co.
5135 S. Main Street
Sylvania, OH 43560

Charles H. Gibson IV
2520 Gardengate Place
Toledo, OH 43614

Engineer - George V. Oravec
Oravec & Associates
5333 Secor Road
Toledo, OH 43623

Site Description

Zoning - RD6 / Duplex Residential

Area - ± 3.9 acres

Frontage - ± 615' along Gardengate Place

Existing Use - Undeveloped land

Proposed Use - 26 unit residential development

GENERAL INFORMATION (cont'd)

Area Description

North	-	Heatherdowns Blvd, single family homes / RS12
South	-	Heatherbriar multi-dwelling apartments / RD6
East	-	Amhurst multi-dwelling apartments / RD6
West	-	Heather Village Condominiums / RD6

Combined Parcel History

Z-9003-03	-	Zone Change from R-A Single Family Residential to R-3 Two Family Residential at 4955 Heatherdowns Blvd (P.C. approved on 12/4/2003, C.C. approved on 1/27/2004 by Ord. 71-04).
CUP-9004-03	-	Community Unit Plan for a 20 villa single-family subdivision at 4955 Heatherdowns Blvd (P.C. approved on 12/4/2003, C.C. approved on 1/27/2004 by Ord. 70-04).
S-26-03	-	Preliminary Drawing for GARDENGATE VILLAS (P.C. approved on 12/4/2003, Final Plat approved by P.C. on 12/2/2004).
Z-4003-18	-	Zone Change from RD6 Duplex Residential to RM12 Multi-Dwelling Residential at 2757 Gardengate Place (<i>companion case</i>).

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

This case was deferred from the June 14, 2018 Plan Commission hearing due to a modification to the original site plan submitted. The applicant is requesting an amendment to a Planned Unit Development (PUD), originally granted by Ordinance 70-04, to develop multi-family units at 2757 Gardengate Place. The ±3.9 acre site is predominantly undeveloped with three (3) single-family homes built on the northern portion of the development. Surrounding land uses include single-family homes across Heatherdowns Boulevard to the north, multi-dwelling apartments to the east and south, and condominiums to the west of the subject site.

STAFF ANALYSIS (cont'd)

The site is currently zoned RD6 Duplex Residential, however, the applicant has submitted a companion Zone Change request (*Z-4003-18*) to modify the zoning to RM12 Multi-Dwelling Residential. Additionally, the applicant will be required to replat the subject property as part of the development process and listed as a condition of approval.

This site is part of an existing Community Unit Plan (CUP) (*Ordinance 70-04*) that was approved in 2004 for a twenty (20) lot single-family subdivision. The applicant is requesting the Zone Change in order to modify the existing CUP and increase the number of dwelling units by six (6) units. As depicted on the revised site plan submitted, lots number 1-4 and 17-20 are to remain one-story single-dwelling houses, whereas lots 5-15 and 16 will be replated into eighteen (18) individual lots developed as one-story single-dwelling unit attached houses. An amendment to the PUD is required for the site in order to modify the previously approved CUP site plan.

Density

The site is 3.9 acres in total area and zoned RD6 Duplex Residential (subject to companion Zone Change). The maximum allowed number of dwelling units in the RD6 Duplex Residential zoning district with a PUD is twenty (20) units or 5.8 units per gross acre. However, the companion Zone Change to RM12 Multi-Dwelling Residential would allow a maximum number of ten (10) dwelling units per gross acre. The applicant is proposing a total of twenty-six (26) units for the entire development and therefore in compliance with the maximum density allowed for the PUD.

Parking and Circulation

The site plan submitted depicts all properties being accessed via Gardengate Place from Heathedowns Boulevard. The Division of Transportation has reviewed the revised site plan submitted on 6/18/2018 and does not object to the approval although they have included a condition of approval. Sidewalks shall be provided throughout the interior of the site and shall be depicted on a revised site plan. As listed in Ord. 70-04 and recorded on the existing Plat, interior sidewalks were required for the original CUP. Additionally, as stated in TMC§1107.1300, sidewalks shall be provided at the time of development for any new or existing plat, on any parcel along public streets within Residential districts.

As listed in TMC§1107.0304, the minimum number of parking spaces required for an attached house is calculated using two (2) per dwelling unit. The proposed attached housing development on site will have a total of eighteen (18) dwelling units. Using the formula for the attached housing results in thirty-six (36) parking spaces required. However, the proposed development includes a two (2) car garage for each dwelling unit for a total of thirty-six (36) parking spaces. The proposed parking provided is in compliance with the minimum number of off-street parking spaces required for the multi-dwelling structures.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

Pursuant to TMC§1105.0603(A & B), no more than forty-percent (40%) of the horizontal width of a street-facing facade on an attached house may be comprised of garage door area; and all garage doors must be recessed at least four-feet (4') from the front building plane. The applicant shall be subject to the following regulations and listed as conditions of approval.

Open Space Requirements

Pursuant to TMC1103.1007(C), no more than forty-percent (40%) of the gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway and parking areas pavement. The existing CUP was approved with a total impervious surface area less than forty-percent (40%). However, the revised site plan submitted did not provide the percentages of the total impervious surface areas. Since the building footprints were modified from the previous approved CUP, the applicant shall submit a revised site plan with the percentage of gross site acreage devoted to impervious surfaces and listed as a condition of approval.

As part of the initial conditions of approval of the CUP, no less than ten-percent (10%) of the net parcel acreage was to be allocated and maintained as consolidated common green space and/or recreation areas. However, listed in the Zoning Code as TMC§1103.1007(D), a new PUD is required to provide fifteen-percent (15%) of gross site acreage for usable, accessible and consolidated open space, none of which is part of any required yard or perimeter open space.

Since the site was approved for a ten-percent (10%) consolidated common open space area under the original CUP, staff is supportive of the applicant receiving a five-percent (5%) reduction to the required fifteen-percent (15%) consolidated common open space and being located in the required perimeter open space. Although staff is supportive of the reduction waiver, staff is requiring a multipurpose walking path be installed within the consolidated common open space encompassing the entire development. The revised site plan submitted did not provide the percentages of the consolidated common open space. As a condition of approval, a revised site plan shall be submitted depicting the total area of the consolidated common open space including a walking path and the detention/retention areas. Furthermore, as part of the final plat, the consolidated common open space area must be delineated as a separate lettered lot.

A residential PUD that abuts residential zoning is required to offer a perimeter open space area that is equivalent to the rear yard setback of the PUD's underlying zoning district. The entire development abuts residential zoning and therefore required to have a minimum twenty-five foot (25') perimeter open space area. The revised site plan submitted depicts a minimum setback of twenty-five foot (25') around the development and in compliance with this regulation.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Single-Family Residential land uses and the neighborhood around the site is designated as Multi-Family Residential. Staff recommends approval of the amendment to the PUD since it conforms to the Toledo 20/20 Comprehensive Plan and the stated purpose of the Zoning Code. Additionally, staff recommends approval of the amendment to the PUD because the development is consistent with the existing land uses and zoning classifications of properties within the general vicinity of the subject property.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of PUD-4004-18, a request for an amendment to a Planned Unit Development, originally granted by Ord. 70-04, to develop multi-family units at 2757 Gardengate Place, to the Toledo City Council for the following three (3) reasons:

1. The request conforms to the Toledo 20/20 Comprehensive Plan and the stated purpose of the Zoning Code (TMC§1111.0606(A) – *Review and Decision Making Criteria*).
2. The request is consistent with existing land uses within the general vicinity of the subject property (TMC§1111.0606(B) – *Review and Decision Making Criteria*); and
3. The request is consistent with zoning classifications of properties within the general vicinity of the subject property (TMC§1111.0606(C) – *Review and Decision Making Criteria*).

The Toledo City Plan Commission makes the following recommendations to the Toledo City Council on the waivers requested for the amendment to a Planned Unit Development, originally granted by Ord. 70-04, to develop multi-family units at 2757 Gardengate Place:

Chapter 1103.1000 Planned Unit Development Overlay District

Sect. 1103.1007(C) Residential Standards

No more than forty-percent (40%) of the gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement.

PLAN COMMISSION RECOMMENDATION (cont'd)

Approve a waiver for a six-percent (6%) increase to the maximum forty-percent (40%) of gross site acreage devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement, and allow for forty-six percent (46%) of gross site acreage to be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement.

Sec. 1103.1007 (D) Residential Standards

No less than 15 percent of the gross site acreage, none of which is part of any required yard or perimeter open space, shall be allocated to usable, accessible and consolidated common open space (per Sec. 1103.1010E) and may be allocated on a plat by plat basis (one-third of the required common open space may be a lake or pond or storm detention or retention area). This open space shall be delineated on the plat as a lettered lot.

Approve a waiver for a five-percent (5%) reduction of the required fifteen-percent (15%) of gross site acreage for ten-percent (10%) of gross site acreage to be usable, accessible and consolidated common open space located in the perimeter open space.

Chapter 1105.0600 Residential Garages

Sec. 1105.0603 (A & B)

For each attached house, duplex, and multi-dwelling:

- A. no more than 40 percent of the horizontal width of a street-facing facade on an attached house may be comprised of garage door area; and
- B. all garage doors must be recessed at least 4 feet from the front building plane.

Approve a waiver for a twenty-percent (20%) increase of the maximum forty-percent (40%) of the horizontal width of a street-facing facade on an attached house may be comprised of garage door area.

Approve a waiver to allow for the garage doors to be projected beyond the front building plane.

The Toledo City Plan Commission further recommends approval of PUD-4004-18, a request for an amendment to a Planned Unit Development, originally granted by Ord. 70-04, to develop multi-family units at 2757 Gardengate Place, to the Toledo City Council subject to the following **thirty-four (34)** conditions:

The following 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:

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Right-of-Way and Inspection: Joe Warnka 419-245-1341
Roadway: Tim Grosjean 419-245-1344
Water: Andrea Kroma 419-936-2163
Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338
Sanitary Sewers: Mike Elling 419-936-2276

2. All proposed drive approaches, sidewalk, and curb shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, and Toledo Municipal Code. All drive approaches, and sidewalk through the drives, shall be 6" thick concrete residential, 8" thick concrete Commercial. No curb shall be permitted in the right-of-way along either side of the drive approach. **No horizontal curb cutting will be permitted.**
3. Substandard drive approaches, sidewalk, and curb sections that exist within the public right-of-way abutting the site shall be replaced in accordance with City of Toledo Construction Standards, Specifications, and Toledo Municipal Code.
4. Improvements per City of Toledo Infrastructure Design and Construction requirements
5. 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 Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. 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.)

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

7. The following documents shall be submitted directly the Division of Engineering Services (Andy Stepnick) for stormwater review & approval:
 - Detailed site grading plan
 - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's).
 - 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.
8. 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/>
9. Existing Detention Pond. This proposed development drains to an existing detention pond. Per City of Toledo Records this pond was designed to provide detention only and does not meet current Post-Construction BMP (water quality) requirements.
 - The Developers Licensed Professional Engineer shall verify that the existing pond meets the current City of Toledo requirements for detention and water quality. Per our records the pond was designed with the capacity of 14,404 cf and an allowable discharge rate of 0.282 cfs. The calculations were based on an assumed area of 3.614 acres with a runoff coefficient of 0.457.
 - Modifications will need to be made to the existing pond to meet current post-construction BMP (water quality) requirements. Alternately, a Post-construction BMP separate from the detention pond, shall be required. Post construction BMP's for all sites disturbing 2 acres or more shall be selected from and designed in accordance with the latest Ohio EPA General Stormwater NPDES Permit table 4a & 4b.
10. All storm drainage must be internal and not run off onto adjacent properties.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

11. No construction work, including any earth disturbing work will be permitted without approved plans.
12. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
13. 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.
14. The new sewer will be privately owned and maintained.

Sewer & Drainage Services

15. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
16. 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.

Fire Prevention

No comments or concerns.

Environmental Services

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

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

20. 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 to Municipal Stormwater units, including but not limited to long-term operation and maintenance existing structural and non-structural Best Management Practices.
21. 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 Asbestos and Anti-Noise Laws.

Plan Commission

22. A Zone Change from RD6 Duplex Residential to RM12 Multi-Dwelling Residential shall be obtained for the entire site in order to allow for the proposed density.
23. No more than forty-percent (40%) of the horizontal width of a street-facing facade on an attached house may be comprised of garage door area. All garage doors must be recessed at least four-feet (4') from the front building plane as stated in TMC§1105.0603(A & B). **Applicant shall obtain a waiver for a 20% increase, to allow for 60% of the horizontal width of the façade to be comprised of the garage door area and for the garage doors to project beyond the front building plane.**
24. A vehicle turnaround shall be provided at the end of Gardengate Place. **Acceptable as depicted on revised site plan submitted on 6/18/2018.**
25. Pursuant to TMC1103.1007(C), no more than forty-percent (40%) of the gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement. **A revised site plan shall be submitted depicting the total area devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement. Applicant shall obtain a waiver for a 6% increase, to allow 46% of the gross site acreage to be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

26. Per TMC§1103.1007(D), a PUD is required to provide fifteen percent (15%) of gross site acreage for usable, accessible and consolidated common open space, none of which is part of any required yard or perimeter open space. One-third (1/3) of this consolidated open space area may be used for detention/retention purposes. **A revised site plan shall be submitted depicting the total area of the consolidated common open space including the walking path (ADA compliant) and the detention/retention areas. Applicant shall obtain a waiver to TMC§1103.1007(D), to allow for a ten-percent (10%) consolidated common open space area located within the perimeter open space.**
27. Pursuant to TMC§1103.1010(C), all PUD's shall be platted according the Subdivision Rules & Regulations for the City of Toledo. **Final Plat shall be submitted for review with separate lettered lots delineating the consolidated common open space and the detention/retention areas.**
28. Per section 703 of the City of Toledo Subdivision Regulations, street trees shall be installed along all streets in a major subdivision and shall meet the spacing criteria of said section.
29. Approval of the Planned Unit Development (PUD) will lapse after two (2) years, and the site will revert to the original zoning classification prior to the PUD, if construction has not begun, per TMC§1103.1014.
30. Pursuant to TMC§1103.1007(H), all telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.
31. No 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.
32. 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.
33. 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.

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PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

34. 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.

Respectfully Submitted,

Thomas C. Gibbons
Secretary

Three (3) sketches follow
CC: Lisa Cottrell, Administrator
Ryne Sundvold, Planner

ZONING & LAND USE

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ID 142



