

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: August 12, 2022

REF: SUP-6010-22

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

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

SUBJECT: Amendment to a Special Use Permit originally granted by Ordinance 270-22, for parking lot and detention modifications.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 11, 2022 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Amendment to a Special Use Permit originally granted by Ordinance 270-22, for parking lot and detention modifications.
Location	-	333 14 <sup>th</sup> St
Applicant + Owner	-	Toledo School for the Arts 333 14 <sup>th</sup> St Toledo, Ohio 43604
Architect	-	Thomas Porter Architects 8 North St. Clair Toledo, Ohio 43604-1028

#### Site Description

Zoning	-	CD / Downtown Commercial
Overlay	-	Uptown District Urban Neighborhood Overlay
Area	-	± 2.2 Acres
Frontage	-	± 205' Along Adams ± 205' Along Madison ± 478' Along 15 <sup>th</sup> ± 478' along 14 <sup>th</sup>
Existing Use	-	School
Proposed Use	-	School

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	CR / Parking, Restaurant, Commercial, Community Garden
South	-	CR / Toledo Club, Jefferson Center, Light Warehousing
East	-	CM, CD, IL / Apartments
West	-	CR, CM / Retail, Tattoo Shop, Parking, Apartments

Parcel History

Z-4004-04	-	Zone Change from C-3 and M-1 to C-3 (PC denied 5/13/04, CC Approved Ord. 434-04)
UDARC-6-21	-	Uptown District Review for building addition, parking lot modification, new storefronts, and new signage at 333 14 <sup>th</sup> St (UDARC Approved 11/16/21)
SUP-3002-22	-	Special use Permit for building addition and parking lot modifications at 333 14 <sup>th</sup> St (PC approved 4/14/22, CC approved Ord. 720-22)

Applicable Plans and Regulations

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

**STAFF ANALYSIS**

The applicant is requesting an Amendment to a Special Use Permit (SUP) in order to modify an existing parking lot at 333 14<sup>th</sup> St. The building, utilized by Toledo School for the Arts (TSA), occupies a ± 2.2 acres site, consisting mostly of paved area for parking and a former industrial building. This site is located in the Uptown Neighborhood. To the north of the site is Adams St, a primary retail and entertainment corridor in Uptown. Along Adams is parking, restaurants, commercial photography studios, and other commercial uses. To the east of the site are apartments, to the south is the Toledo Club, Jefferson Center, and light warehousing, and to the west is additional parking, apartments, a tattoo shop, and retail uses. The existing Special Use Permit, approved by Ordinance 720-22, did not include plans for above-ground stormwater management. The applicant must obtain an amendment due to the change in parking required for the addition of a bio-retention area.

### **STAFF ANALYSIS (cont'd)**

The proposed bio-retention area is located on the southern corner of the site and replaces fifteen (15) parking spaces. No other modifications to the previously approved SUP are proposed. All conditions of Ordinance 720-22 shall remain if approved.

#### Parking and Circulation

TSA serves both middle and high school level students. Parking for middle schools require one (1) per faculty member, one (1) per three (3) staff members, and one (1) drop off/pick up space per fifty (50) students. High schools require an additional one (1) parking space per ten (10) students enrolled. Of the seven-hundred (700) TSA students three-hundred (300) are middle-school level, and four-hundred (400) are High School level. Additionally, forty-five (45) faculty and forty (40) staff members work at the site. Based on these calculations the site requires one-hundred-twelve (112) parking spaces. Ninety-five (95) spaces are provided. The applicant has clarified that additional parking agreements exist with surrounding lots to ensure available parking for students. An alternative parking plan shall be submitted to the Planning Director for approval. The addition of the bio-swale maintains minimum drive-aisle widths.

#### Landscaping

Landscaping requirements for the entire site are governed by TMC§1108.0303 *Urban Commercial Landscape Standards* because the site is located within the UpTown Overlay District. Landscaping requirements outlined in the original SUP and Ordinance 720-22 shall remain. The proposed Bioretention area shall be subject to the standards of TMC§1108.0206 *Bioretention Areas (Rain Gardens)*. The bioretention filter beds must be planted with turf, trees, and/or perennial plant materials chosen from lists provide by the Rain Garden Initiative. Slopes shall be grass or sod, and native plants and grasses shall be utilized at the bottom. The landowner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of the stormwater treatment facility.

#### Building Design Standards

No modifications to the previously approved building design are proposed.

#### Uptown Master Plan

The Toledo School for the Arts is listed as a neighborhood anchor in the Uptown Master Plan (2019). The masterplan framework puts forth redevelopment strategies including new construction on corner properties, enhancement of the public realm along Adams street, and strategic infill along Adams and Madison. Furthermore, among the enumerated priority projects is the goal to highlight Adams Street as the City's premier Arts District. One explicit goal of the plan is to replace existing corner parking lots with consolidated and shared mid-block parking. Expansion of TSA's building would meet these objectives. Approval of this amendment complies with the Uptown Master Plan.



## STAFF ANALYSIS (cont'd)

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Urban Village land use. According to the Toledo 20/20 Comprehensive Plan, Urban villages are walkable, have a mix of land uses which consist of nonresidential activities at corners as well as various housing densities throughout the area and a diversity in land use and population. Furthermore, they have a balance of between automobile and pedestrian. Another key feature sited in the Comprehensive Plan is that Urban Village areas include important public spaces in the form of parks, schools, libraries, and churches. The proposed amendment conforms to the Toledo 20/20 Comprehensive Plan.

## PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6010-22 Amendment to a Special Use Permit originally granted by Ordinance 270-22, for parking lot and detention modifications at 333 14<sup>th</sup> St, to Toledo City Council for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code [TMC§1111.0706(A) – *Review & Decision Making Criteria*], and
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation

The Toledo City Plan Commission approve the request for SUP-6010-22, Amendment to a Special Use Permit originally granted by Ordinance 270-22, for parking lot and detention modifications at 333 14<sup>th</sup> St subject to the following **twenty-five (25)** conditions.

### Division of 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.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

3. A stormwater submittal will need to include 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>
4. Following the stormwater review, additional items are needed:
  - 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.
5. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <https://toledo.oh.gov/business/environment/storm-water-program>

Division of Sewer and Drainage Services

6. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. S&DS requires that the existing 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 Environmental Services

8. 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 storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.



**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Environmental Services (cont'd)

- a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
  - b. Construction BMPs shall be in place prior to the start of construction activities.
  - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
  - d. Current stormwater control measures on site, including the bioswale and green roof, need to be inspected for proper functioning, and repairs/maintenance to be undertaken, if necessary.
9. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
10. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
11. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from [https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives\\_to\\_ohio\\_invasive\\_plant\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
12. 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 Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Division of Transportation

13. Existing shipping containers and dumpsters are taking up parking locations and said parking locations cannot be included in available parking count. Said parking spots need to be delineated for the dumpsters and shipping containers if they are to remain.
14. Parking data needs to be updated to show the new number of available spaces with the removal of 15 spaces for the detention area and the removal of spaces for dumpster and container locations.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission

15. All conditions of Ordinance 772-22 unless in conflict with conditions herein.
16. All parcels within the scope of work shall be combined.
17. 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.
18. The stormwater treatment facility shall meet the approval of The City of Toledo's Division of Engineering Services. Facilities not constructed as approved shall be in violation of this code and may also be subject to fees and penalties as set forth in TMC Chapter 941.
19. The landowner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of the stormwater treatment facility. Stormwater treatment facilities not properly maintained shall be a violation of the Special Use Permit and may also be subject to fees and penalties as set forth in TMC Chapter 941.
20. A parking stop or other sufficient method as approved by the Director of the Plan Commission to prevent vehicles from entering the stone verge for the bioretention area shall be required. **None depicted.**
21. 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. The bio-retention facility must be designed to infiltrate to drain dry or have a bottom slope minimum of 1% to drain dry.
  - b. Side slopes shall have a maximum side slope no more than 3:1 (three units horizontal to one unit vertical).
  - c. Concrete drainage structures must be located to provide maximum benefit for stormwater treatment effectiveness, and must also be mostly concealed within the side slope, and be surrounded by landscape screening rather than visibly protruding into the landscaping.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- d. Rock shall only be permitted when designed for dissipation of velocity at locations of concentrated stormwater runoff or for pretreatment considerations according to design guidelines.
- e. The design of the bioretention area must be approved by DPU, including but not limited to: a maintenance-free outlet, no stone, riprap, concrete or other impervious materials unless required by the ODNR Rainwater and Land Development manual and approved by the Division of Engineering services, and a design which is in accordance to the State of Ohio Construction General Permit and the City Storm Water Management Plan.
- f. Landscape requirements of Ordinance 772-22 must nonetheless be achieved per TMC§1108.0206(B)(1).
- g. Bioretention filter beds must be planted with turf, trees, and/or perennial plant material chosen from lists provided by the Rain Garden Initiative. **Mulch shown, plantings shall be added on revised landscape plan.**
- h. Side slope shall be grass or sod.
- i. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.
- j. 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.
- k. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
- l. 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; and
- m. The location, lighting, and size of any signs.



**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

22. 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.
23. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
24. 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.
25. 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

JGL  
Five (5) sketches follow

Cc: TSA, 333 14<sup>th</sup> St, Toledo OH 43604  
Andy Knopp, Thomas Porter Architects, 8 North St Clair, Toledo, OH 43604  
Lisa Cottrell, Administrator  
Jonny Latsko, Planner

# GENERAL LOCATION

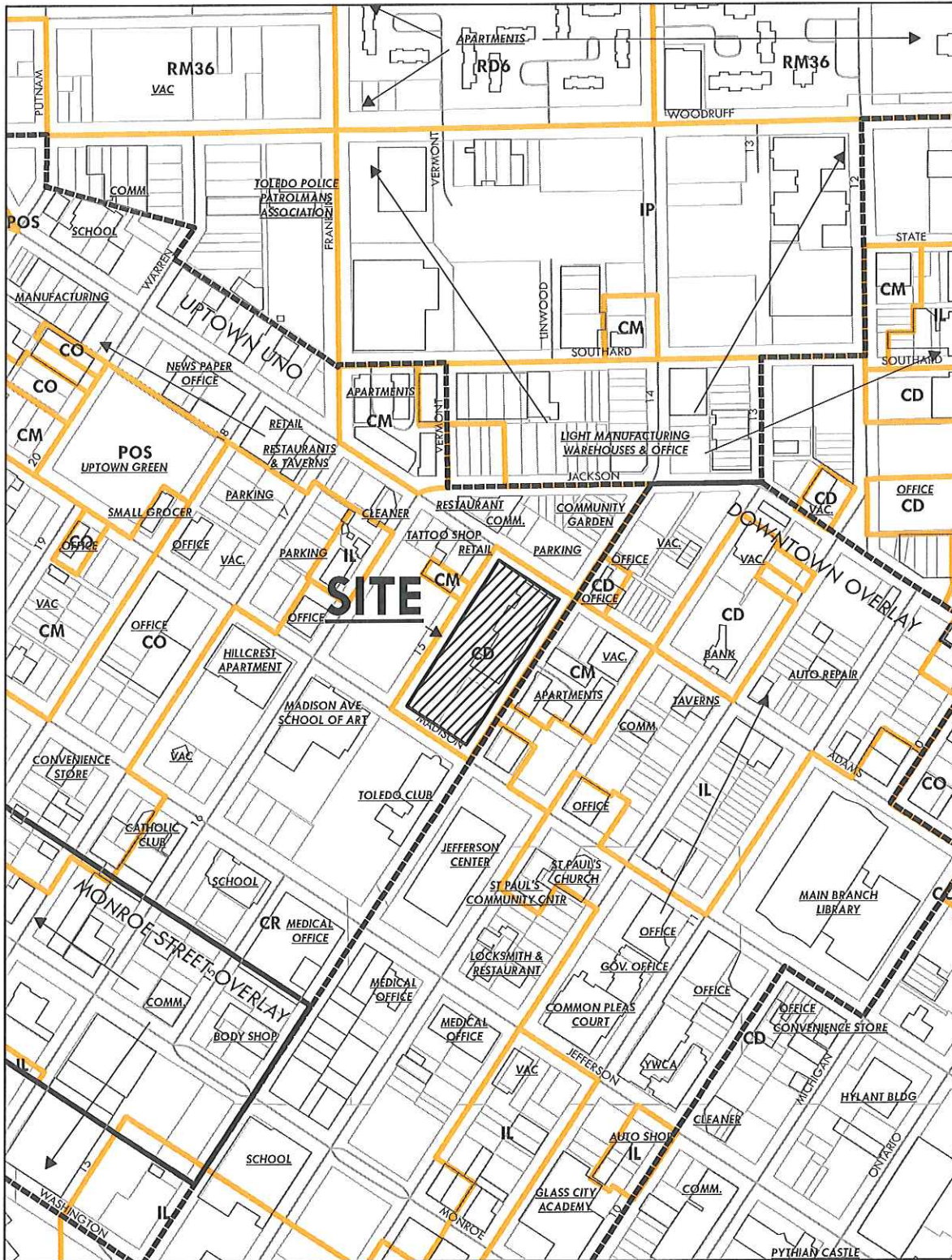
SUP-6010-22  
ID 9





# ZONING & LAND USE

SUP-6010-22  
ID 9







# LANDSCAPE PLAN

SPR-6010-22  
ID 9

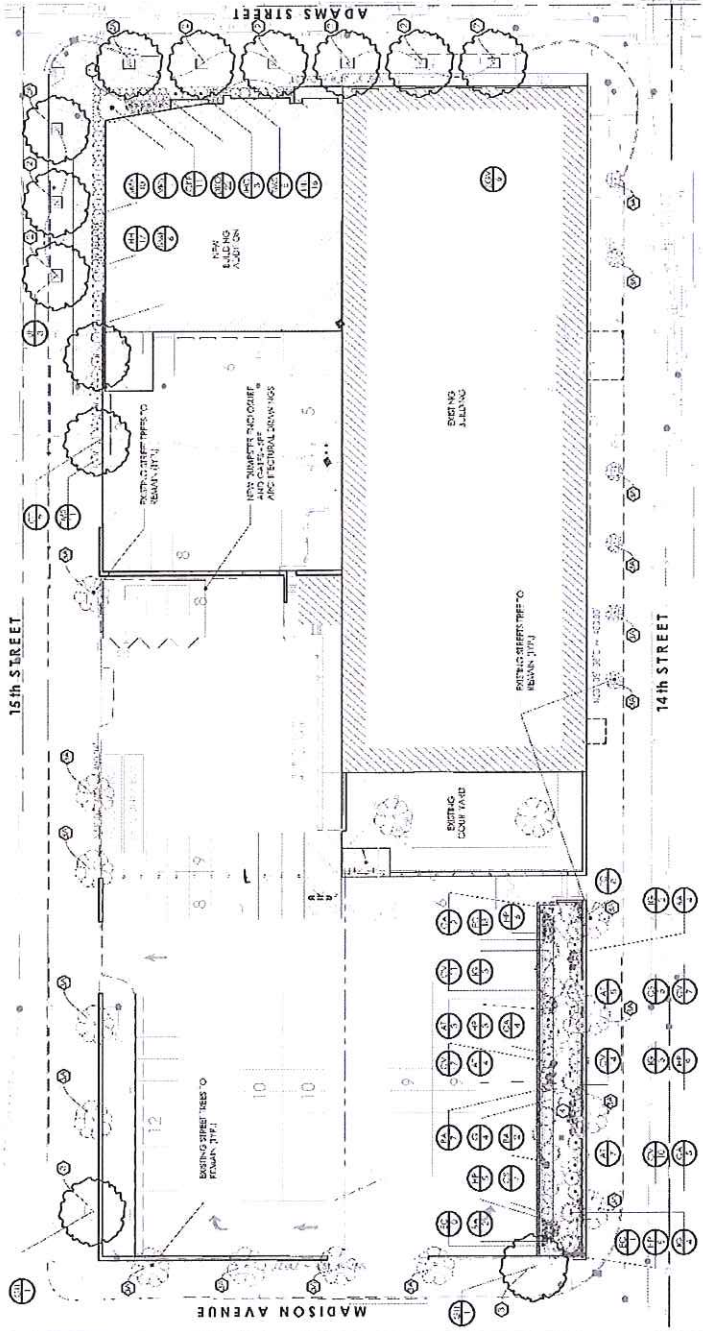
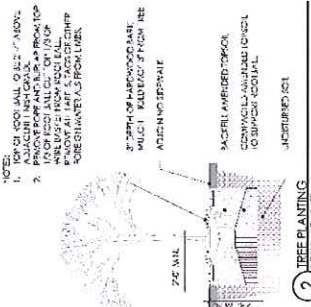


PLANT LIST	COMMON NAME	SIZE	QUANTITY	REMARKS
1	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 15th STREET
2	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 14th STREET
3	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG MADISON AVENUE
4	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG ADAMS STREET
5	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 15th STREET
6	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 14th STREET
7	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG MADISON AVENUE
8	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG ADAMS STREET
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10	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 14th STREET
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12	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG ADAMS STREET
13	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 15th STREET
14	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 14th STREET
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16	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG ADAMS STREET
17	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 15th STREET
18	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG 14th STREET
19	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG MADISON AVENUE
20	AMERICAN BURNING BUSH	10' H x 10' W	10	PLANTING ALONG ADAMS STREET

**CODE COMPLIANCE CHART - PER PLAN COMMISSION COMMENTS DATED APRIL 18, 2022**

**THE DESIGNER SHALL SUBMIT LANDSCAPE PLANS THAT:**

1. COMPLY WITH ALL CITY ORDINANCES AND REGULATIONS.
2. SHOW ALL PLANTING MATERIALS TO BE USED, INCLUDING SPECIES, SIZE, AND PLACEMENT.
3. SHOW ALL PLANTING MATERIALS TO BE USED, INCLUDING SPECIES, SIZE, AND PLACEMENT.
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1 LANDSCAPE PLANTING PLAN

**GENERAL NOTES:**

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TOLEDO LANDSCAPE PLANTING REGULATIONS.
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**PLANTING CONSTRUCTION NOTES:**

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TOLEDO LANDSCAPE PLANTING REGULATIONS.
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**TS3**  
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