



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: October 10, 2019

REF: SUP-8003-19

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

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

SUBJECT: Request for a Special Use Permit for a Community Center at 601 Fassett Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, October 10, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Community Center
Location	-	601 Fassett Street
Applicant	-	Anthony Ross Lucas Metropolitan Housing Authority 435 Nebraska Avenue Toledo, OH 43604
Architect	-	Scot A Rossi Rossi Associates, LLC 1821 Spencer Street Toledo, OH 43604

Site Description

Zoning	-	RM36 / Multi-Dwelling District
Area	-	±0.57 acres
Frontage	-	N/A
Existing Use	-	Day Care Center
Proposed Use	-	Community Center

Area Description

North	-	Playground and apartments / RM36
South	-	Railroad and warehouse / IL & IG
East	-	Apartments / RM36
West	-	Railroad and undeveloped land / IL

GENERAL INFORMATION (cont'd)

Parcel History

Z-328-38	-	Request for multiple Zone Changes at and around the Charles F. Weiler development. Plan Commission approved 10/6/38.
PL-8-88	-	Parking Lot review for Charles Weiler Homes at 601 Fassett Street. Plan Commission staff approved 6/13/88.

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a Community Center at a site located at 601 Fassett Street. The Special Use Permit applies to a ± 0.57 acre section of land within a ± 27.8 acre parcel. The site is zoned RM36 Multi-Dwelling Residential and is surrounded by single-family homes and multi-family housing to the north and east, a railroad and industrial warehousing to the south, and a railroad and undeveloped land to the west.

The site was previously used as a Day Care Facility for the Charles F. Weiler housing development, and the owner of the development, the Lucas Metropolitan Housing Authority, is requesting a Special Use Permit to change the use of the building from a Day Care Facility to a Community Center. A Community Center is classified under Active Community Recreation per TMC§1116.0209, and a Special Use Permit is required in all zoning districts for Active Community Recreation.

Parking and Circulation

Ingress/egress to the site is via one access drive off of Artis Place. Pedestrian access is also provided through a sidewalk connecting the proposed Community Center to the multi-family dwellings located on the site's parcel. The submitted site plan identifies twelve (12) parking spaces, one (1) of which is car accessible. Pursuant to TMC§1107.0600 – *Off-Street Parking Schedule "D"*; Community Recreation facilities have a wide variety of parking demand characteristics, making it difficult to specify a single off-street parking standard. As the applicant is not making any physical changes to the building, staff has determined that the number of parking spaces at the site is acceptable.

STAFF ANALYSIS (cont'd)

One (1) of the twelve (12) parking spaces is depicted on the site plan as an accessible parking space with a five foot (5') aisle abutting it. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Person with Disabilities*, one (1) van accessible space is required for off-street parking areas with up to twenty-five (25) parking spaces. As a condition of approval, one (1) van accessible space with an eight foot (8') aisle abutting the space shall be provided.

Parking and Circulation (cont'd)

Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0304). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. Since the submitted site plan shows twelve (12) parking spaces, and when the provision of bicycle parking slots is required, the minimum number of slots shall be two (2) per TMC§1107.0901(B). The site plan submitted does not comply with this regulation. Listed as a condition of approval, a revised site plan will be required to show compliance with the appropriate number of bicycle parking spaces.

Landscaping

The site was developed before the 2004 zoning code and therefore not required to completely comply with the landscape standards of the 2004 code. However, TMC§1114.0500 *Appearance Upgrade for Nonconforming Development*, requires futures changes to bring a site closer into compliance with the 2004 code. The site of the proposed Special Use Permit does not have roadway frontage, and connects to Artis Place through a driveway. Fencing is identified on the site plan as a six foot (6') tall chain link fence with a gate completely surrounding the parking lot and southern portion of the building.

Although the site does not have roadway frontage, staff has determined that the Frontage Greenbelt regulations of TMC§1108.0202(B)(2) apply to the parking area. The site shall have a greenbelt which includes a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the abutting playground and residences. This can be completed by extending existing landscaping across the parking lot. Staff further recommends foundation shrub plantings along the northern portion of the building. The preservation of existing trees or hedges within the development is required.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area as multi-family residential land uses. The multi-dwelling districts are primarily intended to accommodate the development of multi-dwelling housing. The districts are intended to create, maintain and promote higher density housing opportunities in areas with good transportation access. The regulations are intended to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, and recreational opportunities. The development standards are intended to ensure that new development will be compatible with the City's character and to provide certainty to property owners, developers, and neighbors about the limits of what is allowed. A range of districts is established in order to reflect the diversity of the City's residential neighborhoods.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of the Special Use Permit since the proposed use meets the stated purpose of the Zoning Code. Additionally, the proposed use complies with all applicable provisions of the Zoning Code. Lastly, 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 recommends approval of SUP-8003-19, a request for a Special Use Permit for a Community Center at 601 Fassett Street, to the Toledo City Council for the following three (3) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision-Making Criteria*),
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B) – *Review & Decision-Making Criteria*), and
3. The proposed use is compatible with adjacent uses in terms of scale, site design and operating characteristics (TMC§1111.0706(C) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of SUP-8003-19, a Special Use Permit for a Community Center at 601 Fassett Street, to Toledo City Council subject to the following **thirty-six (36)** conditions:

PLAN COMMISSION RECOMMENDATION (cont'd)

The conditions of approval are as follows and 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:

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** 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 Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Engineering Services for review and approval.
7. Plans for new water meter or modifications to the existing water meter shall be submitted to the Division of Water Distribution for review and approval.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

8. 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. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
9. Any site with an existing building, or proposed addition or additional building: The design professional or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service line, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
11. If new water service taps are required, they will be installed by City of Toledo at the developer's expense.
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. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developers cost.
15. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
16. All sanitary sewer manholes in the project area shall have solid lids installed on them.

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer & Drainage Services

17. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
18. S&DS requires that the private sanitary lines (after they have 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.

Environmental Services

19. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
20. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
21. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.

Environmental Services (cont'd)

22. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives to Ohio Invasive Plant Species .pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
23. 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 Anti-Noise Laws.

Fire Prevention

24. Must meet all Ohio Building Code requirements for change of use.

PLAN COMMISSION RECOMMENDATION (cont'd)

Transportation

25. All parking spots required to be 9'x18' and clearly marked and dimensioned per TMC 1107.
26. One van accessible parking spot with 8' aisle required per TMC 1107.
27. Bicycle parking required per TMC 1107.

Plan Commission

28. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **Not acceptable as depicted on site plan. One (1) van accessible space with an eight foot (8') wide aisle abutting the parking space shall be provided on a revised site plan.**
29. A minimum of two (2) bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). **Not depicted on site plan. A revised site plan depicting the location and number of bicycle parking slots shall be submitted.**
30. 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. **Acceptable as depicted on site plan.**
31. Lights and lighting fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect the light from any adjacent residential property and public ways and away from the sky above the light fixture (TMC§1107.7908).
32. 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. A solid evergreen hedge planting to screen the parking lot shall be installed so that no headlights of any vehicles can be seen from the surrounding playground and residences;
 - b. Staff recommends foundation shrub plantings along the northern portion of the building;
 - c. Topsoil must be back filled to provide positive drainage of the landscape area;

PLAN COMMISSION RECOMMENDATION (cont'd)

- d. 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;
 - e. Dumpster 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.**
33. 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.
34. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
35. 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.
36. 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,

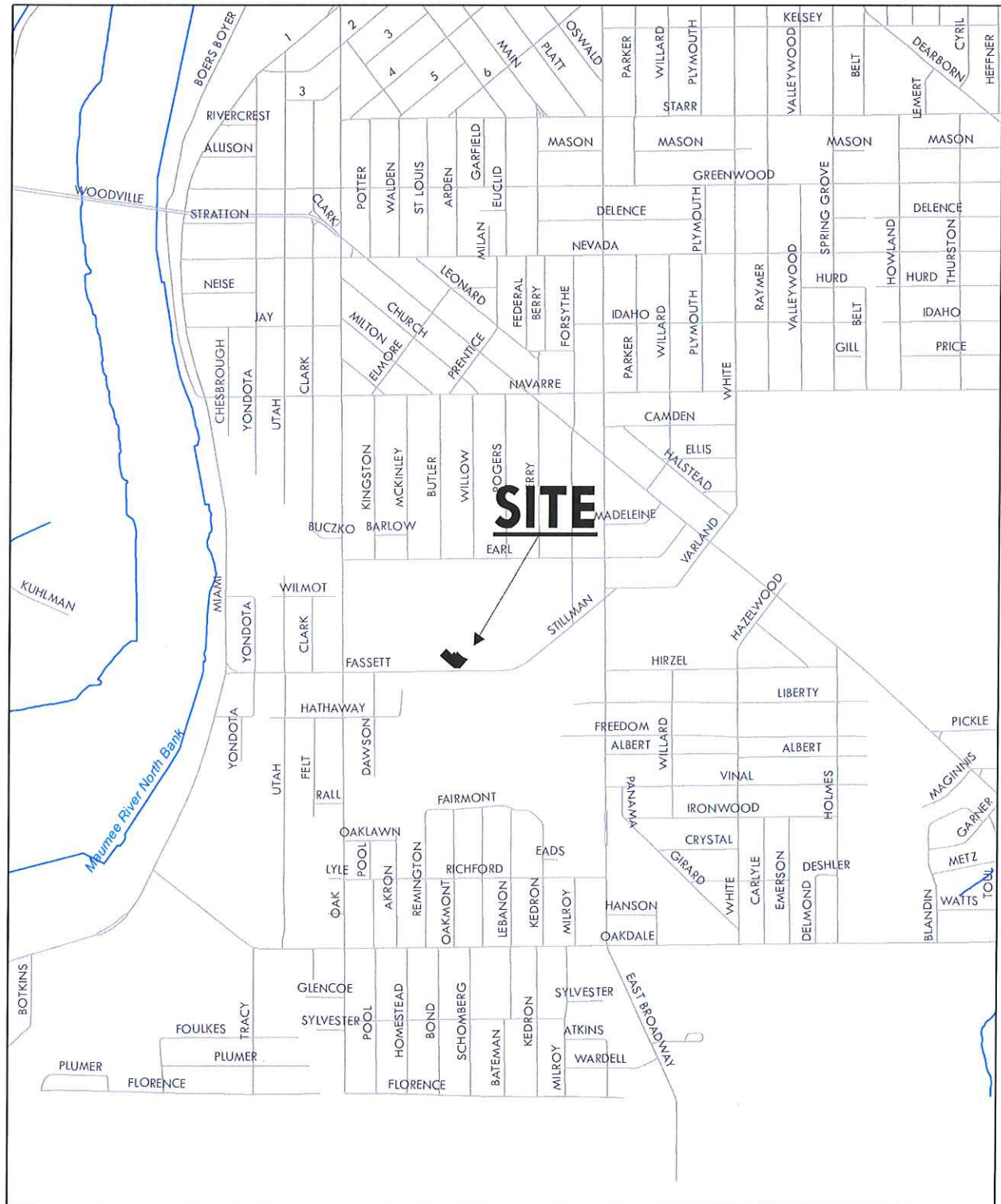
Thomas C. Gibbons
Secretary

Three (3) sketches follow

Cc: Anthony Ross, Lucas Metropolitan Housing Authority, 435 Nebraska Avenue,
Toledo OH 43604
Scot A Rossi, Rossi Associates LLC, 1821 Spencer Street, Toledo OH 43604
Lisa Cottrell, Administrator
Dana Doubler, Planner

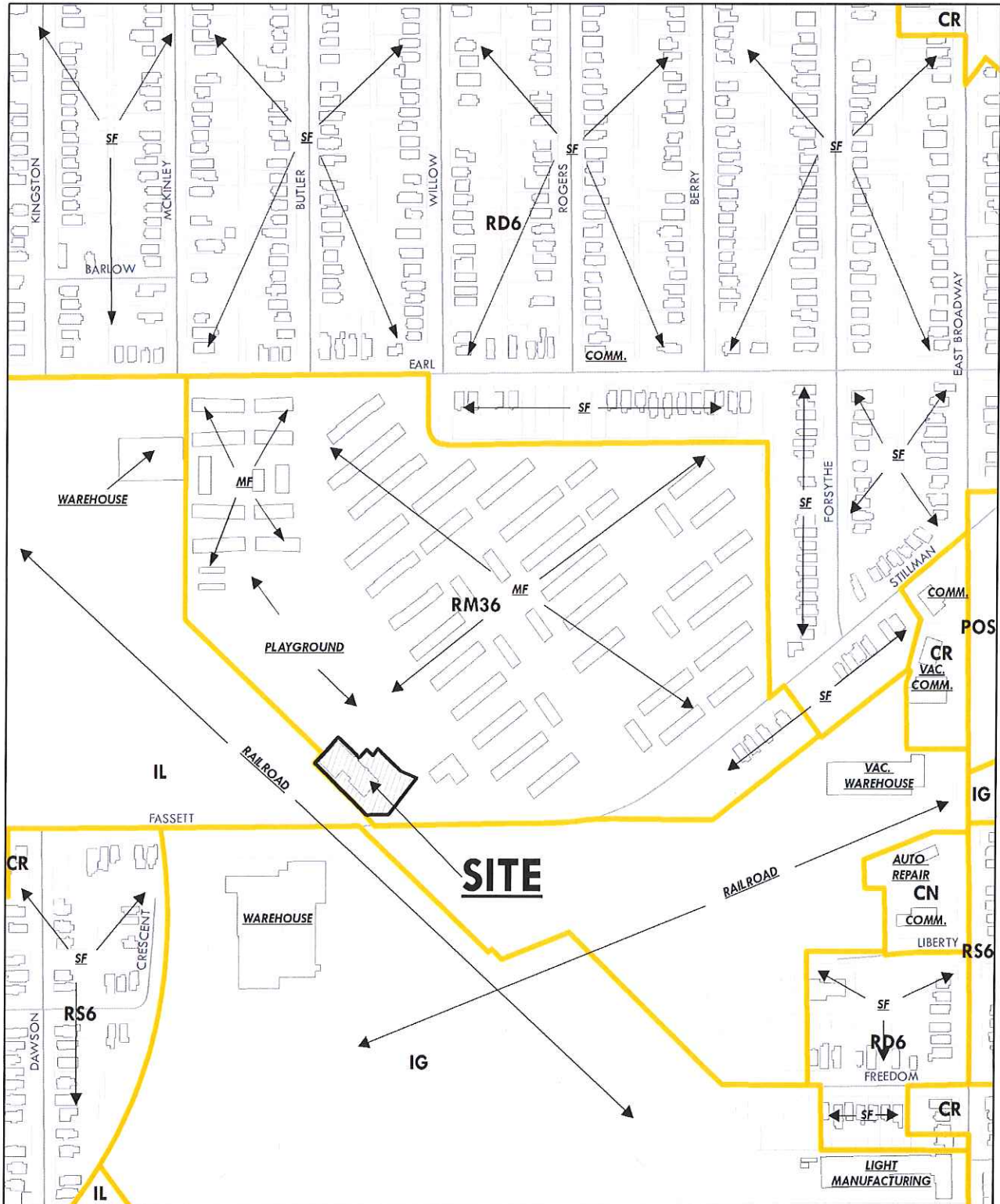
GENERAL LOCATION

SUP-8003-19
ID 30



ZONING AND LAND USE

SUP-8003-19
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SITE PLAN

SUP-8003-19
ID 30

