



Legislation Details (With Text)

File #: O-502-23 **Version:** 1 **Name:**

Type: Ordinance **Status:** Approved

File created: 9/5/2023 **In control:** Zoning & Planning Committee12324

On agenda: 9/12/2023 **Final action:** 9/12/2023

Title: Granting a Planned Unit Development for the property located at 3322 Schneider Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; granting of 2 waivers and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Audio: Agenda Review 9/5/2023, 3. Video: City Council 9/12/2023

Date	Ver.	Action By	Action	Result
9/12/2023	1	City Council	Suspension	Pass
9/12/2023	1	City Council	Emergency	Pass
9/12/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

Granting a Planned Unit Development for the property located at 3322 Schneider Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; granting of 2 waivers and declaring an emergency.

SUMMARY & BACKGROUND:

An application (PUD-6002-23) for a Planned Unit Development for the property located at 3322 Schneider Road, in the City of Toledo, Lucas County, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 13, 2023, the Toledo City Plan Commission recommended approval of the request for a Planned Unit Development for the property located at 3322 Schneider Road, in the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on August 16, 2023, sent as approved the request for a Planned Unit Development for the property located at 3322 Schneider Road, in the City of Toledo, Lucas County, Ohio.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zone districts of that part of the City of Toledo more fully described as follows:

That part of Lot 6 in FOUNDATION PARK, as recorded in Plat 76-45, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at the Southwest Comer of said Lot 6;

Thence South 89 degrees 55' 51" East along the South Line of said Lot 6, a distance of 200.00 feet to the point of BEGINNING;

Thence North 00 degrees 04' 09" East, a distance of 338.79 feet to a point on the North line of said Lot 6;

Thence South 89 degrees 55' 51" East along the North line of said Lot 6, a distance of 521.72 feet to the Northeast Comer of said Lot 6;

Thence South 00 degrees 04' 09" West along the East line of said Lot Number 6, a distance of 338.79 feet to the Southeast Comer of said Lot 6;

Thence North 89 degrees 55' 51" West along the South line of said Lot 6, a distance of 521.72 feet to the point of BEGINNING; containing 4.0577 acres of land, more or less.

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps when it is determined all forty-six (46) conditions have been met.

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. Minimum 4' barrier free sidewalk shall be placed along the frontages of all public streets in the development, and shall extend through drive approaches. Pedestrian curb ramps shall be placed at all intersections.
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. Improvements per City of Toledo Infrastructure Design and Construction requirements.
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. A new 8-inch diameter water main has been constructed in Schneider Road; the 6-inch diameter water main shown on the submittal has been abandoned.
6. The private fire line loop for Heather Cove shall have a single owner that will be responsible for maintenance of the private fire line loop. In lieu of this requirement, there shall be an agreement, acceptable to the City of Toledo, addressing the shared responsibility between property owners for the installation, maintenance, and billing of the private fire line.
7. Further comments regarding the proposed private water main and/or service lines will be provided by the Division of Water Distribution.
8. Plans show a connection to a private storm sewer on the west side of the property. The City of Toledo cannot approve plans or give permission to use this storm line without a written agreement and maintenance plan between the two property owners. Suggest connecting into an existing structure or installing a new structure on the existing public storm sewer that runs parallel to the property along Schneider Road.

9. Plans submitted indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Storm Water Pollution Prevention Plan, and plans for storm-water service for this project shall be submitted to the Division of Engineering Services for storm-water review & approval.
10. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>, including the requirements for stormwater detention and post-construction storm water Best Management Practices (BMPs).
11. Plans are also subject to the: Criteria and Regulations of The Departments of Public Utilities and Public Service; The Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; The Toledo City Charter; The "Subdivision Rules & Regulations" of Toledo-Lucas County Plan Commissions; City of Toledo Infrastructure Design and Construction requirements; and "The Comprehensive Ditch Plan."
12. A site-specific Storm Water Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Storm Water NPDES permit.
 - a. Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention, are encouraged and may be eligible for a percent reduction in the property's storm-water utility fee through the Storm Water Credit Program.
 - b. The review necessary for it begins with a full submittal of multiple items as outlined on the regional submittal cover sheet, listed under the heading for submittal step 1: <https://tmacog.org/water/stormwater/stormwaterpollution-prevention-plan-swp3>
13. Following the stormwater review, additional items are needed to complete the application:
 - a. As outlined on the regional SWP3 submittal cover sheet, submittal step 2.
 - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
14. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
15. No construction work, including any earth disturbing work, will be permitted without approved plans and inspection.
16. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
17. 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.

Water Distribution

18. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
19. Detailed plans for the proposed water main shall be submitted to the Division of Water

Distribution for review and approval.

20. 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 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
21. 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 (shawn.clark@toledo.oh.gov, 419-392-2032) to verify the backflow prevention requirements for the site.
22. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
23. Plans must be submitted to Fire Prevention (rex.butler@toledo.oh.gov, 419.936.2008) for review and approval.
24. Sheet 1/1:
 - a. Proposed water main shall connect to the existing 8" water main in the north (WB) lane of Schneider (existing 6" water main on the south side of the road has been abandoned).
 - b. Proposed water main shall maintain 10-foot horizontal clearance from proposed storm and sanitary sewers.
 - c. Include 2023 Water Notes for Large Services City (attached to email) on the plans.
 - d. 45-degree bends would be preferred over 90-degree bends on the north side of the development.

Sewer & Drainage Services

25. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
26. 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.

Fire Prevention

27. Private hydrants are required in a location approved by the Fire Prevention Bureau.
28. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC501.2)
29. The proposed new buildings will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.

Division of Transportation

30. Transportation requires an outer radial corner at the street corners inside the development (90-degree outer street corner is not permitted).
31. Where sidewalks abut the curb, widths shall be 6' per City of Toledo, Subdivision Rules and Regulations Section 517.

Plan Commission

32. Gross parcel acreage coverage shall not exceed forty-percent (40%) by buildings, street pavement, driveway pavement and parking area pavement. Acceptable as shown on the site plan submitted.
33. The applicant shall submit a color elevation that identifies the implementation of individual roof pitch variations.
34. The applicant shall provide no less than fifteen-percent (15%) 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. One-third (1/3) of the required common open space may be a lake or pond or storm detention or retention area.
35. A Plat shall be approved that subdivides the site into individual parcels as noted on the plan and removes the two (2) foot anti-vehicular buffer along Schneider Road.
36. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscaping area.
37. Per TMC§1105.0603(A), 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.
38. Per TMC§1105.0603(B), all garage doors must be recessed at least four-feet (4') from the front building plane.
39. Dumpster location(s) shall 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, if applicable.
40. A twenty-five-foot (25') perimeter open space area is required along the eastern property line. An open space easement shall be added to the final plat in those areas where the perimeter open space area extends into backyards within the development. This perimeter open space requirement is subject to approval of a fifteen-foot (15') waiver included as part of this application.
41. Per TMC§1103.1007 (E)(2), a thirty-foot (30') perimeter open space area with fencing or screening is required along the northern and western property lines. An open space easement shall be added to the Final Plat in those areas where the perimeter open space area extends into backyards within the development. This fencing or screening requirement is subject to approval of a waiver included as part of this application.
42. The proposed private streets shall adhere to the criteria of Section 5, Part 516 *Private Streets*, of the

City of Toledo Subdivision Rules and Regulations.

43. A statement on the Final Plat shall indicate: In the event the agency established to own and maintain the common open space or any successor agency shall at any time after establishment of the Planned Unit Development fail to fulfill any obligation imposed on such agency as a condition of approval of the Planned Unit Development, the City may serve written notice upon such agency or upon the residents and owners of the Planned Unit Development, setting forth the manner in which the agency has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the City, in order to preserve the taxable values of the properties within the Planned Unit Development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the City in carrying out the obligations of the agency shall be assessed against the properties within the Planned Unit Development and shall become a tax lien on the properties.
44. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. A thirty-foot (30') greenbelt is required along the Schneider Road frontage, the greenbelt shall include at least one (1) tree for every thirty-feet (30') of lot frontage. A minimum of seventeen (17) trees shall be installed within the greenbelt along Schneider Road; shall be noted on landscaping plan.
 - b. The areas to the north and west will require Type "A" landscape buffers, where the site abuts commercial zoning. The eastern property line will require a Type "B" landscape buffer, where the site abuts residential zoning; shall be noted on landscaping plan.
 - c. A Type A landscape buffer is required along the northern and western property lines, and shall include twenty-five feet (25') of landscaping with four (4) canopy trees and twenty (20) shrubs per every one hundred (100) linear feet; shall be noted on landscaping plan.
 - d. A Type B landscape buffer is required along the eastern property line, and shall include ten feet (10') of landscaping with four (4) canopy trees and fifteen (15) shrubs per every one hundred (100) linear feet; shall be noted on landscaping plan.
 - e. Landscape islands shall be installed at the end of the parking rows and shall consist of a combination of trees and scrubs; shall be noted on landscaping plan.
 - f. All landscaped areas must have a minimum dimension of at least 9 feet and be at least 160 square feet in area; shall be noted on landscaping plan.
 - g. Topsoil must be back filled to provide positive drainage of the landscape area.
 - h. 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; shall be noted on landscaping plan.
 - i. 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; shall be noted on landscaping plan.

- j. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details; shall be noted on landscaping plan.
- k. The location, height and materials of any fencing to be installed and maintained; shall be noted on landscaping plan.
- l. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties); shall be noted on landscaping plan.
- m. The location, lighting and size of any signs, all signage is subject to TMC§1377 & TMC§1397.

45. Landscaping shall be installed and maintained indefinitely.

46. 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.

SECTION 3. Waiving the following sections of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for Planned Unit Development for a 28-unit villa development for the property located at 3322 Schneider Road, in the City of Toledo, Lucas County, Ohio: Chapter 1103.1000 Planned Unit Development Overlay District

Sec. 1103.1007 (E)(1) Residential Standards

Plan Commission recommends approval of a waiver of the eastern property line, twenty-five foot (25') open space perimeter to allow for a ten foot (10') open space perimeter, to Toledo City Council.

Sec. 1103.1007 (E)(2) Residential Standards

Plan Commission recommends approval of a waiver of the north and western property line, thirty-foot (30') open space perimeter without the required fencing or screening, to Toledo City Council.

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 11, nays 0.

Passed: September 12, 2023, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved: September 12, 2023
 Wade Kapszukiewicz
 Mayor