



## Legislation Details (With Text)

**File #:** O-504-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 9/16/2022      **In control:** City Council  
**On agenda:** 9/27/2022      **Final action:** 9/27/2022  
**Title:** Granting an amendment to a Special Use Permit originally granted by Ordinance 270-22, for a site located at 333 14th Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: Agenda Review 9/20/2/22, 3. Audio: Zoning & Planning Committee 9/14/22

Date	Ver.	Action By	Action	Result
9/27/2022	1	City Council	Suspension	Pass
9/27/2022	1	City Council	Emergency	Pass
9/27/2022	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting an amendment to a Special Use Permit originally granted by Ordinance 270-22, for a site located at 333 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-6010-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for Parking Lot Modifications and detention modifications for a site located at 333 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 11, 2022, the Toledo City Plan Commission recommended approval for the request for an amendment to the Special Use Permit for Parking Lot Modifications and detention modifications for a site located at 333 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

On September 14, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved the amendment to a Special Use Permit for Parking Lot Modifications and detention modifications for a site located at 333 14<sup>th</sup> Street, 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 Parking Lot Modifications and detention modifications for a site located at 333 14<sup>th</sup> Street, 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:

<u>Parcel No.</u>	<u>333 14<sup>th</sup> Street Condominium, Condo Unit Numbers</u>
1565946	203
1565947	204
1565950	201A
1565940	101
1565943	104
1565939	001
1565945	202
1565951	201B-H
1565949	401
1565948	301
1565941	102
1565942	103
01344012S	Condo Complex
1550404	VISTULA LOT 1560 & SW 60 FT LOT 15 61

SECTION 2. That the approval of the amendment to the Special Use Permit for Parking Lot Modifications and a detention modifications for a site located at 333 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 25 conditions as follows:

The following twenty-five (25) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their 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.
3. A stormwater submittal will need to include multiple items:
  - Items are listed on the regional SWP3 submittal coversheet:  
<https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
  - 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:
  - As listed on the regional SWP3 submittal cover sheet. The signed agreement will be through a covenant which will need to be recorded.
  - Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
  - 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.
  - Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
  - Construction BMPs shall be in place prior to the start of construction activities.
  - SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during

normal working hours.

- 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

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:
- The bio-retention facility must be designed to infiltrate to drain dry or have a bottom slope minimum of 1% to drain dry.
  - Side slopes shall have a maximum side slope no more than 3:1 (three units horizontal to one unit vertical).
  - 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.
  - 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.
  - 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.
  - Landscape requirements of Ordinance 772-22 must nonetheless be achieved per TMC§1108.0206(B)(1).
  - 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.

- Side slope shall be grass or sod.
- 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.
- 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.
- The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
- 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
- The location, lighting, and size of any signs.

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.

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 \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by

Council \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council