



Legislation Text

File #: O-184-20, Version: 1

Zoning & Planning Committee

Granting a Planned Unit Development for “The Colony South” located at 1901 & 2061 W. Central Avenue, 2918-2951 Jermain Drive, 2820-2835 Rathbun Drive & 3842, 3846 and 3860 Monroe Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; granting of waivers and declaring an emergency.

SUMMARY & BACKGROUND:

An application (PUD-8007-19) for a Planned Unit Development for “The Colony South” located at 1901 & 2061 W. Central Avenue, 2918-2951 Jermain Drive, 2820-2835 Rathbun Drive & 3842, 3846 and 3860 Monroe Street, in the City of Toledo, Lucas County, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 13, 2020, the Toledo City Plan Commission recommended approval of the request for a Planned Unit Development for “The Colony South” located at 1901 & 2061 W. Central Avenue, 2918-2951 Jermain Drive, 2820-2835 Rathbun Drive & 3842, 3846 and 3860 Monroe Street, in the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on May 13, 2020, sent without recommendation the request for a Planned Unit Development for “The Colony South” located at 1901 & 2061 W. Central Avenue, 2918-2951 Jermain Drive, 2820-2835 Rathbun Drive & 3842, 3846 and 3860 Monroe Street, 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:

PARCEL 1:

LOTS 1 THROUGH 8 INCLUSIVE IN WEST CENTRAL STORES, A SUBDIVISION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH VOLUME 57 OF PLATS, PAGE 1, TOGETHER WITH ALL THE VACATED ALLEY LYING SOUTHERLY OF AND ADJOINING SAID LOTS 1 TO 7 INCLUSIVE AND LYING NORTHERLY OF AND ADJOINING SAID LOT 8. SUBJECT TO LEGAL HIGHWAYS.

TAX PARCEL NO. 16-11721

PARCEL 2:

LOT NUMBERS 155, 156, 157, 158, 164, 165, 166, 167, 169 AND THE NORTHERLY 1/2 OF LOT NUMBER 168, 174, 175, 176, 177, 178, 179, 180 AND 181 IN KINGSTON, AN ADDITION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH PLAT RECORDED IN VOLUME 35 OF PLATS, PAGE 27, LESS AND EXCEPT THAT PART THEREOF IN PROMEDICA PARKWAY AND RATHBUN DRIVE.

TAX PARCEL NOS. 09-12524, 09-12527, 09-12531, 09-12534, 09-12554, 09-12557, 09-12561, 09-12564, 09-12571, 09-12594, 09-12601, 09-12607, 09-12611, 09-12614, 09-12617, 09-12621 AND 09-12624

PARCEL 3:

THAT PART OF THE WEST ONE-HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION TWENTY-EIGHT (28), TOWN NINE (9) SOUTH, RANGE SEVEN (7) EAST, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID WEST ONE-HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION TWENTY-EIGHT (28) AND RUNNING THENCE SOUTH ALONG THE EAST TINE THEREOF TWO HUNDRED EIGHTY-SIX (286) FEET;

THENCE WEST PARALLEL WITH THE NORTH LINE THEREOF FOUR HUNDRED AND TWENTY (420) FEET;

THENCE NORTH PARALLEL WITH SAID EAST LINE TWO HUNDRED AND EIGHTY-SIX (286) FEET TO THE SAID

NORTH LINE;

THENCE EAST ALONG THE NORTH LINE FOUR HUNDRED AND TWENTY (420) FEET TO THE PLACE OF BEGINNING, SITUATED IN THE CITY OF TOLEDO (FORMERLY WASHINGTON TOWNSHIP), LUCAS COUNTY, OHIO. SUBJECT TO LEGAL HIGHWAYS.

THE NORTH AND EAST LINES OF SAID WEST ONE-HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION TWENTY-EIGHT (28) BEING THE CENTER LINE RESPECTIVELY OF CENTRAL AND UPTON AVENUES.

PARCEL 4:

LOTS NUMBERED ONE HUNDRED EIGHTY-TWO (182), ONE HUNDRED EIGHTY-THREE (183), ONE HUNDRED EIGHTY-FOUR (184), ONE HUNDRED EIGHTY-FIVE (185), ONE HUNDRED EIGHTY-SIX (186), ONE HUNDRED EIGHTY-SEVEN (187), ONE HUNDRED EIGHTY-EIGHT (188), ONE HUNDRED EIGHTY-NINE (189), ONE HUNDRED NINETY (190), ONE HUNDRED NINETY-ONE (191), ONE HUNDRED NINETY-TWO (192), ONE HUNDRED NINETY-THREE (193), ONE HUNDRED NINETY-FOUR (194), ONE HUNDRED NINETY-FIVE (195), ONE HUNDRED NINETY-SIX (196), ONE HUNDRED NINETY-SEVEN (197), ONE HUNDRED NINETY-EIGHT (198), ONE HUNDRED NINETY-NINE (199). TWO HUNDRED (209), TWO HUNDRED ONE (201) AND TWO HUNDRED TWO (202) IN KINGSTON, A SUBDIVISION IN THE CITY OF TOLEDO (FORMERLY IN WASHINGTON TOWNSHIP), LUCAS COUNTY, OHIO, IN ACCORDANCE WITH VOLUME 35 OF PLATS, PAGE 27.

EXCEPTING FROM THE ABOVE PARCELS, THAT PART CONVEYED TO THE STATE OF OHIO BY DEED RECORDED IN VOLUME 1984 OF DEEDS, PAGE 215 AND BOUNDED AND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING PART OF THE WEST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 28, TOWN NINE (9) SOUTH, RANGE SEVEN (7) EAST IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SAID WEST ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 28;

THENCE SOUTH ALONG THE EAST LINE OF THE SAID WEST ONE-HALF (1/2) A DISTANCE OF TWO HUNDRED EIGHTY-SIX (286.00) FEET TO A POINT;

THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SAID WEST ONE-HALF (1/2) A DISTANCE OF SIXTY (60.00) FEET TO A POINT;

THENCE NORTHWESTERLY TO A POINT, SAID POINT BEING SEVENTY-THREE (73.00) FEET WEST OF THE EAST LINE OF THE SAID WEST ONE-HALF (1/2) AND ONE HUNDRED THIRTY-TWO (132.00) FEET SOUTH OF THE NORTH LINE OF THE SAID WEST ONE-HALF (1/2);

THENCE NORTHWESTERLY TO A POINT, SAID POINT BEING EIGHTY-FIVE (85.09) FEET WEST OF THE EAST LINE OF THE SAID WEST ONE-HALF (1/2) AND NINETY-SEVEN (97.00) FEET SOUTH OF THE NORTH LINE OF THE SAID WEST ONE-HALF (1/2);

THENCE NORTHWESTERLY TO A POINT, SAID POINT BEING ONE HUNDRED THIRTY (130) FEET WEST OF THE EAST LINE OF THE SAID WEST ONE-HALF (1/2) AND FIFTY-SEVEN (57.00) FEET SOUTH OF THE NORTH LINE OF THE SAID WEST ONE-HALF (1/2);

THENCE NORTHWESTERLY TO A POINT, SAID POINT BEING ONE HUNDRED EIGHTY (180.00) FEET WEST OF THE EAST LINE OF THE SAID WEST ONE-HALF (1/2) AND FORTY-THREE AND SIX HUNDREDTHS (43.06) FEET SOUTH OF THE NORTH LINE OF THE SAID WEST ONE-HALF (1/2);

THENCE NORTH PARALLEL TO THE EAST LINE OF THE SAID WEST ONE-HALF (1/2), A DISTANCE OF FORTY-THREE AND SIX HUNDREDTHS (43.06) FEET TO A POINT ON THE NORTH LINE OF THE SAID WEST ONE-HALF (1/2);

THENCE EAST ALONG THE NORTH LINE OF THE SAID WEST ONE-HALF (1/2) A DISTANCE OF ONE HUNDRED EIGHTY (180.00) FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THOSE PARTS THEREOF LYING WITHIN THE LEGAL HIGHWAYS.

TAX PARCEL NO. 18-46091

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 seventy-two (72) 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.

Division of 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: 419-245-1341
Roadway: 419-245-1344
Water: 419-936-2163
Stormwater Drainage: 419-245-3221; 419-245-1338
Sanitary Sewers: 419-936-2276

2. 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.
3. 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.
4. 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.
5. Improvements per City of Toledo Infrastructure Design and Construction requirements
6. 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.
7. Contact (419) 245-1341 for inspection of above mentioned items.
8. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
9. The proposed apartment building is located on top of an existing 6-inch diameter public water main in Briar Cliff Road. The existing public water main shall be relocated or a new public water main shall be constructed. New public water main plans shall be separate from private development plans. The existing public water main in Briar Cliff Road will be abandoned by the City of Toledo at the developer's expense.
10. The proposed private water main shall connect to the 12-inch diameter water main in West Central Avenue. Connections to public water mains will be constructed by the City of Toledo at the developer's expense.
11. Detailed plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
12. The current version of "WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LINES AND LARGE SERVICES" shall be included on the plans and can be obtained from the City of Toledo Division of Engineering Services.
13. 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 43602 for review and approval.
14. 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 (419-936-2839) to verify the backflow prevention requirements for this site.
15. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site. Verify that the hydrant locations shown are acceptable to the Toledo Fire Prevention Bureau. Contractors performing work on new or existing fire systems shall be licensed by the State of Ohio Fire Marshall and certified by the City of Toledo Fire & Rescue Department.

16. Submit to the Division of Engineering Services and the Fire Prevention Bureau, an overall plan of the site showing public and private waterlines and public and private hydrant locations.
 17. If existing public water facilities are in conflict and must be relocated, they will be relocated by the City of Toledo at the owner's cost.
 18. Plans for the water service lines shall be submitted to and approved by the Ohio EPA prior to starting construction of the water service lines.
 19. Buildings may not be built over existing city storm infrastructure (not shown on plans are conflicts of proposed buildings over a 48" diameter enclosed drainage ditch to Woodlawn Cemetery and a 24" in Briar Cliff); therefore, storm abandonment and relocation plan design, plan approval, and construction are necessary to achieve the proposed development.
 20. Site development and ditch relocation stormwater submittals are required 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/>
 21. The Stormwater Pollution Prevention Plan (SWP3) shall comply with the Ohio Construction General Permit (CGP) prior to commencement of construction. The CGP defines "commencement of construction" as the initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.
 - Submittal of the completed CGP checklist is required for a full stormwater review of the proposal; therefore, it shall be submitted in order for the city to issue a list of required stormwater corrections.
 - Submittal of the CGP Notice of Intent (NOI) shall not precede city approval of the SWP3.
 - SWP3 shall include, in its final form, a list of responsible parties and their contact information. Form is available at <http://www.tmacog.org/storc/swp3.htm>.
1. The footprint of the storm water management area is not defended with calculations and may be too small. Submit engineering drawings and calculations for stormwater approval.
 2. Should any future revisions for final stormwater compliance include changes that affect the site plan, it shall be necessary for the plan commission to undertake additional review and approval.
 3. All storm drainage must be internal and not run off onto adjacent properties. Whereas a request has been made for a portion of the site to be excepted from this requirement, a proposal shall be made in the stormwater plans and calculations to mitigate for the excepted drainage area.
 4. The parkway right of way (ROW) includes landscape-based stormwater practices that shall be mitigated if impacted by the proposed drive approaches in the ROW and a revision will be required for the maintenance manual for the impacted practices.
 5. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
 6. The apartment buildings shall be allowed to re-use existing sanitary taps along Central and that an additional tap will be allowed for the restaurant/clubhouse. The site shall be platted as three (3) separate lots as a compliance condition associated with the Ohio EPA and sanitary taps. The Clubhouse/Restaurant as Lot 1, the West Apartment as Lot 2 and the East Apartment as Lot 3.
 7. 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.
 8. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
 9. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active

pipes on the property.

10. All sanitary sewer manholes in the project area shall have solid lids installed on them.
11. Developer shall install temporary flow meter in existing sanitary sewer to verify capacity is available for development.

Sewer & Drainage Services

12. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
13. S&DS requires that the 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.
14. All existing sewers under building shall be relocated and abandoned.

Division of Environmental Services

15. 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 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.
16. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
17. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.
18. 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
19. 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 the Asbestos and the Anti-Noise Laws.

Fire Prevention

20. Public and private hydrant locations to be approved by the site engineer and the Fire Prevention Dept.
21. Post Indicator Valve (PIV) and Fire Dept. Connection (FDC) locations to be approved by the site engineer and the Fire Prevention Dept.
22. Approved premises identification is required.

Division of Transportation

23. Wheel stops and/or curbing required at all parking spots along sidewalk, property lines and abutting building locations per TMC 1107.
24. Bicycle parking must be provided for each building location per TMC 1107.
25. Before the Central Avenue drive entrance is to be established, Kelly Avenue must be fully vacated and closed to prevent conflicts of traffic in center turn lane.
26. Briar Cliff Road needs to be fully vacated and permanently closed for new development.

Plan Commission

27. A Zone Change from RS6 Single Dwelling Residential, RD6 Duplex Residential & CR Regional Commercial to CM Mixed Commercial Residential shall be obtained for the entire site in order to allow for the proposed density.
28. All companion right-of-way Vacations and Roadway dedications (i.e. ProMedica Parkway) shall be recorded with the Lucas County Recorder's Office before building plan approval is granted.
29. Pursuant to TMC§1103.1007(C), no more than forty-percent (40%) of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement. Plan Commission supports a variance to TMC§1103.1007 (C), for an increase of twenty-one percent (21%) of gross site acreage devoted to coverage by buildings, structures, street pavement, driveway, and parking area pavement.
30. Per TMC§1103.1007(D), a 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. One-third (1/3) of this consolidated open space area may be used for detention/retention purposes. Acceptable as depicted on revised site plan.
31. Pursuant to TMC§1103.1007(E)(1), When abutting a Residential district, the open space perimeter area shall be provided with a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district. Plan Commission supports a variance to TMC§1103.1007(E)(1), for a twelve and one-half foot (12.5') reduction of the required perimeter open space area along the southern property lines to allow a nine and one-half foot (9.5') perimeter open space area.
32. Pursuant to TMC§1103.1010(C), all PUD's shall be platted according the Subdivision Rules & Regulations for the City of Toledo.
33. 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.
34. Pursuant to TMC§1103.1007(H), all telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.
35. An Alternative Access and Parking Plan, in accordance with TMC§1107.1400, shall be submitted to the Planning Director to allow for a reduction of the required minimum off-street parking spaces.
36. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. A minimum of seven (7) auto and two (2) van accessible parking spaces are required for use by persons with physical disabilities. Acceptable as depicted on revised site plan.
37. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces. Forty-three (43) bicycle parking spaces shall be provided on site. Acceptable as depicted on revised site plan.
38. Sidewalks must be provided along the street or place property line, pursuant to TMC§1103.1010(D) & TMC§1107.1300. Connecting walkways must be provided for internal pedestrian circulation within the site to connect to street or place sidewalks and to connect parking spaces with the main building entrance. Walkways must be clearly marked through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt. Raised walkways may also be installed if elevated six-inches (6") with tapered side slopes and meet ADA standards. Acceptable as depicted on revised site plan.
39. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities (TMC§1107.1906).
40. 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 (TMC§1107.1907(A)).

41. 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; acceptable as depicted on the revised site and landscaping plan.
42. Per TMC§1109.0204(A), at least one main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route; acceptable as depicted on revised site plan.
43. Pursuant to TMC§1109.0205(A), the design of a building shall reduce its apparent mass or bulk by dividing the building into smaller masses. The internal function of the building may indicate a logical hierarchy for breaking the mass of the building. Acceptable as depicted on building elevations.
44. Pursuant to TMC1109.0205(C)(1), exterior walls shall be articulated in order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. Articulation shall be visually established by using architectural features such as columns, ribs or pilasters, piers, and fenestration pattern. Acceptable as depicted on building elevations.
45. The building design shall meet the requirements of TMC§1109.0500 - *Building Façade Materials and Color*. Predominate exterior building materials shall be high-quality materials. For facades visible from the public right-of-way, predominate materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. EIFS may not constitute more than 15% of the exterior for facades visible from the public right-of-way. Acceptable as depicted on revised elevations submitted 2/3/2020.
46. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors (i.e. gray, brown, tan). Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director.
47. Per TMC§1107.2000 - Sight Distance Setback, no fence, sign structure or planting which obstructs visibility between forty-two inches (42") and eighty-four inches (84") above grade shall be maintained within twenty-three feet (23') of the curb or pavement edge of any street; if applicable.
48. No new free-standing signs greater than forty-two (42) inches from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
49. 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. Landscape improvements must be provided in the sidewalk or other paved area in front of a building with tree grates, or other walkable surface material treatment for open tree pits, in the form of one (1) shrub or understory tree for every thirty-feet (30') of lot frontage. Acceptable as depicted on revised landscaping plan. Forty (40) trees along Central Avenue, thirty-seven (37) trees along Jermain Drive, twenty-four (24) trees along ProMedica Parkway, eight (8) trees along Upton Avenue and four (4) trees along Rathbun Drive.
 - b. Per TMC§1108.0304(A), a solid six-foot (6') high evergreen hedge, with minimum plant height at installation of at least three-feet (3'); or a masonry wall or fence with a minimum height of six-feet (6'), with no openings; shall be installed to provide screening from the adjacent residential lots. Acceptable as depicted on revised landscaping plan.
 - c. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway in accordance with the Urban Commercial Landscape Standards in TMC§1108.0300. Acceptable as depicted on revised landscaping plan.
 - d. Wheel stops (i.e. parking blocks) and/or curbing must be provided to ensure that vehicles cannot overhang directly on plant material.

- e. Foundation plantings are required for the full street-facing building elevation; and landscape areas at major building entrances; acceptable as depicted on revised landscaping plan.
 - f. Stormwater facilities and bioretention areas are subject to all applicable requirements as listed in TMC§1108.0203(I) & TMC§1108.0206. Acceptable as depicted on revised 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.
 - 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.
 - j. 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.
 - k. The location, height and materials for any fencing to be installed and maintained. Acceptable as depicted on revised landscaping plan.
 - l. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - m. Landscaping shall be installed and maintained indefinitely.
1. 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.
 2. 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. Waiving the following sections of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for “The Colony South” located at 1901 & 2061 W. Central Avenue, 2918-2951 Jermain Drive, 2820 -2835 Rathbun Drive & 3842, 3846 and 3860 Monroe Street in the City of Toledo, Lucas County, Ohio:

Chapter 1103.1000 Planned Unit Development Overlay District

Sec. 1103.1007 (C) Residential Standards

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

Approve a variance for an increase of twenty-one percent (21%) of gross site acreage devoted to coverage by buildings, structures, street pavement, driveway, and parking area pavement; to allow for sixty-one percent (61%) of gross site acreage devoted to coverage by buildings, structures, street pavement, driveway, and parking area pavement.

Sec. 1103.1007 (E)(1) Residential Standards

When abutting a Residential district, the open space perimeter area shall be provided with a minimum depth equal to the required rear yard setback of the PUD’s underlying zoning district.

Approve a variance for a twelve and one-half foot (12.5’) reduction of the required perimeter open space area along the southern property lines to allow a nine and one-half foot (9.5’) perimeter open space area.

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