



Legislation Text

File #: O-030-21, **Version:** 1

Zoning & Planning Committee

Granting an amendment to a Planned Unit Development, originally granted by Ord. 87-17 for Multi Family Development located at 801 Division Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-10007-20) filed with the City of Toledo Central Permit Center, a request for an amendment to a Planned Unit Development, originally granted by Ord. 87-17 for Multi Family Development located at 801 Division Street, in the City of Toledo, Lucas County, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On December 3, 2020, the Toledo City Plan Commission recommended approval for the request for an amendment to a Planned Unit Development, originally granted by Ord. 87-17 for Multi Family Development located at 801 Division Street, in the City of Toledo, Lucas County, Ohio, in the City of Toledo, Lucas County, Ohio.

On January 6, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for an amendment to a Planned Unit Development, originally granted by Ord. 87-17 for Multi Family Development located at 801 Division 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 an amendment to a Planned Unit Development, originally granted by Ord. 87-17 for Multi Family Development located at 801 Division Street, in the City of Toledo, Lucas County, Ohio be 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:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, A, B, C AND D IN THE PLAT OF COLLINGWOOD GREEN ALONG WITH THE SOUTH 14 FEET OF LOTS 3 THROUGH 7 IN THE WASHINGTON VILLAGE PLAT TEN IN THE CITY OF TOLEDO, LUCAS COUNTY OHIO

SECTION 2. That the approval of the amendment to a Planned Unit Development, originally granted by Ord. 87-17 for Multi Family Development located at 801 Division Street, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 45 conditions as follows:

The following forty-five (45) 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. 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.

Contact (419) 245-1341 for inspection of above mentioned items.
7. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
8. 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.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
10. 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.
11. 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.
12. The plan submitted for plan commission review indicates earth-disturbing activity greater than 2,500

square feet; therefore, a detailed site-grading plan, Stormwater Pollution Prevention Plan (SWP3), calculations, plans for stormwater service and a maintenance plan & maintenance agreement for Post-Construction Stormwater Best Management Practices (BMP's) for this project shall be submitted directly to the Division of Engineering Services for stormwater review & approval.

13. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <http://toledo.oh.gov/services/public-utilities/div-engineering-services/plan-review-process/>, including the requirements for stormwater detention and post-construction stormwater BMP's.
14. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES permit.
15. All sites disturbing 2,500 sq. ft. or more shall develop a site specific Stormwater Pollution Prevention Plan (SWP3) which shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Stormwater NPDES permit and shall be submitted with a completed Ohio EPA SWP3 Checklist.
16. Post construction BMP's for sites that disturb 5 acres or more (including common plan of development) shall be selected from and designed in accordance with the latest Ohio EPA General Stormwater NPDES Permit Table 2 "Structural Post-Construction BMP's & Associated Drain (Drawdown) Times". If an alternate to the NPDES Table 2 is proposed it must be preapproved by the Ohio EPA prior to submitting a NOI. The OEPA will only consider the use of alternate BMP's where it can be demonstrated that the implementation of the Table 2 BMP's isn't feasible due to physical site constraints. Ohio EPA approved the proposed alternate post construction BMP plan in January 2014, which includes additional underground detention, bio-swales and a dry detention pond, and consideration of additional practices where feasible which are not shown on the PUD submitted.
17. Following the review process, the following will be needed for final stormwater approval:
 - Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
 - SWP3 contact list for responsible parties. Form is available at <http://www.tmacog.org/storc/swp3.htm>.
 - Covenant for the approved O&M plan.
 - Notice of Intent for coverage under the Ohio Construction General Permit
18. 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 stormwater utility fee through the Stormwater Credit Program.
19. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
20. 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.

21. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
22. 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.

Sewer and Drainage Services

23. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
24. 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 S&DS demonstrating the lines cleaning and integrity.

Division of Environmental Services

25. 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.
 - 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.
26. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
27. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
28. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
29. 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.

Plan Commission

30. The Planned Unit Development shall be platted according to the Subdivision Rules and Regulation of the City of Toledo.
31. Parking shall adhere to the requirements of TMC§1107.0300 - *Parking Schedule "A"*. The parking schedule requires one and a half (1.5) parking spaces per dwelling unit plus one (1) space per ten (10) units for visitor parking. The total number of required parking spaces for 163 units is 261. Revised site plan received 11/23/20 depicts 223 parking spaces, as well as transit stops. Per TMC§1107.1400(E), the Planning Director may authorize up to a 20% reduction in the number of required off-street parking spaces for developments that provide transit stops. Acceptable as depicted.
32. 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)).

33. 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.
34. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Acceptable as depicted.
35. Per TMC§1107.0900, twenty-two (22) bicycle parking spaces are required. Not acceptable as depicted on site plan. A revised site plan with bicycle parking shall be submitted.
36. 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. Acceptable as depicted.
37. No less than fifteen percent (15%) of the gross site acreage shall be allocated to usable, accessible, and consolidated common open space per TMC§1103.1007(D). Acceptable as depicted.
38. The landowner must establish an agency for the ownership and maintenance of common open spaces where such are to be retained in private ownership.
39. Telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened (TMC§1103.1007(H)).
40. 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 of such agency as a condition of approval, 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 gain 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.
41. 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 fifteen-foot (15') greenbelt is required along all proposed frontage, and shall include one (1) tree per every thirty feet (30') of frontage; not acceptable as depicted, seven (7) additional trees are required along Nebraska Avenue,
 - b. Per TMC§1108.0203, A Type A landscape buffer shall be provided where Residential Zoning Districts abut Commercial Zoning, noted for future development of the parcel zoned CN Neighborhood Commercial,
 - c. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public right-of-ways. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches; acceptable as depicted,
 - d. Interior landscaping required in parking lots is 20 sqft per parking and stacking space. Two (2) canopy trees are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. Six (6) shrubs are required to be installed in interior landscape areas of each ten (10) parking spaces within the parking lot. One canopy tree many substitute for three (3) shrubs. Trees do not need to be equally spaced; acceptable as depicted,

- e. Landscape areas within the parking area must be peninsular or island types and must be constructed with 6 inch by 18 inch concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;
 - f. Per TMC§1108.0205, in addition to the other landscape requirements for buffer areas, frontage greenbelt, and landscaping for parking lot areas, the following shall be provided: one (1) tree per 500 square feet of building coverage, or fraction thereof, for all structures. Greenbelt frontage trees are included in this total, minimum of two (2) trees in the front and side yards. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances, acceptable as depicted,
 - g. 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 setback, acceptable as depicted,
 - h. Topsoil must be back filled to provide positive drainage of the landscape area;
 - i. 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;
 - j. 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;
 - k. The location, height and materials for any fencing to be installed and maintained; Pursuant to TMC§1105.0302(A) (1), fences may not exceed 3½ feet in height in the required front setback. Additionally, per TMC§1105.0303, the use of barbed wire, razor wire, concertina wire or the like shall not be permitted in the front yard setback and not anywhere along a street right-of-way;
 - l. 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;
 - m. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and,
 - n. The location, lighting and size of any signs.
42. The building elevations which were approved via Ord. 87-17 shall not be modified.
43. New free-standing signs are limited to a height of forty-two inches (42”) from grade and a width of twelve feet (12’).
44. 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.
45. 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

