



## Legislation Text

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**File #:** O-083-24, **Version:** 1

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Amend PUD 801 Division  
Zoning & Planning Committee  
February 13, 2024

**Granting an amendment to a Planned Unit Development granted by Ordinance 550-12, 87-17, 30-21 and 611-22 for a site located at 801 Division Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; granting of 2 waivers; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-11007-23) filed with the City of Toledo Central Permit Center, a request for an amendment to a Planned Unit Development granted by Ordinance 550-12, 87-17, 30-21 and 611-22 for a site 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 January 11, 2024, the Toledo City Plan Commission recommended approval for the request for granting an amendment to a Planned Unit Development granted by Ordinance 550-12, 87-17, 30-21 and 611-22 for a site located at 801 Division Street, in the City of Toledo, Lucas County, Ohio; in the City of Toledo, Lucas County, Ohio;

On February 13, 2024 Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved the request for an amendment to a Planned Unit Development granted by Ordinance 550-12, 87-17, 30-21 and 611-22 for a site 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 granting an amendment to a Planned Unit Development granted by Ordinance 550-12, 87-17, 30-21 and 611-22 for a site 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:

SECTION 2. That the approval of the granting of an amendment to a Planned Unit Development granted by Ordinance 550-12, 87-17, 30-21 and 611-22 for a site located at 801 Division Street, in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 43 conditions as follows:

The following forty-three (43) 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. 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.**

2. Improvements per City of Toledo Infrastructure Design and Construction requirements.
3. 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.
4. Detailed plans shall be submitted to the Division of Engineering and Construction Management and the Division of Water Distribution for review and approval.
5. Full stormwater submittal requires multiple items:
  - a. Items are listed on the regional SWP3 submittal coversheet at <https://tmacog.org> A version for use in Toledo has been provided to the SWP3 designer for this proposal.
  - b. 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-inthe-city/building-inspection-permits>.
  - c. The underground system design and accompanying long term maintenance plan shall meet the expectations of the Ohio Construction permit and latest revised chapter of the Ohio Rainwater Manual, including necessary access and inspection ports and structures.
6. Following the stormwater review, additional items are needed for final approval:
  - a. As listed on the regional SWP3 submittal cover sheet (stage 2). Long term operation and maintenance instructions for the post-construction measures are to be added by the applicant to a campus-wide stormwater O&M document for LMHA sites.
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit. A fee calculation and submittal form has been provided to the SWP3 designer.
  - c. Construction inspection and completion of obligations in the stormwater permit.
7. The underground detention system (UDS) is proprietary and outside the scope of the City's services for sewer inspection. The following notes shall be added to the plans:

- a. The Contractor shall have the underground detention system manufacturer's representative on-site during the installation of the UDS. This representative shall advise the contractor as to the required installation procedures for the UDS.
  - b. The City of Toledo will be provided with an as-built signature by an Ohio P.E. representing the detention system manufacturer with the certification statement to the effect of: 'I certify that the underground detention system was installed in accordance with the manufacturer's installation requirements and that the underground detention system will function as designed in accordance with the contract documents.'
8. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
  9. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap.

#### Water Distribution

10. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
11. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
12. Plans must be submitted to Fire Prevention ([rex.butler@toledo.oh.gov](mailto:rex.butler@toledo.oh.gov) [<mailto:rex.butler@toledo.oh.gov>](mailto:rex.butler@toledo.oh.gov), 419.936.2008) for review and approval.
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 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
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](http://BSIOnlinetracking.com) @ (800) 414-4990. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for the site.
15. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.

16. Detailed plans should include:

- a. Water feature sizes and distances; maintain 18" vertical clearance between proposed water main and proposed storm sewers.
- b. Include a callout for all tapping sleeve and valve by the City of Toledo at the developer's expense. Excavation, shoring, valve box, backfill and restoration by the contractor.

Division of Sewer & Drainage Services

17. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
18. 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.
19. For operation and maintenance purposes, 20-foot-wide sewer and drain easements (centered on the pipe), for City use, shall be retained along the existing public sewers and drains located within the proposed use area. City access to the easement area shall not be denied by fences, walls, or other barriers. The easement shall state that no temporary or permanent structure (excluding parking lot pavement), including barriers denying access, may be constructed within the easement area.

Bureau of Fire Prevention

20. All new buildings will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
21. Public and private fire service mains and appurtenances will be required and location approved by the Fire Prevention Bureau. (OFC507.5.1 / TMC1511.03 Ohio Fire Code Amendments)
22. Fire Department to receive and review building construction plans when submitted to the Building Department. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1)
23. A Knox Box key box for all buildings is required for after-hours access for life saving and firefighting purposes (OFC 506.1)
24. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2)

25. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

#### Division of Transportation

26. Wheel stops are required at all parking spots abutting property lines, sidewalk, planting strips and buildings per TMC 1107.1907.

27. Accessible parking signage must be posted directly in front of the parking space at a height of no less than 60” and no more than 72” above pavement level per TMC 1107.1704.

28. All new and existing parking and drive aisles must be clearly shown with dimensions per TMC 1107.1911.

#### Environmental Services

29. 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.

30. Applicant shall maintain compliance with Ohio EPA’s General Storm Water NPDES permit programs.

31. 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.

32. 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)

33. 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

34. 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.
35. Off-street parking shall be provided pursuant to Off-Street Parking Schedule “A,” (TMC§1107.0304). Minimum number of off-street parking spaces required for multi-family housing is one (1) and one-half (1 ½) spaces for every one (1) dwelling unit, plus one (1) space per ten (10) units for visitor parking. A total of nine (9) parking spaces is required for the use. The submitted site plan shows ten (10) parking spaces. **Acceptable as depicted on submitted site plan.**
36. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A,” (TMC§1107.0300). Minimum number of bicycle parking slots required for a multifamily housing is one (1) bicycle parking per ten (10) parking spaces. Four (4) bicycle parking spaces are indicated on the submitted site plan. **Acceptable as depicted on submitted site plan.**
37. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. One (1) van accessible space with an eight-foot (8’) drive aisle is required. **Acceptable as depicted on submitted site plan.**
38. 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 and approval of the Department of Public Utilities.
39. 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.**

40. 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') frontage greenbelt buffer is required along Nebraska Avenue, Rogan Way and Clemente Trace. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. The submitted site plan shows an eight-foot (8') buffer along Nebraska Avenue and a portion of Rogan Way. A three-foot (3') buffer is also shown along Clemente Trace. Five (5) and three (3) trees are indicated in the greenbelt buffer along Clemente Trace and Rogan Trace respectively. **Not acceptable as depicted on landscaping plan. Applicant shall obtain approval to a waiver from TMC§1108.0202(B)(3);**
  - b. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height eighteen inches (18"). **Acceptable as depicted on landscaping plan;**
  - c. Interior landscaping required in parking lots is 20 square feet 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. **Acceptable as depicted;**
  - d. One 2-inch caliper tree for every 5,000 square feet of building coverage shall be required. Five (5) trees are required for this site. **Not acceptable as depicted on landscaping plan. Applicant shall provide square footage of proposed building to determine required number of trees.**
  - e. 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. **Acceptable as depicted on landscaping plan;**
  - f. Topsoil must be back filled to provide positive drainage of the landscape areas;
  - g. 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. **Acceptable as depicted on landscaping plan;**

- h. Open space and planting materials shall be maintained in an appropriate manner to be utilized by residents.
- i. All landscape material must be properly maintained. 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;
- j. Because the site is greater than ½ acre large, 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 and direction of any proposed **lighting (any lighting is to be directed away from adjacent residential properties)**.

41. Building elevations are subject to TMC§1109.0500 - Building Façade Materials and Color. **Proposed elevations are acceptable as depicted.**

42. 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.

43. 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 Section 1108. of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 801 Division Street, in the City of Toledo, Lucas County, Ohio.

#### **Chapter 1108 - Landscape and Screening**

##### **Sec. 1108.0202 landscape Standards**

##### **TMC§1108.0202(B) - Frontage Greenbelt**

- 3. Frontage greenbelts shall be a minimum width of fifteen feet (15'). For properties over five (5) acres and/or those with over five-hundred feet (500') of frontage, the frontage greenbelt shall be a minimum of thirty feet (30') wide measured perpendicular from the street or place right of way abutting the property.

Approve a waiver to reduce required frontage greenbelt buffer to eight feet (8') along Nebraska Avenue and a portion of Rogan Way and three feet (3') buffer along Clemente Trace due to limited space.

SECTION 4. Waiving Section 1103. of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 801 Division Street, in the City of



Toledo, Lucas County, Ohio.

**Chapter 1103 Overlay Zoning Districts**

**Sec.1103.1000 PUD Planned Unit Development Overlay District**

**TMC§1103.1007(D) - Residential Standards**

No less than 15 percent 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 and may be allocated on a plat by plat basis (one-third of the required common open space may be a lake or pond or storm detention or retention area). This open space shall be delineated on the plat as a lettered lot.

Approve a waiver to reduce the required open space from 15 percent to 13 percent because a 2% reduction in open space does not create issues and there is still sufficient space for residents to use.

SECTION 5. 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 6. 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