



Legislation Text

File #: O-337-21, **Version:** 1

MAJOR SITE PLAN APPROVAL 0 ST. CLAIR STREET

Approving the Major Site Plan for a new building, located at 0 S. St. Clair Street, Toledo, Ohio; subject to certain conditions and including a waiver; and declaring an emergency.

SUMMARY & BACKGROUND:

An appeal has been filed on the approval by the Plan Commission of a major site plan (SPR-10-21) for a new building and parking lot located at 0 S. St. Clair Street, and subject to thirty-eight (38) conditions.

On May 13, 2021, said matter was considered by the Toledo City Plan Commission and the request for the approval of the site plan for a new building located at 0 S. St. Clair Street, Toledo, Ohio, was approved and all things required by law to be done, have been done. An appeal has been filed by Catherine Schrein.

On June 16, 2021 the Zoning and Planning Committee heard the appeal on SPR-10-21 and sent to the full Council without a recommendation.

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

SECTION 1. That the site plan as approved by the Plan Commission for a new building and parking lot located at 0 s. St. Clair, Toledo, Ohio is hereby approved subject to the 38 conditions set forth herein below, for that part of the City of Toledo more fully described as follows:

Parcel 1:

Lots numbers four hundred eighty-nine (489), four hundred ninety-one (491), three hundred ninety-five (395), and three hundred ninety-nine (399) all in the Vistula Division in the City of Toledo, Lucas County, Ohio.

Legal Description Remainder Parcel: Being part of lots 489 through 491, inclusive, in the Plat of Port Lawrence Division as recorded in Volume 3 of Plats, Page 37, and part of Kelsey 10 Acre Tract, all of which being in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a stone with drill hole found at the intersection of the centerlines of St. Clair Street, so called and Lafayette Street, so called.

Thence south 32 degrees, 28 minutes, 53 seconds West, along the centerline of St. Clair Street, a distance of 33.00 feet to Westerly prolongation of the South right-of-way of Lafayette Street.

Thence South 57 degrees. 30 minutes, 55 seconds East along the Westerly prolongation of the South right-of-way of Lafayette Street, a distance of 33.00 feet to a set of ½ inch galvanized steel pipe set on the East right-of-

way of St. Clair Street.

Thence South of 32 degrees, 28 minutes, 53 seconds West, along the East right-of-way of St. Clair Street, a distance of 109.65 feet to a ½ inch galvanized steel pipe set at the True Point of Beginning.

Thence South 57 degrees, 23 minutes, 26 seconds East, a distance of 246.99 feet to a ½ inch galvanize steel pipe set on the West right-of-way of Summit Street, so called.

Thence South 32 degrees, 28 minutes, 48 seconds West, along the West right-of-way of Summit Street, a distance of 309.81 feet to a ½ inch galvanized steel pipe set on the Northeasterly line of River West Plat One as recorded in Lucas Country official record 20030613-0026620, from said point, a bent ¾ inch iron pipe can be found 0.31 feet North and 0.10 feet West.

Thence North 57 degrees, 30 minutes, 45 seconds West, along the Northeasterly line of River West Plat One, a distance of 50.00 feet to a ½ inch galvanized steel pipe set to a point of deflection on the Northeasterly line of River West Plat One.

Thence North 32 degrees, 28 minutes, 48 seconds East, along the Northeasterly line of River West Plat One, a distance of 70.00 feet to a ½ inch galvanized steel pipe set at a point of deflection on the Northeasterly line of River West Plat One.

Thence North 57 degrees, 30 minutes, 34 seconds, West, along the Northeasterly line of River West Plat One, a distance of 73.00 feet to a ½ inch galvanized steel pipe set at a point of deflection on the Northeasterly line of River West Plat One.

Thence North 32 degrees. 28 minutes, 49 seconds East, along the Northeasterly line of River West Plat One, a distance of 67.00 feet to a ½ inch galvanized steel pipe set at a point of defection on the Northeasterly line of River West Plat One.

Thence North 57 degrees, 30 minutes, 53 seconds West, along the Northeasterly line of Ricer West Plat One, a distance of 124.00 feet to a ½ inch galvanized steel pipe set on the East right-of-way of St. Clair Street.

Thence North 32 degrees, 28 minutes, 53 seconds East, along the East right-of-way of St. Clair Street, a distance 173.34 feet to the True Point of Beginning.

Containing 54,488.46 square feet or 1.251 acres of land. Bearings used herein are bases upon an assumed meridian and are intended to indicate angular measurement only. All ½ inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on December 8, 2015

Tax Parcel No. 18-71510

Property Address: 0 South St. Clair Street Toledo Ohio, 43604

The above described parcel of land is subject to any and all leases, easements, or restrictions of record.

SECTION 2. That the approval of the site plan is subject to the following conditions:

Major Site Plan Review for site development at 0 South St. Clair Street, subject to the following thirty-eight (38) conditions.

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. All existing substandard sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. 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.
4. 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.

Division of Engineering Services

5. 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.

6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Detailed plans for the water service lines shall be submitted to the Division of Water Distribution 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.

8. 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. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
9. 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.
10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
11. New water service taps will be installed by City of Toledo at the developer's expense.
12. The stormwater concept is generally well received, but whereas no supporting information is available at this time regarding the appropriate sizing and other standards (i.e. pond pretreatment), minor site plan revisions may be necessary for stormwater design compliance, which shall be done in coordination with the Plan Commission, upon which stormwater approval is dependent.
13. To initiate a stormwater engineering review, submit all of the following:

Division of Engineering Services

- Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
 - Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's.
 - A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.
14. Following the review process, the following will be needed for final stormwater approval:
 - Covenant for the O&M plan.
 - SWP3 contact list for responsible parties (TMACOG form), and NOI
 - Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
 15. The applicant will 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>

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.
18. Existing sewer toward Lafayette is on private property, need permission from adjacent property if planning to connect to this line.

Fire Prevention

19. Approved premises identification is required.
20. The proposed new building will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.

Sewer and Drainage

21. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
22. 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 clean-out) to where they connect with the public sewer systems if this has not been done in the past two (2) years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Division of Environmental Services

23. 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.
 - 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.
24. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
25. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff, increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

26. 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
27. 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

28. The drive aisle nearest to Summit Street needs to measure 25' wide as required for two-way traffic per TMC 1107.

Plan Commission

29. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. At least one (1) of every eight (8) accessible parking spaces shall be designated as a van-accessible parking space and meet the dimensions standards stated in TMC§1107.1702(B); acceptable as depicted on site plan.
30. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces; acceptable as depicted on site plan.
31. Per TMC 1109.0204.A.2, Relationship of Buildings to Streets, Walkways and Parking; Connecting walkways may cross parking aisles or driveways if distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or painted asphalt to enhance pedestrian safety and comfort; not acceptable as depicted on site plan.
32. 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); acceptable as depicted on site plan.
33. Per TMC§1109.0204(A), at least one (1) 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 site plan.
34. The building design shall meet the requirements of TMC§1109.0502 *Building Façade Materials and Color Requirements*. Building material standards apply to all facades that are visible from the right-of-

way. Percentages apply to each façade individually. Under the building material matrix up to 20% of each elevation may be comprised of stucco, wood, architectural concrete masonry units, fiber cement board, EIFS, ceramic, vinyl or composite siding or glass block; As presented on the elevations, fiber cement board accounts for approximately 18.1%; acceptable as indicated on building elevations.

35. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director.
36. 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. Dumpsters must be screened with evergreen plantings, fence, or wall structure and be a minimum height of six feet (6'). The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate; acceptable as depicted on landscaping plan.
 - b. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing; acceptable as depicted on landscaping plan. However, staff recommends increasing the depth of terminal islands from five feet (5') to nine feet (9') and be at least 160 square feet in area to support the successful growth of landscaping as well as provide refuge for pedestrians within the parking lot.
 - c. Topsoil must be back filled to provide positive drainage of the landscape area.
 - d. 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.
 - e. 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; acceptable as indicated on landscaping plan.
 - f. 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.
37. 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.
38. 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 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: June 22, 2021, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

June 22, 2021
Wade Kapszukiewicz
Mayor