



Legislation Text

File #: O-611-22, **Version:** 1

Zoning & Planning Committee

Granting an amendment to a Planned Unit Development, originally granted by Ord. 550-12, 87-17 and 30-21 for 75 Senior units with Commercial Units, 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 (PUD-8005-20) filed with the City of Toledo Central Permit Center, a request for an amendment to a Planned Unit Development, originally granted by Ord. 550-12, 87-17 and 30-21 for 75 Senior units with Commercial Units, 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 October 13, 2022, the Toledo City Plan Commission recommended approval for the request for an amendment to a Planned Unit Development, originally granted by Ord. 550-12, 87-17 and 30-21 for 75 Senior units with Commercial Units, located at 801 Division Street, in the City of Toledo, Lucas County, Ohio.

On November 16, 2022, Toledo City Council's Zoning & Planning Committee considered a request for an amendment to a Planned Unit Development, originally granted by Ord. 550-12, 87-17 and 30-21 for 75 Senior units with Commercial Units, 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. 550-12, 87-17 and 30-21 for 75 Senior units with Commercial Units, 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:

Legal Description of Proposed Split: Being part of Lot 6 in Collingwood Green Second Recording, as recorded in Lucas County Official Record 20210204-0006235, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a 1 inch iron bar monument found at the centerline intersection of Division Street and Nebraska Avenue.

Thence South 89 degrees, 56 minutes, 09 seconds East, along the centerline of Nebraska Avenue, a distance of

30.00 feet to a point on the Southerly prolongation of the East Right-of-way of Division Street.

Thence North 00 degrees, 47 minutes, 44 seconds East, along the Southerly prolongation of the East Right-of-way of Division Street, a distance of 30.00 feet to a brass plate monument previously set on the North 30 foot Right-of-way of Nebraska Avenue, said point also being the True Point of Beginning.

Course 1: Thence continuing North 00 degrees, 47 minutes, 44 seconds East, along the East Right-of-way of Division Street, a distance of 229.07 feet to a 1/2 inch galvanized steel pipe set.

Course 2: Thence South 89 degrees, 54 minutes, 36 seconds East, a distance of 76.26 feet to a 1/2 inch galvanized steel pipe set.

Course 3: Thence North 00 degrees, 05 minutes, 24 seconds East, a distance of 46.23 feet to a 1/2 inch galvanized steel pipe set.

Course 4: Thence South 89 degrees, 54 minutes, 36 seconds East, a distance of 139.39 feet to a 1/2 inch galvanized steel pipe set on the West 30 foot Right-of-way of Rogan Way.

Course 5: Thence South 00 degrees, 05 minutes, 24 seconds West, along the West 30 foot Right-of-way of Rogan Way, a distance of 275.19 feet to a 1/2 inch galvanized steel pipe previously set on the North 30 foot Right-of-way of Nebraska Avenue.

Course 6: Thence North 89 degrees, 56 minutes, 09 seconds West, along the North 30 foot Right-of-way of Nebraska Avenue, a distance of 218.47 feet to the True Point of Beginning.

Containing 56,151.24 square feet or 1.2890 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 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 March 17, 2022.

Part of Parcel 12-40585 is vested in the name of Lucas Metropolitan Housing Authority by Official Record 20210204-0006235, commonly known as 0 Bresnahans Green.

SECTION 2. That the approval of the amendment to a Planned Unit Development, originally granted by Ord. 550-12, 87-17 and 30-21 for 75 Senior units with Commercial Units, located at 801 Division Street, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 49 conditions as follows:

The following forty-nine (49) 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. 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.

2. 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.
3. Improvements per City of Toledo Infrastructure Design and Construction requirements
4. 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.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Detailed plans for the water service lines shall be submitted to the Division of Water Distribution for review and approval.
7. A meeting is needed to reconcile a stormwater engineering concern of nonconformance with the January 2014 Stormwater Plan for the whole site, which originally called for an additional flood control pond in the southeast corner of open space, and other management practices. If the matter is not resolved prior to PUD approval, any landscape changes determined to be required would require coordination with Plan Commission’s administrative review of minor site changes.
8. Full stormwater submittal requires multiple items:
 - a. Items are listed on the regional SWP3 submittal coversheet: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
 - 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-in-the-city/building-inspection-permits>
 - c. The underground system design and accompanying long term maintenance plan shall meet the expectations of the 2018 Ohio Construction permit and latest revised chapter of the Ohio Rainwater Manual, including necessary access and inspection ports and structures.
9. O&M plans for all on-site stormwater management features are required to be submitted ahead of building approvals or according to a schedule satisfactory to the City of Toledo post-construction program.
10. Following the stormwater review, additional items are needed for final approval:
 - a. As listed on the regional SWP3 submittal cover sheet. The O&M agreement may be through a covenant, or alternatively it may be incorporated into the LMHA catalogue of stormwater facilities and scheduled maintenance activities.
 - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
 - c. Construction inspection and completion of obligations in the stormwater permit.
11. 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.'
12. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
 13. 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.

Water Distribution

14. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
15. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
16. 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.
17. 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 (419-392-2032) to verify the backflow prevention requirements for the site.
18. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
19. Detailed water plans shall also be submitted to Fire Prevention (Lynn Thompson, lynn.thompson@toledo.og.gov, (419) 245-1263) for review and approval.

Sewer and Drainage Services

20. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
21. 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

22. 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.
23. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
24. 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.
25. 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
26. 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.
27. 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 and must comprise at least eighty percent (80%) of the total wall area of the façade. Predominant building materials include brick, stone, glass, and materials with a brick-like appearance or similar material. Accent building materials may include concrete blocks, vinyl siding, smooth-faced concrete panels or wood sheet goods as a secondary material. Accent materials may not comprise more than 20% of facades visible from the public right-of-way. Not acceptable as depicted on elevations submitted. Revised building elevations shall be submitted depicting 80% of each façade comprised of exterior building materials in compliance with 1109.0500.
28. Parking shall adhere to the requirements of TMC§1107.0700, *Elderly and Disable Housing Parking Reduction*, the minimum parking for senior housing units is one (1) space for every two (2) units plus an area on the site reserved for future parking to accommodate one (1) parking space per dwelling unit. Calculations conclude that a 75 unit housing complex requires thirty-eight (38) parking spaces. Acceptable as depicted on site plan submitted.
29. Pursuant TMC§1107.0400, the commercial space on the ground floor requires one (1) parking space per 300 square feet of floor area for an additional twenty-four (24) parking spaces required on site. A total of sixty-two (62) parking spaces are required for this portion of the PUD. Acceptable as depicted on site plan submitted.
30. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. A minimum of two (2) auto and one (1) van accessible parking spaces are

required for use by persons with physical disabilities. Acceptable with four (4) accessible spaces depicted on site plan.

31. 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. Six (6) bicycle parking spaces shall be provided on site. Acceptable as depicted on the 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).
33. 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)).
34. 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.
35. 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.
36. The Planned Unit Development shall be platted according to the Subdivision Rules and Regulation of the City of Toledo.
37. The landowner must establish an agency for the ownership and maintenance of common open spaces where such are to be retained in private ownership.
38. Telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened (TMC§1103.1007(H)).
39. 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.
40. 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 site plan.

41. Pursuant to TMC1109.0205(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.
42. 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.
43. 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.
44. 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 site and landscaping plan.
45. New free-standing signs are limited to a height of forty-two inches (42") from grade and a width of twelve feet (12').
46. 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. Not acceptable as depicted on landscaping plan. A revised landscaping plan shall be submitted depicting seven (7) trees along Division Street, seven (7) trees along Nebraska Avenue and nine (9) trees are required along Rogan Way, subject to approval by the Plan Director.
 - b. 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 the landscaping plan.
 - c. Foundation plantings are required for the full street-facing building elevation; and landscape areas at major building entrances; not acceptable as depicted on the landscaping plan. Foundation plantings shall be provided for the south building elevation along Nebraska Avenue. A revised landscaping plan shall be submitted depicting additional foundation plantings, subject to approval by the Plan Director.
 - d. Wheel stops (i.e., parking blocks) must be provided to ensure that vehicles cannot overhang directly on plant material.
 - e. Topsoil must be back filled to provide positive drainage of the landscape area.

- f. 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.
 - 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.
 - h. 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.
 - i. The location, height and materials for any fencing to be installed and maintained.
 - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - k. Landscaping shall be installed and maintained indefinitely.
47. 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.
48. 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.
49. All conditions set forth in prior ordinances 550-12, 87-17 and 30-21 granting this PUD remain in effect.

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