



## Legislation Text

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**File #:** O-229-21, **Version:** 1

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Zoning & Planning Committee

**Granting an amendment to a Planned Unit Development, originally granted by Ord. 547-17 for a Residential Development located at 2417 North Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (PUD-10008-20) filed with the City of Toledo Central Permit Center, a request for an amendment to a Planned Unit Development, originally granted by Ord. 547-17 for a Residential Development located at 2417 North Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 11, 2021, the Toledo City Plan Commission recommended approval for the request for an amendment to a Planned Unit Development, originally granted by Ord. 547-17 for a Residential Development located at 2417 North Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio, in the City of Toledo, Lucas County, Ohio.

On April 14, 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. 547-17 for a Residential Development located at 2417 North Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio 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. 547-17 for a Residential Development located at 2417 North Holland Sylvania Road, 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:

The north ninety (90) feet of the east three hundred thirty (330) feet of the south seven (7) acres of the northeast quarter (1/4) of the southeast quarter (1/4) of Section twenty-seven, town nine (9) South, Range six (6) East in City of Toledo, Lucas County, Ohio.

SECTION 2. That the approval of the amendment to a Planned Unit Development, originally granted by Ord. 547-17 for a Residential Development located at 2417 North Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 38 conditions as follows:

The following thirty-eight (38) 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. Revised 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. 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.
10. Existing coverage by the Ohio Construction General Permit shall remain active and the covered SWP3 shall be amended. The SWP3 and coverage remain active until the city certifies the completion of permit obligations.
11. To initiate stormwater review, submit plan revisions together with proposed SWP3 amendments as a whole submittal, including:
  - a. A pond operations and maintenance plan,
  - b. An exhibit of the drainage area to the pond amended to show the stone walk area as impervious.
  - c. A SWP3 checklist that pertains to the amendments only.
  - d. Updates to responsible parties of SWP3 ownership and implementation.
  - e. Detailed grading drawings for the pathway within the flood hazard zones and stream setback area.
12. Flood hazard zones and stream setbacks are not represented correctly on the proposed PUD amendment and shall be shown correctly on resubmittals in order for review to proceed. Being in or adjacent to a flood hazard zone, this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full, and upon which stormwater approval, and approval to terminate the SWP3, are dependent.
13. Following the review process, the following will be needed for final stormwater approval:
  - a. Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
  - b. Covenant for the approved O&M plan.
  - c. Updates to responsible parties of SWP3 ownership and implementation.
14. At the time of approval of stormwater plans, 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>
15. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

16. 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.
17. 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.
18. 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

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

21. 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.
22. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

23. 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.
24. 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](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
25. 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.

#### Fire Prevention

26. The proposed new buildings will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.

#### Plan Commission

27. Pursuant to TMC§1103.1010(C), all PUD's shall be platted according the Subdivision Rules & Regulations for the City of Toledo. Final Plat shall be submitted for review with a separate lettered lot delineating the consolidated common open space.
28. A Zone Change from RS9 Single Dwelling Residential to RS6 Single Dwelling Residential shall be obtained for the entire site in order to allow for the proposed density.
29. 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.
30. Sidewalks must be built to City specifications along North Holland-Sylvania Road. The sidewalks along the north side of Gulliver Lane shall be built between the existing and proposed driveways. The sidewalks or other approved pedestrian walkways must be provided to line nonresidential areas with residential areas, both inside and outside the PUD. The proposed 4' concrete sidewalk and stone walking path to access the north and western edges are acceptable as depicted on the revised site plan.
31. Per TMC§1103.1007(C), 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 revised site plan.

32. 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.
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. The landowner must establish an agency for the ownership and maintenance of common open spaces where such are to be retained in private ownership.
35. Telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened; TMC§1103.1007. H.
36. 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 approval of the Department of Public Utilities.
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. 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 property located at 2417 N. Holland Sylvania Road, in the City of Toledo, Lucas County, Ohio:  
Chapter 1103.1000 Planned Unit Development Overlay District

Sec. 1103.0107 (A) Residential Standards

The maximum number of dwelling units permitted in the RS6 zoning district is 5.8 units per gross acre. With a total area of 5.87-acres for the entire site, the maximum number of dwelling units permitted is thirty-four (34) units.

Approve a waiver to allow for the proposed number of dwelling units to exceed the maximum density by two (2) dwelling units to allow for a total of thirty-six (36) units.

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 waiver for a five-foot (5') reduction of the required twenty-five foot (25') open space perimeter along the northern property line to allow for a twenty foot (20') open space perimeter.

SECTION 4. 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 5. 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 12, nays 0.

Passed: April 27, 2021 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 28, 2021  
Wade Kapszukiewicz  
Mayor