



Legislation Text

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File #: O-346-19, Version: 1

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Zoning & Planning Committee

**Granting an amendment to a Planned Unit Development, originally granted by Ordinance 240-77, for an apartment complex for a site located at 6047 Whiteford Center Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

SUMMARY & BACKGROUND:

By application (PUD-4005-19) filed with the City of Toledo Central Permit Center, a request for an amendment to a Planned Unit Development, originally granted by Ordinance 240-77, for an apartment complex for a site located at 6047 Whiteford Center Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 13, 2019, the Toledo City Plan Commission recommended approval for an amendment to a Planned Unit Development, originally granted by Ordinance 240-77, for an apartment complex for a site located at 6047 Whiteford Center Road, in the City of Toledo, Lucas County, Ohio.

On July 17, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved an amendment to a Planned Unit Development, originally granted by Ordinance 240-77, for an apartment complex for a site located at 6047 Whiteford Center Road, 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 a Special Use Permit for an amendment to a Planned Unit Development, originally granted by Ordinance 240-77, for an apartment complex for a site located at 6047 Whiteford Center Road, 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:

Parcel no. 22-02691

LEGAL DESCRIPTION / 6047 Whiteford Center Rd:

7 9 6 SE 1/4 N 220 FT S 425 FT PT NE 1/4 SW OF RD & BEING 273.54 FT FRT & 656.07 FT S LINE

SECTION 2. That the approval of the Special Use Permit for an amendment to a Planned Unit Development, originally granted by Ordinance 240-77, for an apartment complex for a site located at 6047 Whiteford Center Road, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 52 conditions as follows:

The following fifty-two (52) 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. Minimum 4-foot 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-inch thick concrete residential. 8-inch 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 Joe Warnka at (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. 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. Plans for water meter settings shall be submitted to the Division of Water Distribution for review and approval.
11. 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](https://www.bsonlinetracking.com) @

- 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
12. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
  13. New water services taps will be installed by City of Toledo at the developer's expense.
  14. Plans for the water service shall be submitted to and approved by the Ohio EPA prior to starting construction of the water service.
  15. Stormwater detention and post-construction stormwater best management practices (BMP's) are required but are not indicated on the plan. Future site plan revisions that include stormwater practices within the landscape will be referred to Plan Commission for additional review prior to stormwater approval.
  16. No construction work, including any earth disturbing work will be permitted without approved site plans that comply with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-reviewprocess/>. Submit the following for review & approval:
    - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
    - Detailed site grading plan
    - Plans and calculations for storm sewer service, stormwater detention and post-construction BMP's.
    - A Storm Water Pollution Prevention Plan (SWP3) including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
    - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.
  17. All storm drainage must be internal and not run off onto adjacent properties.
  18. Nonresidential properties which have 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 storm water utility fee through the Stormwater Credit Program. Information on this program can be found at <http://toledo.oh.gov/services/publicutilities/engineering-services/stormwater-utility-credit-program/>
  19. If proprietary stormwater detention and post-construction stormwater BMP's will be used, requirements include:
    - The Contractor / Project Owner shall have a representative of the proprietary manufacturer on-site to advise contractor on installation procedure.
    - The Contractor / Project Owner will provide the City of Toledo with as-built plan sheets certifying the correct installation and function of the system.

- The site designer's maintenance plan shall be reviewed and approved by the proprietary system manufacturer prior to submitting to the city for review and approval.
20. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
  21. 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.

#### Sewer & Drainage Services

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

#### Division of Environmental Services

24. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
25. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
26. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
27. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the modification, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
28. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.  
[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)
29. Applicant shall maintain compliance with the City of Toledo and State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to Asbestos and the Anti-Noise Laws.

#### Fire Prevention

30. Fire hydrants are required within 400' of the buildings. On site hydrants may be needed.
31. Dead end fire apparatus access roads in excess of 150 feet shall be provide with an approved area

for turning around fire apparatus.

32. Approved Premises identification is required.

#### Division of Transportation

33. One van accessible parking space with 8' aisle and two car accessible parking spaces with 5' aisle required per TMC 1107.

34. Bicycle parking spaces required per TMC 1107.

#### Plan Commission

35. A Zone Change from RS6 Single Dwelling Residential & CR Regional Commercial to RM24 Multi-Dwelling Residential shall be obtained for the entire site in order to allow for the proposed density.

36. 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. Not acceptable as depicted on site plan. The consolidated open space area does not indicate any amenities are provided (i.e. walking path, picnic table, grill, playground, etc.). A shared amenity shall be provided in the consolidated open space area and depicted on revised site plan.

37. Pursuant to TMC§1103.1010(C), all PUD's shall be platted according the Subdivision Rules & Regulations for the City of Toledo.

38. 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.

39. Pursuant to TMC§1103.1007(H), all telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.

40. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; not acceptable as depicted on site plan. A minimum of one (1) van accessible space and two (2) car accessible spaces shall be provided on site and depicted on a revised site plan.

41. 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; not acceptable as depicted on site plan. A minimum of six (6) bicycle spaces shall be provided on site and depicted on a revised site plan.

42. 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

(TMC§1107.1906).

43. 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)).
44. Sidewalks must be provided along the street or place property line, pursuant to TMC§1107.1300. Connecting Walkways must also be provided for internal pedestrian circulation within the site to connect to street or place sidewalks and to connect parking spaces with the main building entrance. 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 scored and painted asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards.
45. 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; not acceptable as depicted on the site plan submitted. Dumpster screening/enclosure shall be depicted on a revised site plan.
46. 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. For facades visible from the public right-of-way, predominate materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. EIFS may not constitute more than 15% of the exterior for facades visible from the public right-of-way. Acceptable as depicted on elevations submitted.
47. 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.
48. No free-standing signs greater than forty-two inches (42”) from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
49. 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 the Whiteford Center Road frontage and shall include one (1) tree per every 30 feet of frontage. Trees are not required to be evenly spaced and may be clustered. Not acceptable as depicted on site plan submitted. A minimum of nine (9) trees shall be installed along Whiteford Center Road and depicted on a revised plan.
  - b. A Type A landscape buffer shall be required along the rear, western, property line where the site abuts a residential zoning district. Said landscaping buffer shall include a minimum

buffer width of ten-feet (10') and include four (4) canopy trees and fifteen (15) shrubs for every 100 linear feet of property line and a solid six-foot (6') to eight-foot (8') tall privacy fence, or a twenty-five feet (25') buffer width without fencing required. Not acceptable as depicted on site plan submitted. A total of nine (9) canopy trees and thirty-three (33) shrubs shall be installed along the rear property line in the Type A landscape buffer area and depicted on a revised plan.

- c. A Type B landscape buffer shall be required along the north and south property lines where the site abuts a residential zoning district. Said landscaping buffer shall be a minimum width of ten-feet (10') and include four (4) canopy trees and fifteen (15) shrubs for every 100 linear feet of property line. Not acceptable as depicted on site plan submitted. Twenty (20) canopy trees and seventy-four (74) shrubs shall be installed along the northern property line. Twenty-six (26) canopy trees and ninety-eight (98) shrubs shall be installed along the southern property line. Both of these Type B landscape buffers shall be depicted on a revised plan.
- d. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10') in width; not acceptable as depicted on site plan. Shall be depicted on a revised plan.
- e. Two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot; not acceptable as depicted on site plan submitted. A total of thirteen (13) canopy trees and thirty-nine (39) shrubs shall be installed in interior landscape areas and depicted on a revised plan.
- f. Total interior landscaping shall be 20 square feet per parking space. 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 site plan.
- g. Stormwater facilities and bioretention areas are subject to all applicable requirements as listed in TMC§1108.0203(I) & TMC§1108.0206.
- h. Foundation plantings are required for the full street-facing building elevation; and landscape areas at major building entrances; not acceptable as depicted on site plan submitted. Shall be depicted on a revised plan.
- i. All parking spaces must be within 100 linear feet of a landscaped area; acceptable as depicted on landscaping plan.
- j. Topsoil must be back filled to provide positive drainage of the landscape area;
- k. 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.
- l. 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 one (1) species proposed is not acceptable as noted/depicted on the landscaping plan. Capital Pear (*Pyrus Calleryana*) is considered invasive as listed by the Ohio Invasive Plants Council, effective January 2018. An alternative plant species shall be provided in substitution of the twenty (20) Capital Pear trees and noted/depicted on a revised landscaping plan.

- m. If site is 1/2 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.
- n. The location, height and materials for any fencing to be installed and maintained; and
- o. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

50. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.

51. 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.

52. 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 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