



## Legislation Text

---

**File #:** O-032-23, **Version:** 1

---

### Zoning & Planning Committee

**Granting an amendment to the Planned Unit Development originally approved by Ord. 3-81, 198-87 and 150-12 for a multifamily development for a site located at 1301 and 1302 Linden Lane, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; a waiver and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (PUD-4014-22) filed with the City of Toledo Central Permit Center, a request for an amendment to the Planned Unit Development for a site located at 1301 and 1302 Linden Lane, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 3, 2022, the Toledo City Plan Commission recommended approval for the request for an amendment to the Planned Unit Development for a site located at 1301 and 1302 Linden Lane, in the City of Toledo, Lucas County, Ohio.

On December 7, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and deferred for 30 days an amendment to the Planned Unit Development for a site located at 1301 and 1302 Linden Lane, in the City of Toledo, Lucas County, Ohio.

On January 4, 2023, Toledo City Council, Planning and Zoning Committee reviewed, and left in committee due to the lack of a quorum, an amendment to the Planned Unit Development for a site located at 1301 and 1302 Linden Lane, 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 the Planned Unit Development for a site located at 1301 and 1302 Linden Lane, in the City of Toledo, Lucas County, Ohio 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 I:

Lot number seven (7) excepting therefrom the Easterly sixty (60) feet as measured normal to the Easterly line of Lot number seven (7) in Inverwest, a Subdivision in the City of Toledo, Lucas County, Ohio. in accordance with Volume 97 of Plats, page 20.

Parcel No. 09-84071  
1302 Linden Lane, Toledo, OH 43615

#### PARCEL II:

Lot number eight (8) in Inverwest, a Subdivision in the City of Toledo, Lucas County, Ohio, in accordance with Volume 97 of Plats, page 20.

Parcel No. 09-84081  
1301 Linden Lane, Toledo, OH 43615

SECTION 2. That the approval of an amendment to the Planned Unit Development for a site located at 1301 and 1302 Linden Lane, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 46 conditions as follows:

The following forty-six (46) 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. 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. 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.
4. Improvements per City of Toledo Infrastructure Design and Construction requirements
5. Required permits for all approved work in the public right-of-way shall be obtained, before work begins
6. There is an 8-inch diameter public water main on the west side of Linden Lane. Where the proposed sanitary sewer crosses the water main, maintain a minimum of 18 inches of vertical clearance between the proposed sanitary sewer and the water main.
7. The proposed drive apron on the western side of Linden Lane is in conflict with an existing public fire hydrant. The hydrant will be relocated by the City of Toledo Division of Water Distribution at the developer's expense.
8. Preliminary stormwater design communication is highly encouraged ahead of the full stormwater submittal, in order to minimize revisions once the full stormwater submittal is made, which 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. Following the stormwater review, additional items are needed for final approval:
- a. As listed on the regional SWP3 submittal cover sheet. The signed agreement will be through a covenant which will need to be recorded.
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
  - c. Construction inspection and completion of obligations in the stormwater permit.
10. 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.'
11. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
12. A single sanitary sewer tap per existing parcel from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
13. Recommend installing manholes at bends, instead of cleanouts, to facilitate cleaning of the sewer lines.

#### Sewer & Drainage Services

14. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
15. 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

16. 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.
  
17. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
  
18. 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.
  
19. 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)
  
20. 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

21. Bicycle parking is required per TMC 1107.0900
  
22. Wheel stops are required at property lines, sidewalks, planting strips, and buildings per TMC 1107.1907

#### Division of Water Distribution

23. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
  
24. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
  
25. 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.
  
26. 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. Contact the Division of Water Distribution to verify the backflow prevention requirements for the site.

27. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
28. Plans must be submitted and approved by Fire Prevention.

#### Plan Commission

29. Seven Tenths (0.7) of an acre on each parcel shall be preserved for consolidated parkland. Per TMC§1103.1007 Residential Standards parkland shall not be any required yard or perimeter open space, shall be allocated to usable, accessible, and consolidated common open space. Acceptable as submitted.
30. All parking spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Acceptable as submitted.
31. Per TMC§1107.0900 thirty (30) bicycle parking spaces are required. Applicant is encouraged to consider proximity to individual entrances and protection from weather when placing bike-racks due to the residential nature of the development. None depicted - not acceptable as submitted.
32. 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 (TMC§1106.0302(B)) Not acceptable as depicted. A waiver shall be granted to site plan shall be adjusted.
33. Per TMC§1107 one and one half (1.5) parking spaces are required per unit, plus an additional one (1) unit per ten (10) units. Acceptable as depicted.
34. 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.
35. No above ground storm water detention systems shall be used within the parkland area without amendment to the Planned Unit Development.
36. 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)).

37. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by masonry screen enclosure matching building elevations with landscaping and shall not be located in any required setback. A revised site plan shall indicate material of dumpster enclosure, the location is acceptable as depicted.
38. A minimum of one litter receptacle per building-entrance from the parking lot shall be provided for the parking area. A revised site plan shall indicate location of litter receptacle.
39. The building design shall meet the requirements of TMC§1109.0500 Building Façade Materials and Color. Elevations depicting the percentage of materials used per elevation per building shall be submitted. An architectural element to differentiate massing and better match residential character of the area shall be added. Revised building elevations shall be submitted for Plan Director Approval.
40. 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.
41. No above ground improvements shall encroach upon the twenty-five (25’) foot setback along the southern property line, nor the thirty (30’) foot setback along the northern property line.
42. 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 each frontage, and shall include one (1) tree per every thirty feet (30’) of frontage. The portions of the site with a parking lot facing right-of-way shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Eleven (11) trees per frontage are required.
  - b. A Type B Landscape buffer containing four (4) canopy trees, and fifteen (15) shrubs per one-hundred (100) linear feet southern property lines as well as the east most and west most property lines when abutting RD6 & RS6.
  - c. A Type A Landscape buffer containing four (4) canopy trees, fifteen (15) shrubs, and a solid fence or wall per one-hundred (100) linear feet along the north property lines.
  - d. Foundation plantings along all portions of the building visible from the right of way or access drive.

- e. A six-foot (6') privacy fence shall be provided along Haven Road. Acceptable as depicted on site plan.
- f. A decorative fence shall be required between the reserved open space and the street in order to better delineate the useable outdoor area.
- g. Landscaping at all major building entrances.
- h. All parking areas visible from the right-of-way or adjacent properties shall be screened from view using an evergreen hedge line so that no headlights of any vehicles can be seen; acceptable as depicted.
- i. The total interior landscaping required in parking lots is twenty (20) square feet per parking and stacking space.
- j. Landscape areas within the parking area must be peninsular or island types and must be constructed with six-inch (6") by eighteen-inch (18") concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director.
- k. All parking spaces must be within 100 linear feet of a landscaped area; acceptable as depicted.
- l. Topsoil must be back filled to provide positive drainage of the landscape area.
- m. 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.
- n. 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;
- o. The location, height and materials for any fencing to be installed and maintained; Pursuant to TMC§1105.0302(A)(1), fences may not exceed 3½ feet in height in the required front setback.
- p. Six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. One canopy tree may substitute for three shrubs.
- q. 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.

- r. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
- s. The location, lighting and size of any signs.
- t. One (1) tree is required per five-hundred (500) square feet of building coverage. Fifteen (15) additional trees required.

43. The applicable conditions of the Planned Unit Development, and subsequent amendments, shall remain.

44. 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.

45. Per TMC§1111.0814, if a building permit is not issued within two (2) years of this approval then the Planned Unit Development approval shall become null and void.

46. 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 1106.0302 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1301 and 1302 Linden Lane, in the City of Toledo, Lucas County, Ohio.

Chapter 1106 Intensity and Dimensional Standards

1106.0302 - Multiple Buildings on Lot

In any Residential district no more than 40% of the gross parcel acreage shall be devoted to coverage by buildings, street pavement, motor vehicle driveway pavement and parking area pavement.

Approve a waiver to allow coverage of a residential lot with multiple buildings greater than 40%.

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: January 24, 2023 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

January 24, 2023  
Wade Kapszukiewicz  
Mayor