



Legislation Text

File #: O-143-24, **Version:** 1

Zoning & Planning Committee
Cultural Exhibit
1600 Mott

Granting a Special Use Permit for Cultural Exhibit for a site located at 1600 Mott Avenue in the City of Toledo, Lucas County, Ohio; subject to certain conditions and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-12003-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Cultural Exhibit for a site located at 1600 Mott Avenue, in the City of Toledo, Lucas County, Ohio ; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 8, 2023, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit for a Cultural Exhibit for a site located at 1600 Mott Avenue, in the City of Toledo, Lucas County, Ohio.

On March 12, 2024 Toledo City Council, Planning and Zoning Committee reviewed, and left in Committee due to lack of a quorum a Special Use Permit for Cultural Exhibit for a site located at 1600 Mott Avenue, 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 granting a Special Use Permit for Cultural Exhibit for a site located at 1600 Mott Avenue, 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:

Part of Lot 9 in Wilson Addition in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at 3/8 inch iron pin in concrete monument at the intersection of the Southeast right-of-way of Mott Street, so called, and the Southwest right-of-way of Justice Street, so called, said point also being the Northerly corner of Lot 90 in the Plat of Hoover Gardens as recorded in Volume 33 of Plats, Page 42.

Thence North 53 degrees, 22 minutes, 18 seconds East, a distance of 60.00 feet to a 2.5 inch steel fence post found at the Westerly corner of Lot 9 of Wilson Addition as recorded in Volume 17 of plats, Page 21, said point being the intersection of the Southeasterly right-of-way of vacated Mott Street and the Northeasterly right-of-way of vacated Justice Street, said point also being the True Point of Beginning.

Thence continuing North 53 degrees, 22 minutes, 18 seconds East, along the Southeasterly right-of-way of vacated Mott Street, a distance of 254.00 feet to a 1/2 inch galvanized steel pipe set on the Southwesterly right-of-way of vacated Webb Street, so called.

Thence South 36 degrees, 37 minutes, 19 seconds East, along the Southeasterly right-of-way of vacated Webb Street, a distance of 193.00 feet.

Thence South 53 degrees, 22 minutes, 18 seconds West, a distance of 254.00 feet to a point on the Northeasterly right-of-way of vacated Justice Street.

Thence North 36 degrees, 37 minutes, 19 seconds West, along the Northeasterly right-of-way of vacated Justice Street, a distance of 193.00 feet to the True Point of Beginning.

SECTION 2. That the approval of the granting of a Special Use Permit for a Cultural Exhibit for a site located at 1600 Mott Avenue, in the City of Toledo, Lucas County, Ohio, be subject to compliance with the 44 conditions as follows:

The following forty-four (44) conditions listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. 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.
2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
5. The stormwater control measure could require an adjustment to its size and features within its footprint such as its grading, plantings, and the addition of some areas of rock. This could require further coordination with Plan Commission to receive their acceptance of minor site changes. The basin shall conform with stormwater management calculations and conform with Ohio CGP table 4a.
6. A review and approval of a full stormwater submittal is required, which requires multiple items:
 - a. Items are listed on the regional SWP3 submittal coversheet at <https://tmacog.org> A version for

use in Toledo has been provided to the SWP3 designer for this proposal.

- 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>
7. Following the stormwater review, additional items are needed for approval:
 - a. As listed on the regional SWP3 submittal cover sheet (stage 2). The signed agreement (2.c.) will be through a covenant which will need to be recorded.
 - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit. A fee calculation and submittal form has been provided to the SWP3 designer.
 - c. Construction inspection and completion of obligations in the stormwater permit.
 8. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
 9. 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.
 10. 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.

Environmental Services

11. 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.
12. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
13. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
14. 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

15. 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.

Water Distribution

16. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
17. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
18. Plans must be submitted to Fire Prevention (rex.butler@toledo.oh.gov <<mailto:rex.butler@toledo.oh.gov>>, 419.936.2008) for review and approval.
19. 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.
20. 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 BSInlinetracking.com @ (800) 414-4990. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for the site.
21. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
22. Detailed plans should include:
 - a. Water feature sizes and distances; maintain 18" vertical clearance between proposed water main and proposed storm sewers.
 - b. Include a callout for an 8x8 tapping sleeve and valve by the City of Toledo at the developer's expense. Excavation, shoring, valve box, backfill and restoration by the contractor.
 - c. Include a callout for a tap or tee for the domestic service; include size.

Fire Prevention

23. The proposed new building will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
24. Building remodeling plans to be submitted to the FD for review in addition to the Building Inspection

Department plan submittal. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1)

25. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2)
26. Private fire service mains and appurtenances will be required and location approved by the Fire Prevention Bureau. (OFC507.5.1 / TMC1511.03 Ohio Fire Code Amendments)
27. A Fire Hydrant may be required to be placed on site. (OBC 912.2)
28. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Transportation

29. Bicycle parking is required per TMC 1107 .0900.
30. Accessible parking signage must be posted directly in front of the parking space at a height of no less than 60" and no more than 72" above pavement level per TMC 1107.1704.
31. Wheel stops are required at parking spots abutting sidewalks, property lines, planting strips and buildings per TMC 1107.1907.
32. If one does not already exist, a cross access agreement is required with the adjacent property owner to the South.

Plan Commission

33. Per TMC§1107.0600 - Off Street Parking Schedule "A," the minimum number of parking spaces required for a cultural exhibit is 1 per 1,000 square feet of floor area. Applicant is required to provide twelve (12) spaces for 11,235 square feet. **Site plan shows twenty-six (26) spaces and is acceptable as depicted.**
34. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. One (1) van accessible space with an eight-foot (8') drive aisle and one (1) car accessible spaces with five-foot (5') drive are required. **Applicant is proposing eight (8) van accessible spaces. Acceptable as depicted.**
35. Per TMC§1107.0400, Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. **Not acceptable as depicted on site plan. A bike rack with a minimum of three (3) slots shall be provided on revised plan.**
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 regulation's approval of the Department of Public Utilities.
37. 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)).

38. 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. Dumpster location(s) shall be clearly defined, have a concrete pad and be screened on all four sides by any combination of evergreen plantings, fence, or wall structure 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. The plantings depicted on the site plan will be accompanied by a fence or wall structure surrounding all four (4) sides of the dumpster, as required by TMC§1108.0203(G);**
 - b. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public rights-of-way. A minimum of at least one canopy tree must be provided for each thirty (30) linear feet, plus a continuous shrub with a minimum height of eighteen inches (18"); **Acceptable as depicted;**
 - c. Interior landscaping required in parking lots is 20 square feet per parking space. Two (2) canopy trees are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. Six (6) shrubs are required to be installed in interior landscape areas of each ten (10) parking spaces within the parking lot; **Acceptable as depicted;**
 - d. Topsoil must be back filled to provide positive drainage of the landscape areas;
 - e. 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;
 - f. 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;
 - g. If the 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; **Not acceptable as depicted; applicant shall provide landscape plans to the satisfaction of the Planning Director.**
 - h. The location, height, and materials for any fencing to be installed and maintained;
 - i. The location and direction of any proposed lighting (**any lighting is to be directed away from adjacent residential properties**);
 - j. The location, lighting, and size of any signs.

39. No new 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.

40. Building elevations shall be of quality materials as stated in TMC§1109.0500. **Not acceptable as depicted, as accent materials proposed surpass 20% of each elevation. Revised elevations must depict material types and percentages that are in conformance with TMC§1109.0500.**
41. The Special Use Permit may be reviewed for negative secondary effects and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
42. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
43. 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.
44. 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 11, nays 0.

Passed: March 27, 2024, as an emergency measure: yeas 11, nays 0.

Attest: Julie Gibbons Clerk of Council Carrie Hartman President of Council

Approved: March 27, 2024
Wade Kapszukiewicz
Mayor