



## Legislation Details (With Text)

**File #:** O-270-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 5/19/2022      **In control:** City Council  
**On agenda:** 5/24/2022      **Final action:** 5/24/2022  
**Title:** Granting a Special Use Permit for Parking Lot Modifications and a Building Addition for a site located at 333 14th Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
5/24/2022	1	City Council	Suspension	Pass
5/24/2022	1	City Council	Emergency	Pass
5/24/2022	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit for Parking Lot Modifications and a Building Addition for a site located at 333 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-3002-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for Parking Lot Modifications and a Building Addition for a site located at 333 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 14, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for Parking Lot Modifications and a Building Addition for a site located at 333 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

On May 18, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for Parking Lot Modifications and a Building Addition for a site located at 333 14<sup>th</sup> 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 a Special Use Permit for Parking Lot Modifications and a building addition for a site located at 333 14<sup>th</sup> Street, 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:

<u>Parcel No.</u>	<u>333 14<sup>th</sup> Street Condominium, Condo Unit Numbers</u>
1565946	203
1565947	204
1565950	201A
1565940	101
1565943	104
1565939	001
1565945	202
1565951	201B-H
1565949	401
1565948	301
1565941	102
1565942	103
01344012S	Condo Complex
1550404	VISTULA LOT 1560 & SW 60 FT LOT 15 61

SECTION 2. That the approval of a Special Use Permit for Parking Lot Modifications and a Building Addition for a site located at 333 14<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 28 conditions as follows:

The following twenty-eight (28) 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. The stormwater plan is not known to be substantially complete, as no supporting information has been received, yet finalization is unlikely to affect the site plan. In the event of site plan changes made during stormwater finalization, they shall be done with coordination with the Plan Commission, upon which stormwater approval is dependent.
2. A full stormwater review requires submittal of multiple items.
  - As outlined on the regional SWP3 submittal cover sheet  
<https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
  - 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>
3. Following the stormwater review, additional items are needed:
  - As outlined on the regional SWP3 submittal cover sheet
  - Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.

4. At the time of approval of stormwater plans, the developer will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Application would be necessary in order to receive the fee reduction. Information on the application process can be found at <https://toledo.oh.gov/business/environment/storm-water-program>
5. 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:
  - 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.
  - 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.'

#### Division of Sewer and Drainage Services

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

8. 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 storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
  - Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.

- Construction BMPs shall be in place prior to the start of construction activities.
  - SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
  - Current stormwater control measures on site, including the bioswale and green roof, need to be inspected for proper functioning, and repairs/maintenance to be undertaken, if necessary.
9. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
10. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
11. 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)
12. 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

13. 4 auto and 1 van accessible parking spots are required with 8' loading aisle for van and 5' loading aisle for auto per TMC 1107.1701 and 1107.1702.
14. Existing shipping containers and dumpsters are taking up parking locations and said parking locations cannot be included in available parking count. Said parking spots need to be delineated for the dumpsters and shipping containers if they are to remain.
15. Transportation recommends a crosswalk on 15th street to adjacent parking area that is designated for "Toledo School for the Arts" for safe movement of pedestrian traffic. (Owners input is required.)
16. Bus Stop must be accommodated on Adams Street between 15th and 14th streets.

#### Plan Commission

17. Elevations are required to meet the design criteria set forth in TMC§1109 and shall be submitted and approved by the Plan Director prior to the issuance of any permits. Full-color elevations shall be required for all elevations.
- The modified storefront system creates new pedestrian-scale entrances and increases glazing on

Adams Street. Design acceptable as submitted.

- The portion of the façade facing Adams Street, primarily housing the gallery, signage, and screen - as well as the stair tower visible from Adams, are composed of Metal, Longboard, Glazing, and Founders brick are acceptable as submitted.
- The parking lot elevation composed of Founders Brick, Longboard Siding, and Longboard Fascia Panel. The context and change of grade between this elevation and Madison have been noted. Acceptable as submitted.
- The portion of the building housing the theater, visible from the Adams Street and 15<sup>th</sup> Street elevations shall include variation in massing, base and top treatment, and other pedestrian scale elements per TMC§1109.0205. Acceptable as submitted.

18. Per TMC§1107.0400, Off-street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Acceptable as depicted.

19. An alternate parking plan shall be submitted and approved by the director. Not submitted.

20. UDARC review and approval shall be required for revisions to elevation from UDARC-6-21.

21. 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. Dumpsters may not be located in the public right-of-way. No new dumpsters proposed, Existing dumpsters shall be screened.

22. 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 system subject to the regulations and approval of the Department of Public Utilities.

23. 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:

- Understory street trees to match the existing pattern along 14<sup>th</sup> St and Madison, approximately one per thirty (30) feet, shall be installed in coordination with the division of forestry. Not

acceptable as depicted.

- Foundation plantings are required along the addition in the portion of the site between the building and the sidewalk. Not acceptable as depicted.
- All existing trees on site with a caliper of four (4”) inches or more shall be shown and incorporated into the landscape plan to the maximum practical extent. Credit may be given for existing trees towards landscaping requirements based upon the crediting system outlined in TMC§1108.0407 All landscape material must be properly maintained.
- No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.
- 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.
- The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
- 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; and
- The location, lighting, and size of any signs.

24. 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.

25. The Special Use Permit may be reviewed for compliance with the conditions of approval, 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.

26. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

27. 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.

28. 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

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council