



Legislation Details (With Text)

File #: O-154-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 3/15/2023 **In control:** City Council
On agenda: 3/21/2023 **Final action:** 3/21/2023

Title: Granting a Planned Unit Development for a Multi Family Development for a site located at 1338 N. Summit Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and 4 waivers; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
3/21/2023	1	City Council	Suspension	Pass
3/21/2023	1	City Council	Emergency	Pass
3/21/2023	1	City Council	Passage	Pass

Zoning& Planning Committee

Granting a Planned Unit Development for a Multi Family Development for a site located at 1338 N. Summit Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and 4 waivers; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (PUD-8009-22) filed with the City of Toledo Central Permit Center, a request for a Planned Unit Development for a Multi Family Development for a site located at 1338 N. Summit Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 9, 2023, the Toledo City Plan Commission recommended approval for the request for a Planned Unit Development for a Multi Family Development for a site located at 1338 N. Summit Street, in the City of Toledo, Lucas County, Ohio.

On March 15, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Planned Unit Development for a Multi Family Development for a site located at 1338 N. Summit 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 Planned Unit Development for a Multi Family Development for a site located at 1338 N. Summit Street, 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:

VISTULA LOTS 232 & 244-251 & 260-2 69 & VAC MULBERRY & SPRUCE STES...IRREG PCE MEAS
NELY 502.08 FT FRT AS MEAS ALON G SUMMIT ST & NWLY 171.30

SECTION 2. That the approval of a Planned Unit Development for a Multi Family Development for a site located at 1338 N. Summit Street, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 59 conditions as follows:

The following fifty-nine (59) 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 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. Improvements per City of Toledo Infrastructure Design and Construction requirements.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins.
5. Water service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Detailed plans for the water service lines shall be submitted to the Division of Water Distribution for review and approval.
7. A minimum of 10 feet horizontal clearance and 18 inches vertical clearance (outside of pipe to outside of pipe), shall be maintained between proposed sewers and existing water mains.
8. One of the proposed stormwater solutions is acceptable for site planning and one is not acceptable at this time and would require additional planning and approval. The acceptable one is that of underground storage with drainage to the structure in Magnolia Street, but with an alternate routing of the proposed drainage pipe to achieve the clearances stated in the prior condition. The alternative solution proposed of landscape-based practices on the adjacent property would require additional planning and proposal to the Plan Commission.
9. 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.
10. 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.
11. 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.'
12. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
13. 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.

Water Distribution

14. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
15. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
16. 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.
17. 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://bsionlinetracking.com) @ (800) 414-4990. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for the site.

18. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
19. Detailed water plans shall also be submitted to Fire Prevention for review and approval.

Fire Prevention

20. The proposed new buildings will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
21. Private fire service mains and hydrants will be required.
22. Approved Premises identification is required.

Division of Environmental Services

23. 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.
24. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
25. 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.
26. 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
27. 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.

Sewer & Drainage Services

28. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
29. 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)
30. two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Division of Transportation

31. Bicycle parking is required and must be clearly shown on drawings per TMC 1107.0900
32. Wheel stops are required at all parking spots abutting property lines, sidewalks, planting strips and

buildings per TMC 1107.1907.

33. Existing curb cuts and drive approaches not being used on North Summit must be clearly shown as removed and replaced to match adjacent curb and lawn areas.

Plan Commission

34. The 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 for any of the consolidated common open space. No build permits shall be approved until platting is complete.
35. Per TMC§1107.0304 one and a half (1.5) parking spaces per dwelling unit plus one (1) space per ten (10) units for visitor parking is required. A minimum of sixty-seven (67) and maximum of one-hundred (100) parking spaces are permitted. Quantity acceptable as depicted.
36. Two (2) car accessible and one (1) van accessible space are required. Acceptable as depicted.
37. Parking spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Acceptable as depicted.
38. The maximum building setback is ten-feet (10') along Summit Street. Acceptable as depicted.
39. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). One bicycle parking slot shall be provided per every ten (10) parking spaces for a total of seven (7) spots. Given the urban context of the site and proximity to bicycle trails, the applicant is encouraged to include additional bicycle parking required beyond the minimum. None depicted. Seven (7) spaces shall be shown on a revised plan.
40. Pursuant to TMC§1103.1007(E)(2), when a residential area of a PUD abuts a Commercial or Industrial district, an open space perimeter area void of buildings, structures, parking areas, or other above ground improvements except fencing shall be provided that has a minimum depth of fifty-feet (50') or thirty-feet (30') with fencing or screening. The applicant shall obtain a waiver of the required perimeter open space area.
41. Off-street parking and loading spaces, parking lots, maneuvering 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 toward 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).
42. 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)).
43. 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 setback.

Acceptable as depicted.

44. 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, applicant shall obtain a waiver.
45. A minimum of one litter receptacle per building-entrance from the parking lot shall be provided for the parking area.
46. Pursuant to TMC§1103.1007(H), all telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.
47. Careful consideration shall be given to protecting the vistas from Summit Street and the Vistula Historic District neighborhood to the Maumee River. Acceptable as depicted.
48. Building frontages that face Summit Street and exceed a width of 50 feet must include vertical visual elements to break the plan of the building frontage per TMC§1103.1206(E(3)). Acceptable as depicted.
49. All roof-mounted mechanical equipment must be screened from public view pursuant to TMC§1103.1206(E(4)).
50. Grade level mechanical equipment shall be screened from adjoining residential parcels and from the right of way(s) per TMC§1103.1209(A(3)).
51. Each principle building on the site shall have clearly defined, highly visible customer entrance from summit street following the design guidelines outlined in TMC§1103.1209(A(6)).
52. The elevations of buildings one through six (three-story buildings) are subject to TMC§1109.0500 Building Façade Materials and Color.
 - a. North Elevations depict 37% Brick, 20% Composite Plank, 16% architectural metal, 27% Fenestration. Acceptable as depicted
 - b. East and West elevations depict 62% Brick, 8% Composite Plank, 13% Architectural Metal, 17% Fenestration. Acceptable as depicted.
 - c. South elevations depict 26% Brick, 22% Composite Plank, 22% Architectural Metal, 30% Fenestration. Composite plank shall be reduced below 20% or a waiver shall be obtained.
53. The elevations of buildings seven and eight (Bungalows) are subject to TMC§1109.0500 Building Façade Materials and Color. Per TMC§1109.0502(F)) Wood may be permitted as a Predominant Material, subject to approval of the Director. Samples of stained and weatherized wood shall be submitted to the Director for approval.
54. Units in buildings seven and eight (Bungalows) which do not have access to a 25' drive aisle shall not be permitted to include a garage door. Shall be depicted on revised elevations.
55. A detailed site, lighting, fencing, and four (4) copies of a landscape plan shall be submitted to the Plan Director for review and approval. Such plan shall include
 - a. Any part of the lot area not used for buildings, other structures, or for roads, walks, parking, service areas or accessways must be landscaped with a combination of groundcover, trees, and shrubs. Grass may be used in conjunction other plan material. Plantings depicted on site plan are acceptable as depicted.
 - b. Landscape improvements must be provided in the sidewalk or other paved area in front the building. One understory street tree for every 30 feet of frontage shall be provided along

Magnolia. Such plantings may be in the right-of-way pursuant to TMC§1108.0303. None depicted.

c. Perimeter landscaping must be installed along any parking lot area adjacent to the street. Said landscaping shall include a five-foot wide planted area with at least one shrub for every 3 to 5 feet, a 3.5 ft high metal tube fence or solid bar fence, with at least one shrub for every 3 feet of property line planted outside of the fence, or a solid 3.5 foot high brick or stone wall. Such screening methods shall be used along Magnolia and Summit. None depicted.

d. A decorative fence adjacent to industrial properties shall be required. Acceptable as depicted.

e. Existing street trees along Summit Street shall be protected and maintained during construction and indefinitely upon completion of the project. In the event any existing tree along Summit Street is removed or damaged, it shall be replaced. A tree protection plan pursuant to TMC§1108.0408 shall be submitted.

f. Topsoil must be back filled to provide positive drainage of the landscape area.

g. 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.

h. 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.

i. The site is larger than ½ acre: 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.

j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties). Lighting shall be a Shoe Box fixture with a maximum height of 25' or a lighting fixture similar to the ornamental design used along Summit Street subject to approval by the Director. Lighting intended for walkways shall be pedestrian scale (pole top mount) and similar in visual design to those used along Summit Street. Fixture details shall be submitted for approval by the Plan Director. Applicant is encouraged to coordinate with staff.

k. Average light intensity shall be a minimum of .5 foot-candles measured five feet (5') above grade for parking lots and 1 to 3 foot-candles measured five feet (5') above grade for pedestrian sidewalks.

l. The location, lighting, and size of any signs.

56. Any new ground signage is limited to monument-style signage and shall be designed with building materials and architectural features to harmonize with the primary building. Conceptual new signage to identify the building is acceptable as depicted, however details shall need approval from the Plan Director. Sign package shall be submitted for Plan Director approval prior to permitting.

57. 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.

58. 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.

59. 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 1338 N. Summit Street, 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% due to the dense, urban nature of the Summit Street Corridor.

SECTION 4. Waiving Section 1103.1007(D) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1338 N. Summit Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1103 - Planned unit Development

1103.1007(D) - Residential Standards

D. No less than 15 percent of the gross site acreage, none of which is part of any required yard or perimeter open space, shall be allocated to usable, accessible, and consolidated common open space.

Approve a waiver to allow consolidated open space less than 15% of gross site acreage. The subject site is in a dense, urban environment with proximity to a bike path, river front, and mixed-use trail. Reduced space is acceptable and shall still require a lettered lot in the final plat.

SECTION 5. Waiving Section 1103.1007(E) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1338 N. Summit Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1103 - Planned unit Development

1103.1007(E) - Residential Standards

E. An open space area void of buildings, structures, parking areas, or other above ground improvements except fencing shall be maintained along all perimeter property lines of the Planned Unit Development as follows:

1. 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;
2. When a residential area of a Planned Unit Development abuts a Commercial or Industrial district, an open space perimeter area shall be provided that has a minimum depth of 50 feet or 30 feet with fencing or screening.

Approve a waiver to allow a reduced open space perimeter where abutting Commercial or Industrial Districts due to the dense, urban nature of the Summit Street Corridor. Additionally, approval of this waiver allows a greater integration of views of the river into the development, and adjacent properties are improved with predominantly below-ground stormwater management amenities.

SECTION 6. Waiving Section 1109.0703(B) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5331 Bennett Road, in the City of Toledo, Lucas County, Ohio.

Chapter 1109 - Design Standards

1109.0500 - Building Façade Materials and Colors

1109.0502- Requirements

Building material standards apply to all facades that are visible from the right-of-way. Building color standards apply to all exterior elevations regardless of right-of-way visibility. Percentages apply to each façade individually:

Predominant: At least 80% of each elevation shall be comprised of these materials and colors: Brick, Stone, Glass, Architectural Metal, Concrete Cladding, and/or Terra Cotta

Accent: Up to 20% of each elevation shall be comprised of these materials and colors: Stucco, Wood, Architectural Concrete Masonry Units, Fiber Cement Boards, EIFS, Ceramic, Vinyl, or Composite Siding, and/or Glass Block.

Approve a waiver to not require eighty percent (80%) predominant materials along the southern façade, and allow for the use of twenty-two percent (22%) composite on the southern elevation. The applicant and architect have worked with staff to create a visually appealing design which satisfactorily meets the intent of the Zoning Code.

SECTION 7. 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 8. 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 10, nays 0.

Passed: March 21, 2023, as an emergency measure: yeas 10, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

March 21, 2023
Wade Kapszukiewicz
Mayor