



## Legislation Text

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**File #: O-349-18, Version: 1**

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### Zoning & Planning Committee

#### **Granting an amendment to a Planned Unit Development for a Community Center for the site located at 2757 Gardengate place, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

An application (PUD-4004-18) for an amendment to a Planned Unit Development for the site located at 2757 Gardengate Place, in the City of Toledo, Lucas County, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 12, 2018, the Toledo City Plan Commission recommended approval of the request for an amendment to a Planned Unit Development for the site located at 2757 Gardengate Place, in the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on August 15, 2018, sent as approved the request for an amendment to a Planned Unit Development for the site located at 2757 Gardengate Place, in the City of Toledo, Lucas County, Ohio.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zone districts of that part of the City of Toledo more fully described as follows:

Being part of a parcel #20-01971 as described and conveyed in Deed OR20031017-0078834, Lucas County Deed Records being the West 256 feet of the North 20 acres of the East ½ of the Northwest ¼ of Section 25, Town 2, United States Reserve, City of Toledo, Lucas County, Ohio.

Commencing at a 1 inch iron bar in a monument box at the North ¼ corner of said Section 25, said a point also being the centerline intersection of Cass Road and Heatherdowns Boulevard;

thence South 90 degrees 00 minutes 00 seconds West 1,053.71 feet along the North line of said Section 25 and the centerline of Heatherdowns Boulevard, said point being the POINT OF BEGINNING;

thence South 00 degrees 59 minutes 37 seconds East 50.00 feet to a set concrete monument;

thence continuing South 00 degrees 59 minutes 37 seconds East 614.97 feet to a set concrete monument;

thence South 90 degrees 00 minutes 00 seconds West 256.04 feet to a set concrete monument;

thence North 00 degrees 59 minutes 37 seconds West 614.97 feet to a set concrete monument;

thence continuing North 00 degrees 59 minutes 37 seconds West 50.00 to the said North line of Section 25 and centerline of Heatherdowns Boulevard;

thence North 90 degrees 00 minutes 00 seconds East 256.04 feet along the said North line of Section 25 and centerline of Heatherdowns Boulevard to the POINT OF BEGINNING.

Containing 3.908 acres (170,234 s.f.), more or less.

Bearings used hereon are based on the Plat of Heather Village, as recorded in Volume 69, Pages 6 and 7, Lucas County Book of Plats. All monuments are 6 inch in diameter and 30 inches in length concrete with a 5/8 inch iron bar in center.

Being part of a parcel #02-72226, #02-72227, #02-72228, #02-72229, #02-72230, #0272231, #02-72232, #02-72233, #02-72234, #02-72235, #02-72236, #02-72237, #02-72238, #02-72239, #02-72240, #02-72241, #02-72242, #02-72243, #02-72244, #02-72245, #02-72246, #02-72247, and #02-72248 as described and conveyed in Deed 20130904-0046592, Lucas County Deed Records being part the West 256 feet of the North 20 acres of the East ½ of the Northwest ¼ of Section 25, town 2, United States Reserve, City of Toledo, Lucas County, Ohio:

Being Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13, Lot 14, Lot 15, Lot 16, Lot 17, Lot 18, Lot 19, Lot 20, Lot A, Lot B and Lot C in Gardengate Villas as recorded in 20050104-0000673.

Bearing used hereon are based on the Plat of Heather Village, as recorded in Volume 69, Pages 6 and 7 Lucas County Book of Plats.

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps when it is determined all conditions have been met.

The following thirty-four (34) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

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. 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, from One Stop Shop, (419)-245-1220. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more (including an overall common plan of development) and/or the installation of storm sewer services be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.)
7. The following documents shall be submitted directly the Division of Engineering Services (Andy Stepnick) for stormwater review & approval:
  - Detailed site grading plan
  - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's).

- A Stormwater 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.
8. Submittals shall be in compliance 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-review-process/>
9. Existing Detention Pond. This proposed development drains to an existing detention pond. Per City of Toledo Records this pond was designed to provide detention only and does not meet current Post-Construction BMP (water quality) requirements.
- The Developers Licensed Professional Engineer shall verify that the existing pond meets the current City of Toledo requirements for detention and water quality. Per our records the pond was designed with the capacity of 14,404 cf and an allowable discharge rate of 0.282 cfs. The calculations were based on an assumed area of 3.614 acres with a runoff coefficient of 0.457.
  - Modifications will need to be made to the existing pond to meet current post-construction BMP (water quality) requirements. Alternately, a Post-construction BMP separate from the detention pond, shall be required. Post construction BMP's for all sites disturbing 2 acres or more shall be selected from and designed in accordance with the latest Ohio EPA General Stormwater NPDES Permit table 4a & 4b.
10. All storm drainage must be internal and not run off onto adjacent properties.
11. No construction work, including any earth disturbing work will be permitted without approved plans.
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.
14. The new sewer will be privately owned and maintained.

#### Sewer & Drainage Services

15. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
16. All 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.

#### Environmental Services

17. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
18. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
19. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
20. 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 to Municipal Stormwater units, including but not limited to long-term operation and maintenance existing structural and non-structural Best Management Practices.

21. 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 Anti-Noise Laws.

#### Plan Commission

22. A Zone Change from RD6 Duplex Residential to RM12 Multi-Dwelling Residential shall be obtained for the entire site in order to allow for the proposed density.
23. No more than forty-percent (40%) of the horizontal width of a street-facing facade on an attached house may be comprised of garage door area. All garage doors must be recessed at least four-feet (4') from the front building plane as stated in TMC§1105.0603(A & B). Applicant shall obtain a waiver for a 20% increase, to allow for 60% of the horizontal width of the façade to be comprised of the garage door area and for the garage doors to project beyond the front building plane.
24. A vehicle turnaround shall be provided at the end of Gardengate Place. Acceptable as depicted on revised site plan submitted on 6/18/2018.
25. Pursuant to TMC§1103.1007(C), no more than forty-percent (40%) of the gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement. A revised site plan shall be submitted depicting the total area devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement. Applicant shall obtain a waiver for a 6% increase, to allow 46% of the gross site acreage to be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement.
26. Per TMC§1103.1007(D), a PUD is required to provide fifteen percent (15%) of gross site acreage for usable, accessible and consolidated common 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. A revised site plan shall be submitted depicting the total area of the consolidated common open space including the walking path (ADA compliant) and the detention/retention areas. Applicant shall obtain a waiver to TMC§1103.1007(D), to allow for a ten-percent (10%) consolidated common open space area located within the perimeter open space.
27. 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 separate lettered lots delineating the consolidated common open space and the detention/retention areas.
28. Per section 703 of the City of Toledo Subdivision Regulations, street trees shall be installed along all streets in a major subdivision and shall meet the spacing criteria of said section.
29. 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.
30. Pursuant to TMC§1103.1007(H), all telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened.
31. 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.
32. 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.
33. 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.

34. 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 this ordinance amends but keeps intact the conditions set forth in the prior ordinances as follows; Ord. 70 -04 original ordinance for GardengatePlace Planned Unit Development.

SECTION 4. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2757 Gardengate Place, in the City of Toledo, Lucas County, Ohio:

Chapter 1103.1000 Planned Unit Development Overlay District

Sect. 1103.1007(C) Residential Standards

No more than forty-percent (40%) of the gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement.

Approve a waiver for a six-percent (6%) increase to the maximum forty-percent (40%) of gross site acreage devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement, and allow for forty-six percent (46%) of gross site acreage to be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement.

Sec. 1103.1007 (D) Residential Standards

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 (per Sec. 1103.1010E) and may be allocated on a plat by plat basis (one-third of the required common open space may be a lake or pond or storm detention or retention area). This open space shall be delineated on the plat as a lettered lot.

Approve a waiver for a five-percent (5%) reduction of the required fifteen-percent (15%) of gross site acreage for ten-percent (10%) of gross site acreage to be usable, accessible and consolidated common open space located in the perimeter open space.

Chapter 1105.0600 Residential Garages

Sec. 1105.0603 (A & B)

For each attached house, duplex, and multi-dwelling:

- A. no more than 40 percent of the horizontal width of a street-facing facade on an attached house may be comprised of garage door area; and
- B. all garage doors must be recessed at least 4 feet from the front building plane.

Approve a waiver for a twenty-percent (20%) increase of the maximum forty-percent (40%) of the horizontal width of a street-facing facade on an attached house may be comprised of garage door area.

Approve a waiver to allow for the garage doors to be projected beyond the front building plane.

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 \_\_\_\_\_, 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