



## Legislation Text

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**File #:** O-527-21, **Version:** 1

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### Zoning & Planning Committee

**Approving the site plan for a new multi-family development located at 2011 Franklin, 18. W. Woodruff and 23, 27 & 29 Irving Street, Toledo, Ohio; subject to certain conditions; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

Terry Lodge, attorney for WOWE (Women of the Old West End) has appealed the approval by the Plan Commission of a site plan (SPR-33-21) for a new multi-family development located at 2011 Franklin, 18. W. Woodruff and 23, 27 & 29 Irving Street, Toledo, and subject to forty-seven (47) conditions.

On August 12, 2021, said matter was considered by the Toledo City Plan Commission and the request for the approval of the site plan for a new multi-family development located at 2011 Franklin, 18. W. Woodruff and 23, 27 & 29 Irving Street, Toledo, Ohio, was approved and all things required by law to be done, have been done. WOWE have appealed and requested disapproval of the site plan by City Council.

On September 29, 2021 said appeal was heard by the Zoning and Planning Committee, the request for the review of the site plan for a new multi-family development located at 2011 Franklin, 18. W. Woodruff and 23, 27 & 29 Irving Street, Toledo, Ohio, was forwarded to the full City Council without a recommendation and all 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 the site plan for the site plan for a new multi-family development located at 2011 Franklin, 18. W. Woodruff and 23, 27 & 29 Irving Street, Toledo, Ohio is hereby approved subject to the 47 conditions set forth herein below, for that part of the City of Toledo more fully described as follows:

#### PARCEL 1:

LOTS 1, 2, 3, 4, 5 AND 6 IN HILL'S ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, TOGETHER WITH THE EAST 1/2 OF THE VACATED ALLEY ADJACENT THERETO.

TD 07-23694

2011 FRANKLIN AVENUE, TOLEDO, OHIO 43620

#### PARCEL 2:

LOT NUMBERS 33 THROUGH 38 IN HILL'S ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY OHIO AS RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52 OF LUCAS COUNTY PLATS TOGETHER WITH VACATED ROADWAYS AND ALLEYWAYS MORE FULLY DESCRIBED AS FOLLOWS:

(A) THE EAST 39.09 FEET OF LOTS 33, 34 AND 35 IN HILL'S ADDITION TO THE CITY OF TOLEDO,

LUCAS COUNTY, OHIO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52, AND 1/2 VACATED ALLEYS ADJACENT THERETO.

(B) THE WEST 39.09 FEET OF THE EASTERLY 78.18 FEET OF LOTS 33, 34 AND 35 IN HILL'S ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52, AND 1/2 VACATED ALLEY ADJACENT THERETO.

(C) LOT 33 THE EAST 39.09 FEET OF THE WEST 78.18 FEET, AND LOT 34 THE EAST 39.09 FEET OF THE WEST 78.18 FEET AND LOT 35 THE EAST 39.09 FEET OF THE WEST 78.18 FEET OF HILL'S ADDITION, AN ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52, AND 1/2 VACATED ALLEY ADJACENT THERETO.

(D) THE WESTERLY 39.09 FEET OF LOTS 33, 34 AND 35 IN HILL'S ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52, AND 1/2 VACATED ALLEY ADJACENT THERETO, AND EAST 1/2 OF VACATED WARREN STREET ADJACENT THERETO.

(E) THE EAST 39 FEET OF LOTS 36, 37 AND 38 IN HILL'S ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, AND 1/2 VACATED ALLEY ADJACENT THERETO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52, AND 1/2 VACATED ALLEYS ADJACENT THERETO.

(F) THE WESTERLY 41.36 FEET OF LOTS 36, 37 AND 38 IN HILL'S ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52, AND 1/2 VACATED ALLEY ADJACENT THERETO, AND EAST 1/2 VACATED WARREN STREET ADJACENT THERETO.

(G) THE WEST 38 FEET OF THE EAST 77 FEET OF LOTS 36, 37 AND 38 IN HILL'S ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52, AND 1/2 VACATED ALLEY ADJACENT THERETO.

(H) THE WESTERLY 38 FEET OF THE EAST 115 FEET OF LOTS 36, 37 AND 38 IN HILL'S ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN VOLUME 2A OF PLATS, PAGE 6, AND VOLUME 3 PAGE 52, AND 1/2 VACATED ALLEY ADJACENT THERETO.

TD 07-23831 (27 IRVING STREET, TOLEDO, OHIO 43620)

TD 07-23834 (29 IRVING STREET, TOLEDO, OHIO 43620)

TD 07-23844 (23 IRVING STREET, TOLEDO, OHIO 43620)

TD 07-23864 (18 WEST WOODRUFF AVENUE, TOLEDO, OHIO 43620)

SECTION 2. That the approval of the site plan for multiple buildings is subject to the following conditions:

Division of Engineering

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 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.
3. 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.
4. 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.
5. Contact (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. The plans show the proposed water service line connecting to an 8-inch diameter water main in Woodruff Avenue. This 8-inch water main is no longer in service. Contact the Division of Engineering Services for information regarding the existing water facilities in Woodruff Avenue and Franklin Avenue.
8. Detailed plans for the water service lines shall be submitted to the Division of Water Distribution for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
9. The current version of "WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LINES AND LARGE SERVICES" shall be included on the plans and can be obtained from the City of Toledo Division of Water Distribution.
10. 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 43602 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
11. 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://www.bslonlinetracking.com) @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.

12. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site. Contractors performing work on new or existing fire systems shall be licensed by the State of Ohio Fire Marshall and certified by the City of Toledo Fire & Rescue Department.
13. New water service taps will be installed by City of Toledo at the developer's expense.
14. No stormwater objection to site plan. Submittals needed to initiate stormwater review are:
  - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements, which is available at <https://cdn.toledo.oh.gov/uploads/documents/Public-Utilities/Engineering-Services/2014->
  - A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.
  - Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's, to the requirements of the Ohio CGP, as a standalone 8.5x11 document.
15. Following the review process, the following will be needed for final stormwater approval:
  - Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
  - Completed form for responsible parties for SWP3 implementation.
  - Covenant for the approved O&M plan, utilizing the City's standard agreement language that references O&M Plan as Exhibit B.
16. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <https://toledo.oh.gov/business/environment/storm-water-program>
17. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
18. 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.
19. 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.

#### Sewer and Drainage Services

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

21. S&DS required 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 two (2) years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

#### Division of Environmental Services

22. 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.
23. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
24. 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.
25. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\\_to\\_Ohio\\_Invasive\\_Plant\\_Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
26. 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.

#### Fire Prevention

27. The proposed new building will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
28. Post Indicator Valve (PIV) and Fire Dept. Connection (FDC) locations to be approved by the site engineer and the Fire Prevention Dept.
29. Approved Premises identification is required.

#### Division of Transportation

30. Wheel stops may be required at the discretion of the Division of Transportation and Planning Director at parking spots abutting property lines, sidewalk, planting strips, and buildings per TMC 1107.1907.

#### Plan Commission

31. All lots included in the development shall be combined into a single parcel.
32. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Acceptable as depicted.
33. Per TMC§1107.0900 three (3) bicycle parking spaces are required. Acceptable as depicted.
34. Per TMC§1107.1202(A)(1), no parking space may be located within the front yard (25') of a residential district, except parking spaces for detached houses, attached houses, and duplexes may be located on the driveway. The site plan depicts the parking area starting further than twenty-five (25') back and is acceptable as depicted.
35. Per TMC§1107.1407, the Planning Director may authorize a reduction in the number of required off-street parking spaces for development that provides an alternative parking plan. Revision needed to alternate parking plan. The director approves of the shown quantity of parking. A revised site plan shall depict a portion of the lot that shall be retained in the event of future parking demand on the site or in the event the apartments are converted into market-rate units.
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.
37. 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. A revised site plan shall indicate material of dumpster enclosure, the location is acceptable as depicted.
38. A minimum of one litter receptacle shall be provided for the parking area of the building near the entrance to the building and accessible via an ADA path. 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. All façades are visible from the right of way and therefore must comply to these standards. Acceptable as depicted.
40. The façade colors shall be low-reflectance, subtle, neutral, or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director. Acceptable as depicted.
41. 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.
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; acceptable as depicted.

- b. 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.
  - c. The total interior landscaping required in parking lots is twenty (20) square feet per parking and stacking space; acceptable as depicted.
  - d. 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;
  - e. All parking spaces must be within 100 linear feet of a landscaped area; acceptable as depicted,
  - 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 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.
  - j. 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. Not acceptable as depicted. European Cranberry Bush shall be replaced with non-invasive alternative.
  - k. If 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;
  - l. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and,
  - m. The location, lighting and size of any signs.
  - n. One (1) tree is required per five-hundred (500) square feet of building coverage. Acceptable as depicted.
43. Per TMC§1108.0407(B), if any preserved tree dies it must be replaced with another tree or trees that are at least equal to the credit value of the preserved tree.
- a. Along Franklin nine (9) tree credits are required; two thirty-six-inch (36") caliper trees and one twenty-four-inch (24") caliper tree provide the equivalent of twenty-two (22) tree credits. Along Irving twelve (12) tree credits are required. Eight (8) existing trees are shown worth a cumulative of

forty-eight (48) tree credits. Along Woodruff twelve (12) tree credits are required. Five (5) new trees, as well as twelve (12) existing tree credits bring the frontage into compliance.

44. Prior to any site demolition, or grading, barriers must be constructed around existing trees and shrubs to be preserved. Barriers around trees to be preserved must include the area under the drip line of the tree. Barriers around shrubs to be preserved must include the area within three-feet (3') of the shrub mass. Failure to maintain barriers may result in revocation of the building permit. All protections shall comply to the standards of TMC§1108.0408 Protection During Construction.
45. 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.
46. Per TMC§1111.0814, if a building permit is not issued within two (2) years of this approval then the site plan approval shall become null and void.
47. 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 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