

*TOLEDO CITY
PLAN COMMISSION
REPORT*

MAY 9, 2013

Toledo-Lucas County Plan Commissions

One Government Center, Suite 1620, Toledo, OH 43604

Phone 419-245-1200, FAX 419-936-3730

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TOLEDO CITY PLAN COMMISSION

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**TOLEDO-LUCAS COUNTY PLAN COMMISSIONS
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING
SCHEDULE - 2013**

APPLICATION DEADLINE*	AGENDA SET	STAFF REPORT DISTRIBUTED	HEARING DATE
CITY PLAN COMMISSION <i>(HEARINGS BEGIN AT 2PM)</i>			
November 27	December 21	December 28	January 10
January 2	January 28	February 1	February 14
January 28	February 25	March 1	March 14
February 25	March 25	March 29	April 11
March 25	April 22	April 26	May 9
April 29	May 27	May 31	June 13
May 27	June 24	June 28	July 11
June 24	July 22	July 26	August 8
July 30	August 26	August 30	September 12
August 26	September 23	September 27	October 10
September 23	October 21	October 25	November 7
October 21	November 18	November 22	December 5
COUNTY PLANNING COMMISSION <i>(HEARINGS BEGIN AT 9AM)</i>			
December 10	January 7	January 11	January 23
January 14	February 11	February 15	February 27
February 11	March 11	March 15	March 27
March 11	April 8	April 12	April 24
April 8	May 6	May 10	May 22
May 13	June 10	June 14	June 26
June 10	July 8	July 12	July 24
July 15	August 12	August 16	August 28
August 12	September 9	September 13	September 25
September 9	October 7	October 11	October 23
October 7	November 4	November 8	November 20
November 4	December 2	December 6	December 18

* County deadlines are for Preliminary Drawings

**Conversion Table
Toledo Zoning Code Update - Zoning District Designations**

Existing District	New District Effective June 6, 2004
R-A, Single Family	RS12, Single Dwelling
R-B, Single Family	
R-1, Single Family	RS9, Single Dwelling
R-2, Single Family	RS6, Single Dwelling
R-3, Two Family	RD6, Duplex
R-2A, Restricted Multi Family	RM12, Multi Dwelling
None	RM24, Multi Dwelling
R-4, Multi Family	RM36, Multi Dwelling
R-4A, Multi Family	
R-5, Multi Family	
R-MH, Manufactured Home	RMH, Manufactured Housing Park
Commercial Districts	
C-1, Neighborhood	CN, Neighborhood
N-MX, Neighborhood Mixed Use	
C-2, Restricted Office	CO, Office
C-7, Office Park	
C-6-HS Redevelopment - Heritage South*	CS, Storefront
C-6-LA, Redevelopment - Lagrange*	
C-MX, Community Mixed Use	CM, Mixed Use
C-3, Commercial	CR, Regional
C-4, Shopping Center	CR-SO, Regional - Shopping Ctr. Sign Overlay
C-5, Central Business District	CD, Downtown
Industrial District	
M-1, Restricted Industrial	IL, Limited Industrial
M-2, Industrial	IG, General Industrial
M-4, Warehouse	
M-3, Planned Industrial	IP, Planned Industrial/Business Park
Special Purpose District	
P, Parks	POS, Park & Open Space
None	IC, Institutional Campus
Overlay Districts	
CUP, Community Unit Plan	None
D.O.D, Downtown	-DO, Downtown
HD, Historic District	-HO, Historic District
MR-O, Maumee River	-MRO, Maumee River
None	-UNO, Urban Neighborhood
None	-PO, Pedestrian
None	-SO, Shopping Center Sign

*The Heritage South and Lagrange C-6 Standards remain unless repealed

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

May 9, 2013

2:00 p.m.

PUBLIC HEARING WILL BE HELD AT ONE GOVERNMENT CENTER

AT JACKSON BOULEVARD AND ERIE STREET

IN COUNCIL CHAMBERS

ON THE FOLLOWING CASES

AGENDA

ROLL CALL - Toledo City Plan Commission

PROOF OF NOTICE

MINUTES

FINAL PLATS

**ITEM
NO.**

CASE DESCRIPTION

- | | |
|-----------------|--|
| 1. SUP-3004-13: | Special Use Permit for addition to existing fire station at 701 & 713 Bush Street (mm) |
| 2. SUP-3005-13: | Special Use Permit for new fire station at 3435 Chase Street (bh) |
| 3. S-5-13: | Preliminary Drawing Review of OVERLAND INDUSTRIAL PARK PLAT 1 at 1000 Jeep Parkway (tg) |
| 4. Z-11009-12: | Zone Change from RM36 to CR at 1048 Woodville Road (bh) |
| 5. Z-3003-13: | Zone Change from RM36 to CR at 1050 & 1054 Woodville Road (bh) |
| 6. SUP-3002-13: | Special Use Permit for expansion of used auto sales lot at 1048, 1050 & 1054 Woodville Road (bh) |
| 7. SUP-3008-13: | Special Use Permit amendment for addition to Arlington Elementary School at 707 Woodsdale Avenue (gp) |
| 8. SUP-4001-13: | Special Use Permit amendment for addition to Whittier Elementary School at 4224 Lewis Avenue and 4145 Walker Avenue (bh) |

9. SUP-3006-13: Special Use Permit for day care center at 4438 Jackman Road (bh)
10. SUP-3007-13: Special Use Permit for addition to existing transitional shelter with spacing waiver at 3318 Cherry Street (bh)
11. SUP-3009-13: Special Use Permit for used auto sales lot at 2424 W. Laskey Road (gp)
12. SUP-3010-13: Special Use Permit for convenience store at 4034 Monroe Street (gp)
13. M-7-13: Text amendment for Section 1115 replacing all references to the Commissioner of Inspection with the Director of Inspection (gp)
14. OWE-4-13: Appeal of Old West End Historic District application for new rear and side yard fence (mm)

DIRECTOR'S REPORT

ADJOURNMENT

GENERAL INFORMATION

Subject

- Request - Request for Special Use Permit for a building addition to an existing fire station, Fire Station #3
- Location - 701 & 713 Bush Street
- Applicant - City of Toledo
Jeannette Morell, Real Estate Administrator
One Government Center, Suite 2200
Toledo, OH 43604
- Architect - Audie Bates
The Collaborative, Inc.
500 Madison Avenue
Toledo, OH 43604
- Engineer - Joshua O'Neil
DGL Consulting Engineers, LLC
3455 Briarfield Blvd., Suite E
Maumee, OH 43537

Site Description

- Zoning - CN Neighborhood Commercial & RD6 Duplex Residential
- Area - .68 acres
- Frontage - 157' along Bush Street
190' along Erie Street
- Year built - 1926
- Existing Use - Fire Station
- Proposed Use - Fire Station with 9,634 square foot addition

Area Description

- North - Bar & Grille / CN
- South - Single-Family Homes / RD6
- East - Duplex's and Carry Out / CN
- West - Single-Family Homes and Duplex's / RD6

GENERAL INFORMATION (cont'd)

Parcel History

- | | | |
|-----------|---|--|
| P-47-55 | - | Request for off street parking – Erie Street, Between Bush Street and Magnolia, disapproved by Plan Commission on 7/21/55. |
| P-18-61 | - | Request for off street parking – Erie Street, South of Bush Street, disapproved by Plan Commission on 8/31/61. |
| Z-131-82 | - | Rezone property in the “Central Buffalo Region” North Toledo NSA; Buffalo St., Bush St. Approved by Plan Commission on 9/16/82, approved by P&Z on 9/29/82, City Council approved on 10/5/82, Ord. 618-82. Amended for legal description by City Council on 11/10/82, Ord. 715-82. |
| Z-1004-00 | - | Request for a zone change at 1455 and 1457 N Erie Street from R-3 to C-1. Approved by Plan Commission on 3/9/00, approved by P&Z on 4/12/00, City Council approved on 4/25/00, Ord. 420-00. |
| T-184-00 | - | Lot split for the southeast 35’ of the northwest 110.2’ of Lot 127 Stickney’s Addition, Assessor No. 01-118-018, City of Toledo. Conditionally approved on 10/3/00. |

Applicable Plans and Regulations

- Toledo Municipal Code (TMC), Chapter Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a special use permit to facilitate an addition to an existing fire station, Fire Station #3, located at 701 & 713 Bush Street. The site is located at the intersection of Bush Street and Erie Street. Surrounding land uses include two-family homes to the south and west, commercial property to the north and east. The site is not currently operating as a fire station until the building addition and interior renovations are complete. A Special Use Permit is required because of the site’s underlining zoning and the proposed addition is greater than ten (10) percent.

STAFF ANALYSIS (cont'd)

The existing building is 6,070 square feet and the applicant is proposing a 9,634 square foot building addition that will house a stairwell, outdoor patio and the fire departments vehicles to include wash areas and equipment storage. The new entrance drive for the addition will be located on Bush Street and the exit drive for the vehicles will be located on Erie Street behind the existing fire station.

Fifteen proposed parking spaces abutting Crane Lane are being developed in conjunction with this project. These will be owned by the City but leased to the commercial establishment to the northwest of the site.

The site plan depicts thirty-one (31) parking spaces located to the north and south of the property. Per TMC 1107.0600 Off Street Parking – Schedule D, the Plan Director may determine the appropriate number of parking spaces. Based on the size, number of bedroom quarters, and anticipated crew size, the Plan Director has determined thirty-one (31) total parking spaces are adequate for this site.

The fire station is listed on the National Register of Historic Places. It is located in the Bush Street Historic District, a late 19th century and early 20th century neighborhood featuring commercial, residential, industrial and municipal properties. A local architect, David L. Stine, who was also known for his design work on the Lucas County Courthouse and Sheriff's Residence, designed this fire station with a red tile gabled roof, round arches and casement windows. The unique feature to this structure is the "bell tower" that was adopted to serve as a hose tower for drying hoses in the previous century.

When designing new additions to be used in conjunction with a historical structure, the U.S. Secretary of the Interior's Standards for Rehabilitation suggests designing a new addition in a manner that makes clear what is historic and what is new. The design presented meets this criteria and the materials used in the addition are similar to the historical structure but do not detract from its appearance.

On April 22nd, the applicant and architect presented the fire station renderings and project description to the Toledo City and Vistula Historic District Commission at their monthly meeting. The members and general audience agreed that the design preserved the historical character of the existing structure where the new addition has some similar features and is very complimentary to the site. The Toledo City and Vistula Historic District Commission made a motion to support the fire station #3 and the motion carried without issue.

STAFF ANALYSIS (cont'd)

Building Elevation

The applicant has submitted a building elevation for the proposed addition. The elevation shows the exterior building material for the addition to include materials that are similar or match the existing building. The materials that will be used on the addition are synthetic plaster system with stucco texture, metal coping, fiberglass windows, brick veneer, metal gutters, metal roof and metal overhead doors. The predominant exterior building material for the existing building is stucco. The addition will incorporate some stucco but is predominantly a “blonde” brick. Blond brick was a common building material in the late 19th Century and early 20th century and is deemed appropriate

The applicant has further indicated that the rear of the existing building had an addition that is approximately 20’ by 34’ that will be removed in order to facilitate the new addition. The new addition will be attached to the historical structure at the rear of the building and on the north side where the tower addition is located. The new tower is designed to hold the stairwell for egress and ingress.

Shown on the east elevation, there is a garden wall with a gate connecting the front of the historical structure to the service bay that houses the fire apparatus vehicles. The garden wall provides some privacy for the outdoor patio located between the two structures. Metal overhead garage doors will be used on the front and rear of the service bay.

Landscaping

Existing site conditions dictate a reduction in the required frontage greenbelts along Bush Street and Erie Street. However, because the site is existing, TMC 1114.0502 Appearance Upgrade – Exterior Changes requires that the site’s landscaping only be brought closure into conformance with the 2004 Zoning Code landscape requirements.

The landscape plan indicates that a fifteen foot (15’) greenbelt will be installed along the majority of the Erie Street frontage. The exception is near the corner of the intersection of Bush and Erie Streets, where the greenbelt narrows to 6.35’ because of the location of the existing building. The landscape plan indicates that a 13.45’ greenbelt will be installed along the Bush Street frontage. The width of this greenbelt is also dictated by the located of the existing building. Both greenbelts are deemed acceptable as the site has been brought closer into conformance with the 2004 Zoning Code landscape requirements.

The applicant is requesting a waiver of the required ten foot (10’) perimeter parking lot landscaping requirements along the western property line. The applicant is proposing a six foot (6’) solid board on board fence along this line in lieu of the required landscaping. Based on the size and urban nature of the site, staff recommends approval of the waiver request.

STAFF ANALYSIS (cont'd)

The applicant is proposing to provide a thirty-five foot (35') landscape buffer along the northerly property line to conceal the underground detention pipe and a five-foot (5') landscape buffer next to the building addition to offer additional screening.

Staff is recommending that wheel stops be installed along the southern property border, next to the proposed four-foot (4) chain link fence.

20/20 Plan Compliance

The Toledo 20/20 comprehensive Plan targets this site for neighborhood commercial uses. The site is zoned appropriately for the existing use and the site is large enough to support the addition.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3004-13, a special use permit for a building addition to an existing fire station located at 701 & 703 Bush Street, to Toledo City Council for the following two (2) reasons:

1. The site is zoned appropriately for the proposed use; and
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC 1111.0706.B Review & Decision-Making Criteria); and

The staff recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the variance and waiver requested for the building addition to an existing fire station located at 701 & 703 Bush Street:

Chapter 1108 Parking Lot Landscaping (Interior and Perimeter)

Sec. 1108.0204.B.9.a. Area & Dimensional Standards

Approve a waiver 10' perimeter landscaping requirement in lieu of solid board on board fence.

Chapter 1105 Accessory Uses

Sec. 1105.0300 Fences and Hedges

Approve a waiver for the height of the fence in the front yard setback from 3 ½' to 6' along Erie St.

Approve a waiver for the height of the fence in the side yard setback from 3 1/2' to 4' along the southern portion of the subject site.

STAFF RECOMMENDATION (cont'd)

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3004-13, a request for a building addition to an existing fire station, to be located at 701 and 713 Bush Street, to the Toledo City Council, subject to the following thirty-four (34) conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. All **existing standard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines.
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 eight-inch (8") thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph (419) 245-1220.
5. Contact Scott Bishop at ph. (419) 936-2756 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 existing water service to this property is a 4-inch (4") diameter water service that is supplied from the 4-inch (4") diameter water main in N. Erie Street. A flow test is recommended to ensure that the available water flow and pressure in the area meet the anticipated demands of the facility.
8. If the existing water service is not to be reused, it shall be abandoned by the City of Toledo Division of Water Distribution at the owner/developer's cost.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

9. Plans for a new water service or modifications to the existing water service shall be submitted to the Division of Engineering Services for review and approval.
10. Contact the Division of Water Distribution for installation requirements for backflow preventers.
11. New fire, domestic, and irrigation taps will be installed by the City of Toledo at the owner/developer's expense. Manholes, valve boxes, and meter and backflow preventer chambers or pits shall be installed by the Contractor.
12. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities and Public Service; the Toledo Municipal code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the "Subdivision Rules & Regulations: of the Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction Requirements; and "The Comprehensive Ditch Plan." All disturbed land areas over one (1) acre must submit an NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above.
13. Water quality for this site is not required because all of the adjacent public sewers are combined. Detention for the 25 year storm however is required.
14. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100') from the development boundaries. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
15. No construction work, including grading, will be permitted without approved plans and inspection.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

16. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewPorcess/tabid/355/Default.aspx. It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo's requirements for the sanitary, storm, water and roadway utilities. This will in turn help to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

Contact Information is:

Division of Engineering Services: ph. (419) 245-1315, fax (419) 936-2850

Sanitary Sewers: Mike Elling, ph. (419) 936-2276

Storm Water Drainage: Lorie Haslinger, ph. (419) 245-3221

Water: Andrea Kroma, ph. (419) 936-2163

Roadway: Doug Stephens, ph. (419) 936-2279

17. Post construction storm water Best Management Practices shall be incorporated into the design to provide treatment of runoff prior to discharging into the City's system. Designs incorporating low impact development solutions such as grassy swales, and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and often much less costly.
18. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
19. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. The developer shall use existing sanitary tap, when available.
20. Any existing sewers under proposed buildings shall be relocated or abandoned. The developer shall verify any sewers to be abandoned are no longer in service.
21. 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.

Building Inspection

22. I have no objection to the proposed site or its location for an addition to a fire station.

STAFF RECOMMENDATION (cont'd)

Building Inspection (cont'd)

23. The property is NOT in a special flood hazard area (SFHA).
24. Please note that any construction of new buildings, or renovations of existing buildings on the property will require that stamped construction documents be submitted to the Division of Building Inspection for review and approval and identifying that the project is in compliance with the Ohio Building Code and its associated mechanical, electrical and fire codes and in further compliance with federal accessibility guidelines.

Transportation

25. The Division of Transportation is concerned that there is insufficient maneuverability area for the vehicles parking adjacent to Crane Lane, potentially causing collisions with the building on the west side of Crane Lane.
26. All existing unused drive approaches shall be completely removed and new curbs and sidewalks shall be installed in accordance with City of Toledo Construction Standards.

Sewer and Drainage Services

No comments or objections to site plan as submitted.

Fire Prevention

No comments or objections to site plan as submitted.

Plan Commission

27. The building elevation is acceptable, as the exterior building materials of the addition are similar to those of the existing building (**acceptable as submitted**).
28. If applicable, dumpster location(s) shall 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.
29. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscape areas.
30. The applicant shall post signs directly in front of the physically disabled person parking spaces as stated in section 1107.1704.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

31. A detailed site, lighting, sign, fencing, and landscape plan shall be submitted to the Plan Director for review and approval (**acceptable as submitted**). Such plan shall include:
 - a. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards.
 - b. If applicable, the location, height and materials for any fencing to be installed and maintained.
 - c. If applicable, the location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - d. If applicable, the location, lighting and size of any signs.
32. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.
33. Minor adjustments to the site plan that do not violate the above conditions, or the 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.

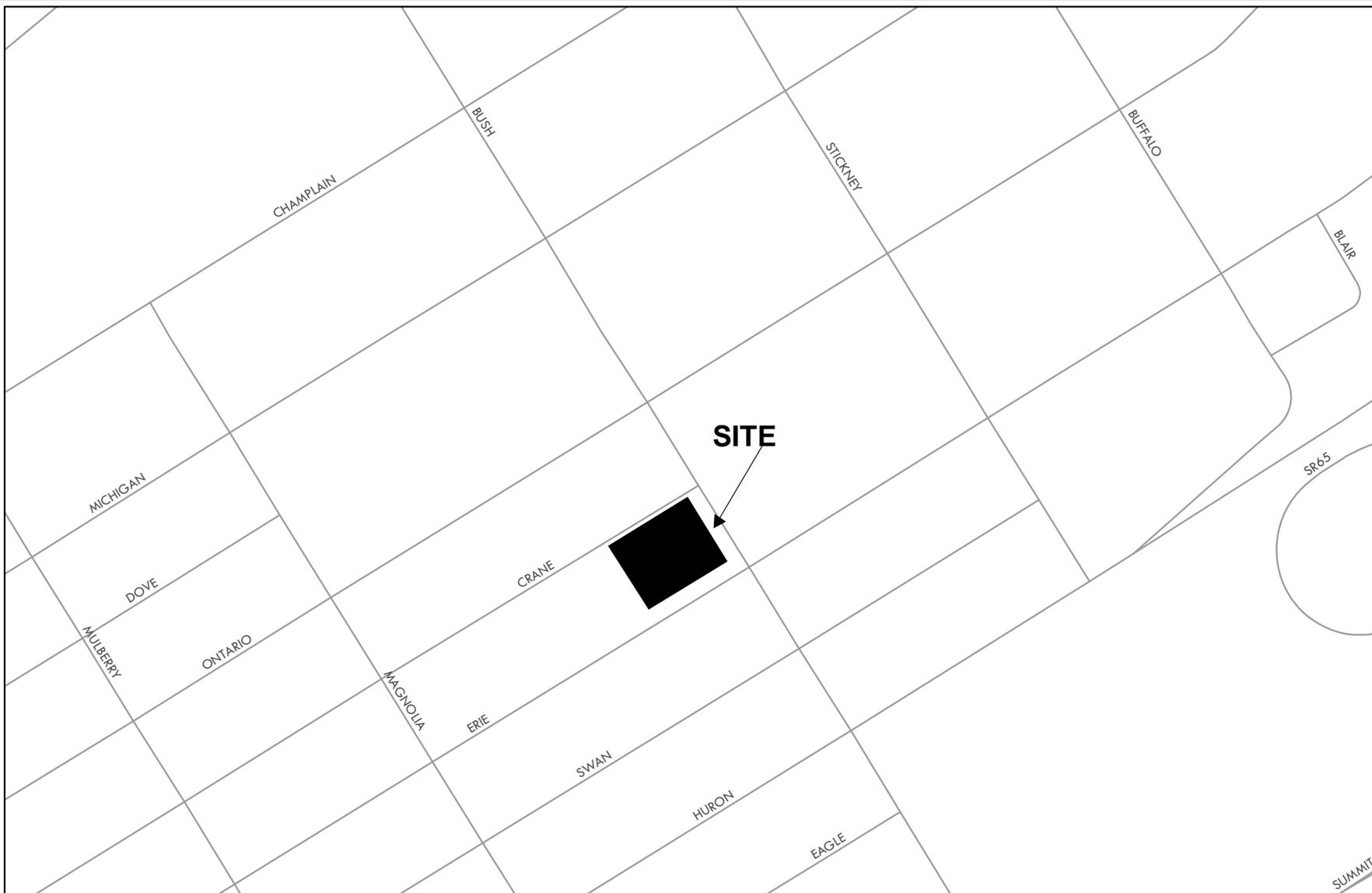
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3004-13
DATE: May 9, 2013
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: May 15, 2013
TIME: 4:00 P.M.

MM/ks
Six (6) sketches follow

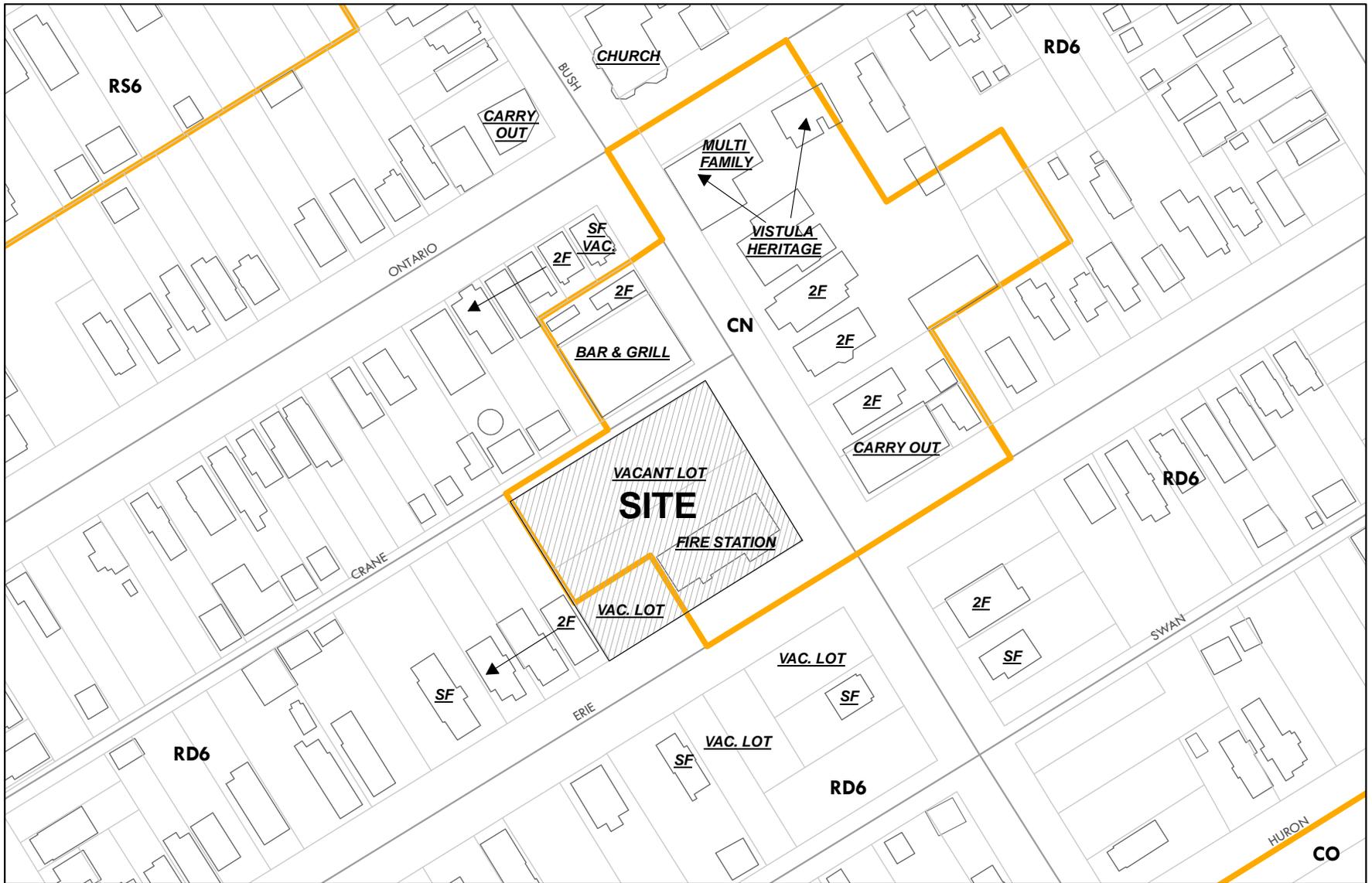
GENERAL LOCATION

SUP-3004-13
ID 4



ZONING & LAND USE

SUP-3004-13
ID 4



WEST & EAST ELEVATION

SUP-3004-13
ID 4



CR
CR
CR

PROJECT TITLE
**City of Toledo
FIRE STATION
#3**
701 Bush Street
Toledo, Ohio

CHECKED: ARS
APPROVED: DJT
TCJ JOB NO. 106156

SHEET TITLE
**OVERALL
EXTERIOR
ELEVATIONS**

SHEET NO.
A3.02

Drawing name: 024183Fire.dwg
Saved on: March 30, 2022 at 5:04 PM

REF: SUP-3005-13
DATE: May 9, 2013

GENERAL INFORMATION

Subject

- Request - Request for Special Use Permit for a new fire station
- Location - 3435 Chase Street
- Applicant - Jeanette Morell, Real Estate Administrator
City of Toledo, Real Estate Division
One Government Center, Suite 2200
Toledo, OH 43604
- Architect - Audie Bates
The Collaborative Inc.
500 Madison Avenue
Toledo, OH 43604
- Engineer - Joshua O'Neil
DGL Consulting Engineers
3455 Briarfield Blvd. Suite E
Maumee, OH 43537

Site Description

- Zoning - RD6 Duplex Residential
- Area - ± 1.624 Acres
- Frontage - ± 300' along Chase Street and
± 235' along Suder Avenue
- Existing Use - Community Park
- Proposed Use - Fire Station

Area Description

- North - Undeveloped / RD6
- South - Single-family Residential and
Senior Housing Complex / RD6 & RM24
- East - Single-family Residential / RD6
- West - Drainage Basin / RD6

GENERAL INFORMATION (cont'd)

Parcel History

V-737-98 - Vacation of portion of Ontario Street (Ord. 1048-00 approved 11/21/00)

Applicable Plans and Regulations

Toledo Municipal Code Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The City is requesting a Special Use Permit to build a new fire station on the site located at 3435 Chase Street. The 1.624-acre site is located on the Western corner of Suder Avenue and Chase Street. The property is currently developed in a park like setting with playground equipment and a basketball court. A Special Use Permit is required because of the site's underlying zoning.

Surrounding land uses include duplex and multi-dwelling structures to the north, single-family residential neighborhoods to the east, single-family residential and a senior housing facility to the south and the undeveloped water feature commonly know as "Buckeye Basin" to the west.

The proposed site plan provides a total of 28 automobile spaces and an area noted for bicycle parking. Per TMC 1107.0600 Off Street Parking – Schedule D, the Plan Director may determine the appropriate number of parking spaces for the site. The parking shall be divided into a 19-space secure gated staff parking and 9-space public parking area. Fire apparatus access shall be provided via a loop from Chase Street through the building exiting onto Suder Avenue. The design indicates that new fire station is proposed to be 13,045 sq. ft. and shall include 10 bedroom quarters. Based on the size, number of bedroom quarters and anticipated crew size, the Director has determined that 28 total parking spaces will be appropriate for this development.

A landscape plan has been submitted for review. A combination of native grasses, flowers, groundcover, shrubs and trees are proposed. The proposal includes foundation plantings and a frontage greenbelt along both Suder Avenue and Chase Street. As a note, the applicant has indicated that 3 trees will be preserved along Suder Avenue and therefore existing tree credit shall be awarded. The parking areas will utilize a chain link fence with a sliding gate around the "staff parking area" and include a solid hedge in addition to native plantings and trees along the Chase Street parking. This will comply with the landscaping standards as outlined in TMC Sec. 1108.0200.

STAFF ANALYSIS (cont'd)

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. The single-family residential district was established and intended to accommodate the development of single dwelling units on individual lots. It may also include libraries, schools, churches, public safety facilities and community centers. The district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. Fire stations are essential to the continuing safety of residential neighborhoods. As a result, based on the current zoning, proposed use and location, the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 *Review and Decision-making Criteria*.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3005-13, a special use permit for a new fire station located at 3435 Chase Street, to Toledo City Council for the following two (2) reasons:

1. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC 1111.0706.C Review & Decision-Making Criteria);
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC 1111.0706.B Review & Decision-Making Criteria); and

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-3005-13, a request for a Special Use Permit for a new fire station located at 3435 Chase Street, to the Toledo City Council, subject to the following twenty-three (23) conditions:

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines.
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.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with eight-inch (8") thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph (419) 245-1220.

Contact Scott Bishop at ph. (419) 936-2756 for inspection of above-mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. A flow test is recommended to ensure that the available water flow and pressure in the area meet the anticipated demands of the facility.
7. Plans for the water service shall be submitted to the Division of Engineering Services for review and approval.
8. Contact the Division of Water Distribution for installation requirements for backflow preventers.
9. New fire, domestic, and irrigation taps will be installed by the City of Toledo at the owner/developer's expense. Manholes, valve boxes, and meter and backflow preventer chambers or pits shall be installed by the Contractor.
10. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities and Public Service; the Toledo Municipal code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the "Subdivision Rules & Regulations: of the Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction Requirements; and "The Comprehensive Ditch Plan." All disturbed land areas over one (1) acre must submit an NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required for the 25 year storm as the adjacent wetlands will receive this volume.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

11. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100') from the development boundaries. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
12. No construction work, including grading, will be permitted without approved plans and inspection.
13. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at: www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewPorcess/tabid/355/Default.aspx. It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo's requirements for the sanitary, storm, water and roadway utilities. This will in turn help to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

Contact Information is:

Division of Engineering Services: ph. (419) 245-1315, fax (419) 936-2850
Sanitary Sewers: Mike Elling, ph. (419) 936-2276
Storm Water Drainage: Lorie Haslinger, ph. (419) 245-3221
Water: Andrea Kroma, ph. (419) 936-2163
Roadway: Doug Stephens, ph. (419) 936-2279

14. Post construction storm water Best Management Practices shall be incorporated into the design to provide treatment of runoff prior to discharging into the City's system. Designs incorporating low impact development solutions such as grassy swales, and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and often much less costly.
15. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
16. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. The developer shall use existing sanitary tap, when available.

STAFF RECOMMENDATION (cont'd)

Sewer & Drainage Services

No comments or objections.

Fire Prevention

No comments or objections.

Transportation

No comments or objections.

Building Inspection

17. Any construction of new buildings, or renovations of existing buildings on the property will require that stamped construction documents be submitted to the Division of Building Inspection for review and approval and identifying that the project is in compliance with the Ohio Building Code and its associated mechanical, electrical and fire codes and in further compliance with federal accessibility guidelines.

Plan Commission

18. A lot split shall be reviewed, approved and recorded in accordance with the City of Toledo Subdivision Rules and Regulations.
19. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscape areas.
20. A dumpster location(s) shall be noted on a revised site plan and have a concrete pad surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.
21. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval (acceptable as submitted). Such plan shall include:
 - a. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- b. The location, height and materials for any fencing to be installed and maintained.
 - c. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties);
 - d. The location, lighting and size of any signs.
22. 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.
23. 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.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3005-13
DATE: May 9, 2013
TIME: 2:00 P.M.

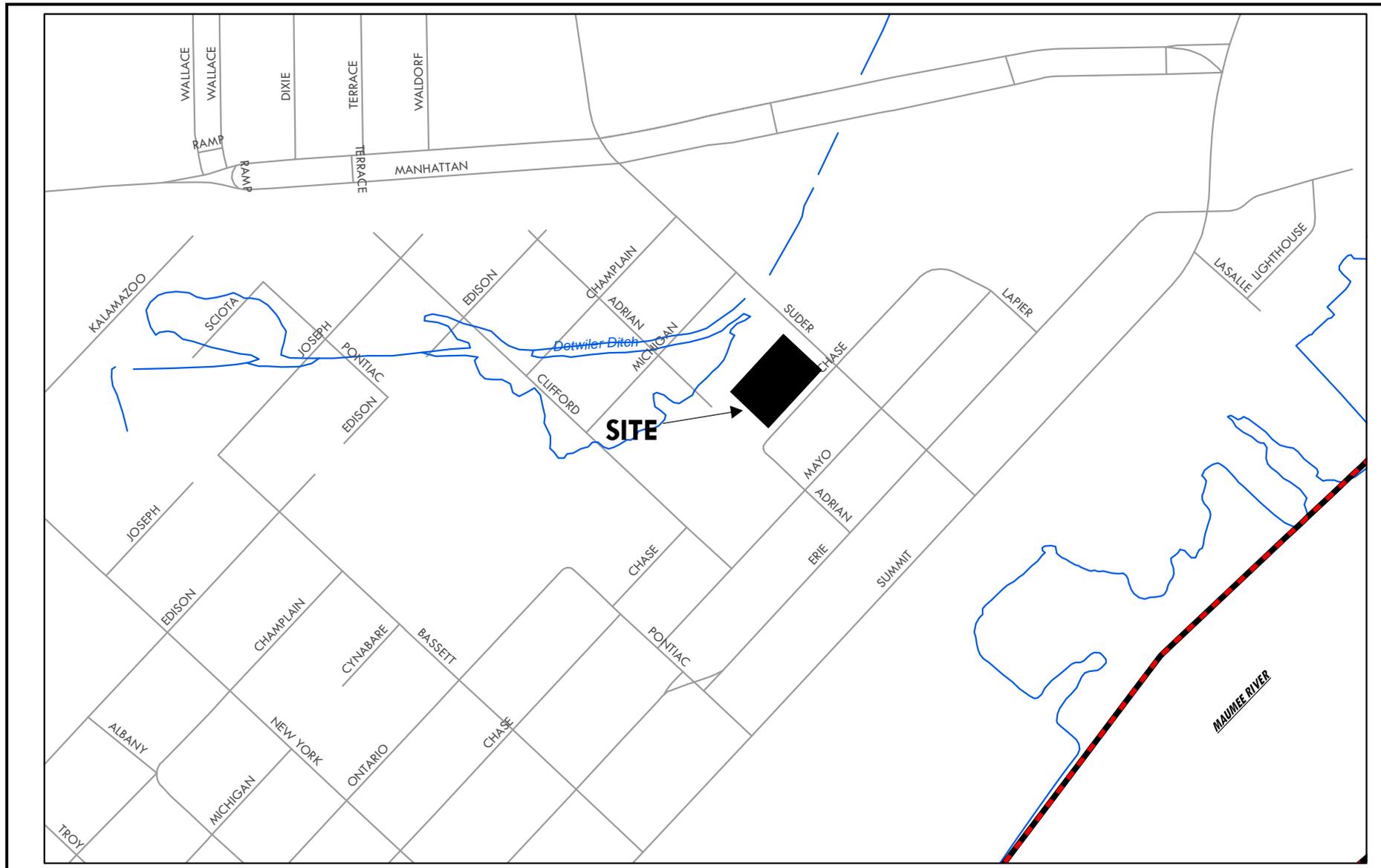
CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: May 15, 2013
TIME: 4:00 P.M.

BH/ks

Four (4) sketches follow

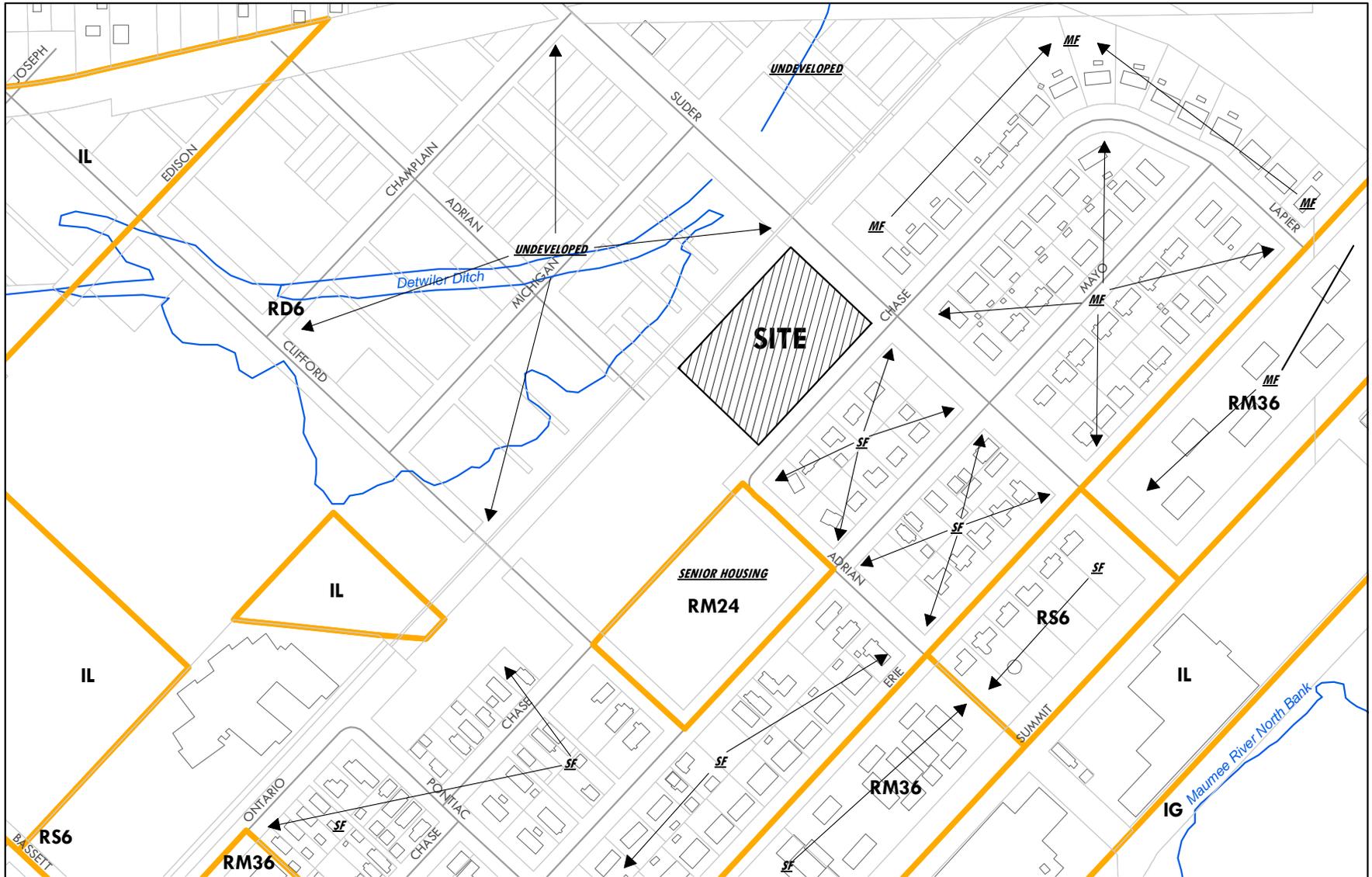
GENERAL LOCATION

SUP-3005-13
ID 2



ZONING & LAND USE

SUP-3005-13
ID 2



SITE PLAN AS SUBMITTED

SUP-3005-13
ID 2



VICINITY MAP

NOT TO SCALE

SITE ADDRESS

CHASE STREET
TOLEDO, OH 43611
TOLEDO, LUCAS COUNTY, OHIO

ZONING: RD6

- SINGLE RESIDENTIAL
- MIN CONTIGUOUS LOT AREA = 4,000 SF
- MIN LOT WIDTH = 50 FT
- FRONT SETBACK = 25 FT
- SIDE SETBACK (SEE COMMENTS) = 5/12
- REAR SETBACK = 25 FT
- MAX BUILDING HEIGHT = 35
- MAX BUILDING COVERAGE = 100%
- SIDE SETBACK (WOODS) UP TO 50 FT BY 1 FT PER 10 FT OF WALL LENGTH ABOVE 30 FT
- BUILDING HEIGHT MAY BE EXTENDED UP TO 60 FT WHEN SIDE AND REAR SETBACKS INCREASE BY 1 FT PER 1 FT OF HEIGHT ABOVE 30 FT

FLOOD ZONES:
AE = AREA OF 100 YEAR FLOOD WITH BASE FLOOD ELEVATION DETERMINED BY AREAS OUTSIDE 300 YEAR FLOODPLAIN FROM COMMENTARY PANEL, 3/20/2017 DATE AUGUST 16, 2011.

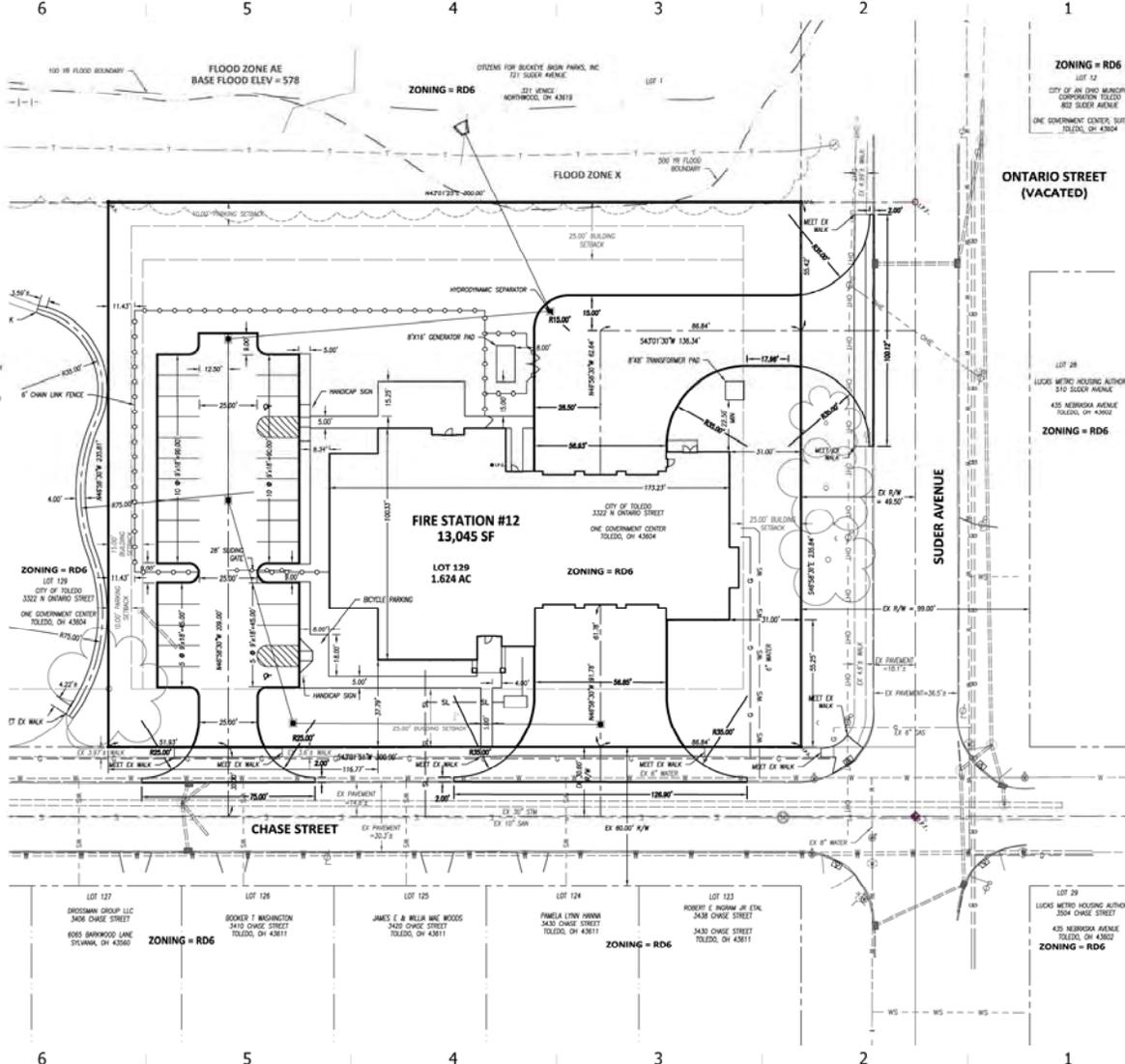
LEGAL DESCRIPTION
SEE ATTACHED FROM THE CITY OF TOLEDO

DRAINAGE INFORMATION

SEE TO DRAINAGE TO THE BUCKETE BASH, THEREFORE DETENTION REQUIREMENT HAS BEEN WAVED.
WATER QUALITY TO BE ADDRESSED USING A HYDRODYNAMIC SEPARATOR UNIT. A TRADITIONAL WATER QUALITY EXTENDED DETENTION BASIN RESULTS IN AN INFLUX OF LESS THAN 1" DIAMETER.



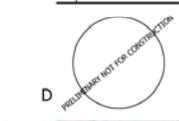
SPECIAL USE APPROVAL
3322 N. ONTARIO STREET
CITY OF TOLEDO FIRE STATION #12



ZONING = RD6
LOT 12
CITY OF AN OHIO HOLDING CORPORATION TOLEDO
802 SUDER AVENUE
ONE GOVERNMENT CENTER, SUITE 2
TOLEDO, OH 43604



ARCHITECTS
ARCHITECTS
ARCHITECTS
ARCHITECTS



LOT 28
LUCKS METRO HOLDING AUTHORITY
410 SUDER AVENUE
TOLEDO, OH 43604
ZONING = RD6

PROJECT TITLE
TOLEDO FIRE STATION #12

3322 N. ONTARIO STREET
TOLEDO, OH 43611

03/20/13 SU & SITE APPROVAL

TO JOB NO. 100256
OH COMMISSION NO. 413004

SHEET TITLE
PRELIMINARY
SITE PLAN

SPECIAL
USE
A APPROVAL

SHEET NO.
SU1

2 - 10

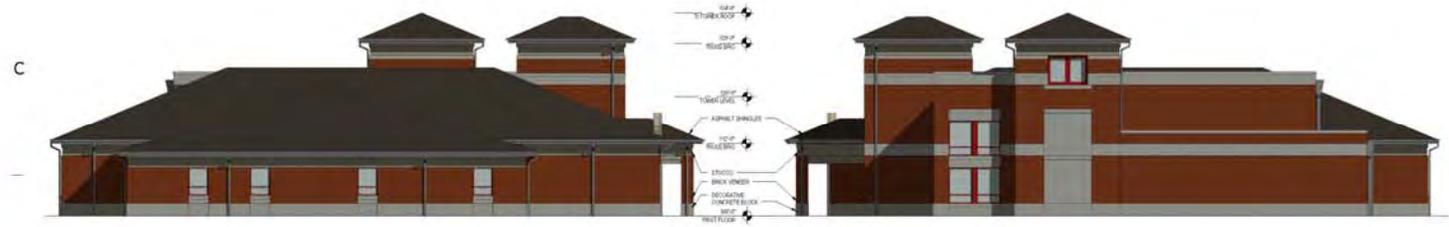
ELEVATION

SUP-3005-13
ID 2

2 - 11



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

100 Madison Ave
Toledo, OH 43604
419.242.4444
www.collaborative3d.com
1997-2013 Collaborative3D, Inc.

COLLABORATIVE3D

ARCHITECT
LANDSCAPE ARCHITECT
ENGINEER ARCHITECT
INTERIOR DESIGNER

CR

CR Architecture
3000 N. State St.
Toledo, OH 43604
419.242.4444
www.collaborative3d.com
CR, Inc. 2013

PROJECT TITLE
TOLEDO FIRE STATION #12

3321 N. ONTARIO STREET
TOLEDO, OH 43611

DATE: 02/08/2013 SHEET APPROVAL

DESIGNER: 126294
OR COMPLETION: 4/13/2014

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NO:
A3.01

7 | 6 | 5 | 4 | 3 | 2 | 1

E
D
C
B
A

7 | 6 | 5 | 4 | 3 | 2 | 1

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GENERAL INFORMATION

Subject

- Request - OVERLAND INDUSTRIAL PARK PLAT 1,
Preliminary Drawing
- Location - 1000 Jeep Parkway
- Applicant - Matt Sapara
Toledo-Lucas County Port Authority
One Maritime Plaza
Toledo, OH 43604
- Engineer - Jim Broadway
Mannik & Smith Group, Inc.
1800 Indian Wood Circle
Maumee, OH 43537
- Attorney - Dawn Wenk
Toledo-Lucas County Port Authority
One Maritime Plaza
Toledo, OH 43604

Site Description

- Zoning - IG General Industrial District
- Area - ± 18.71 ac.
- Frontage - ± 207' on Central Avenue
- Existing Use - Vacant Industrial
- Proposed Use - Overland Industrial Park

Area Description

- North - Vacant Industrial Land / IG
- South - Central Avenue & TARTA / IG
- East - Norfolk Southern Railroad & Vacant Industrial / IG
- West - I-75 & Willys Park / POS

Parcel History

No case history on file.

GENERAL INFORMATION (cont'd)

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo Subdivision Rules and Regulations
- Toledo 20/20 Comprehensive Plan.

STAFF ANALYSIS

The applicant is requesting a review of a preliminary drawing for OVERLAND INDUSTRIAL PARK PLAT 1, located 1000 Jeep Parkway. This plat consists of two buildable lots, a storm water detention area (lettered lot), and Jeep Parkway. Jeep Parkway from Central Avenue to the roundabout is currently under design and expected to be constructed in the Spring of 2013. The goal is to construct the first spec building, 100,000 sf space (2 - 50,000 sf tenants) on the 10.11 acre site as soon as there is access. The 7.04 acre site to the west of the new Jeep Parkway is also expected to be constructed in 2013.

The applicant is requesting a waiver of the required sidewalk on the west side of Jeep Parkway. The Port Authority proposes a 4' sidewalk on the east side of Jeep Parkway. A 10' shared –use trail from Berdan Avenue along Jeep Parkway and the Ottawa River to the future I-75 interchange is proposed in the future development of this site. The waiver is requested because of the concern over pedestrian safety and the amount of truck traffic that this area will experience.

The Industrial Park will have Guidelines and Architectural Standards which are being finalized. Portions of the property are expected to be sold off to potential companies. However, the Toledo-Lucas County Port Authority expects to lease the buildings/site. Future areas beyond the first 100,000 s.f. spec building are subject to change and may be built to suit individual tenant requirements. In general, service areas will be along the railroad, automobile parking will be along Jeep Parkway.

The Toledo 20/20 Comprehensive Plan targets this site for heavy industrial uses. This includes heavy industrial and other moderate and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation access and public facilities and services. The proposed use of this site is in compliance with the Toledo 20/20 Comprehensive Plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve OVERLAND INDUSTRIAL PARK PLAT 1, located at 1000 Jeep Parkway, subject to the following fourteen (14) conditions.

The following 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. Through the proposed intersection of Jeep Parkway and Central Avenue, the existing curb shall be removed completely, and a clean, straight joint shall be made where the new roadway butts into Central Avenue. The new butt joint shall be removed completely, and a clean, straight joint shall be made where the new roadway butts into Central Avenue. The new butt joint shall be located either at the existing edge of pavement of Central Avenue or shall extend to an existing paving joint, lane line, or center line.
2. All construction shall be completed in accordance with the City of Toledo Sub-Division Rules and Regulations and Construction Standards and Specifications.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph (419) 245-1220.
4. Contact Scott Bishop at ph. (419) 936-2756 for inspection of above mentioned items.
5. Plans show 10-feet (10') utility easement along both sides of the right-of-way. It does not appear way in plat. Please correct.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities. Water service will be available to Lots 1 and 2 from the 12-inch (12") waterline that will be constructed in Jeep Parkway.
7. Plans for water services 4-inch (4") diameter and larger shall be submitted to the Division of Engineering Services for review and approval.
8. If existing public water facilities are in conflict and must be relocated, they will be relocated by the City of Toledo at the owner's cost.
9. New fire, domestic, and irrigations taps will be installed by the City of Toledo at the owner/developer's expense.

STAFF RECOMMENDATION (cont'd)

Plan Commission

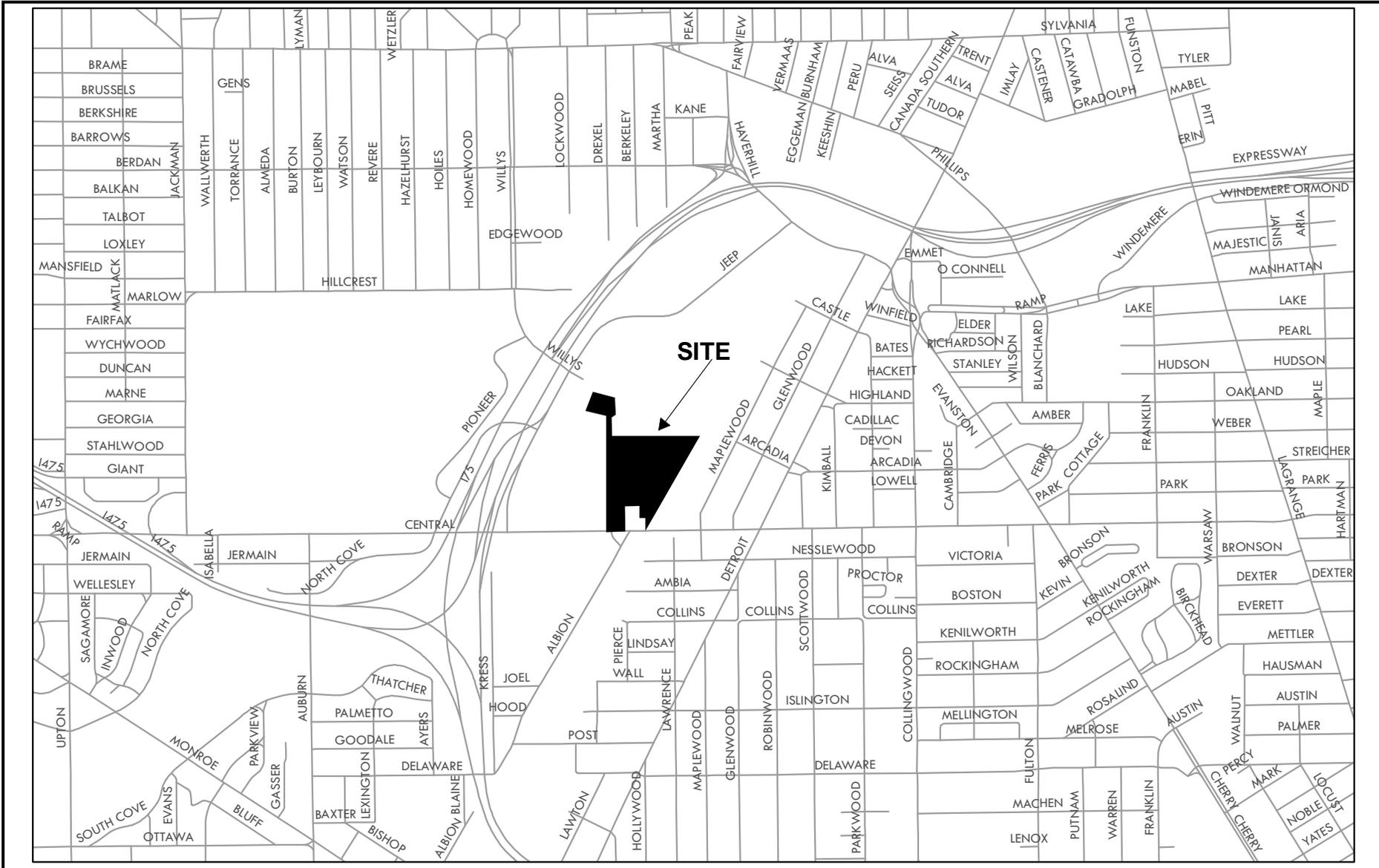
10. A 4' wide sidewalk shall be installed on the east side of Jeep Parkway. A waiver of the sidewalk requirement (City of Toledo Subdivision Regulations Section 517.1) along the west side of Jeep Parkway shall be granted.
11. All open space and/or detention areas within this plat and future plats of OVERLAND INDUSTRIAL PARK shall be the responsibility of the property owners association of all lots within this plat and future plats of OVERLAND INDUSTRIAL PARK. The property owners association shall be responsible for the maintenance and property tax liability. In the event a property owners association is not formed or ceases to exist, the property tax liability and maintenance of the open space and/or detention area(s) shall be shared and assessed to each individual lot owner within the plat and future plats of OVERLAND INDUSTRIAL PARK.
12. 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.
13. 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.
14. The Preliminary Drawing shall be valid for a two (2) year period from the date of approval by the Planning Commission.

SUBDIVISION
TOLEDO CITY PLAN COMMISSION
REF: S-5-13
DATE: May 9, 2013
TIME: 2:00 P.M.

TCG/ks
Four (4) sketches follow

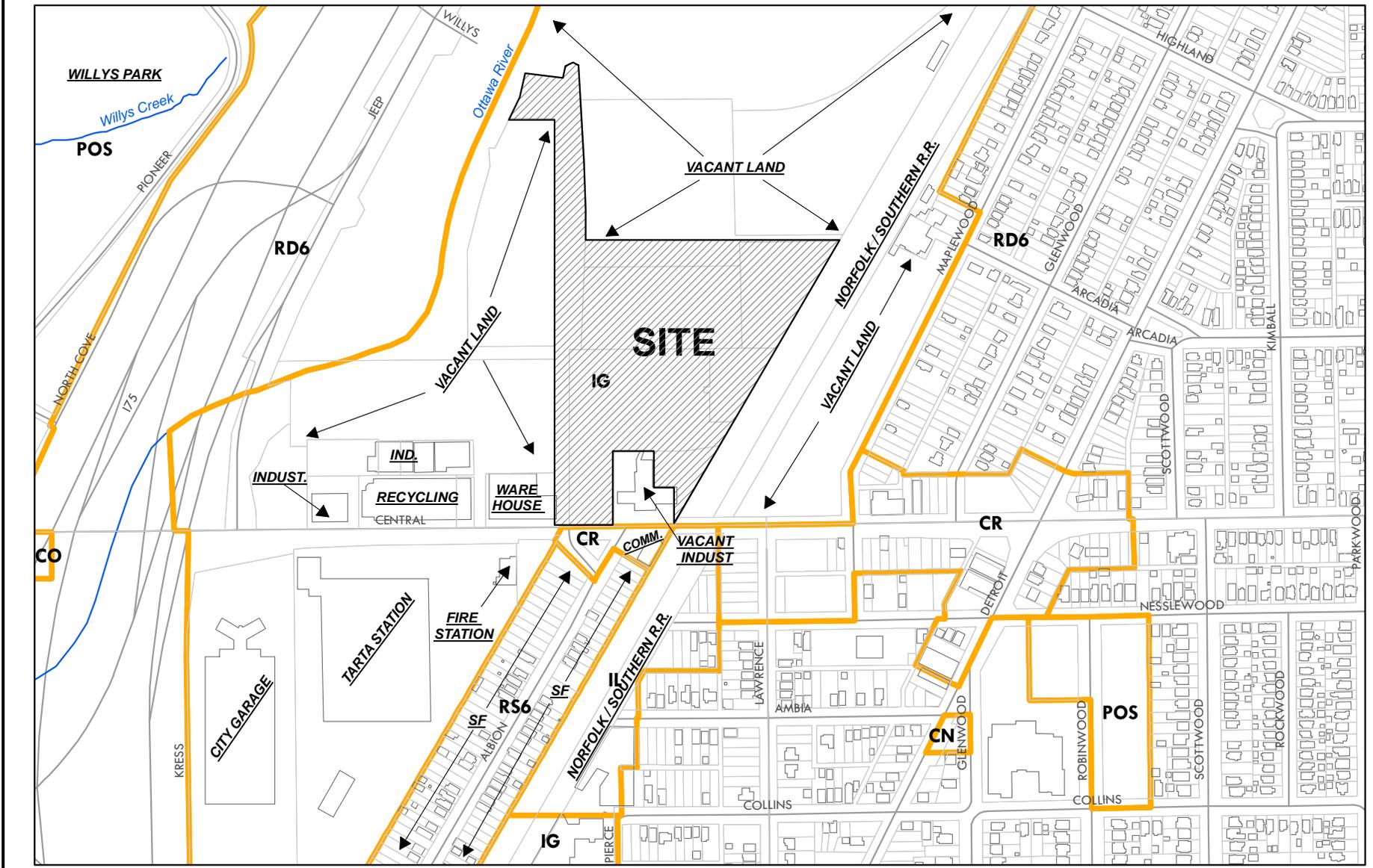
GENERAL LOCATION

S-5-13
ID 35/16



ZONING & LAND USE

S-5-13
ID 35/16



GENERAL INFORMATION

Subject

- Request - Zone Change from RM36 Multi-Dwelling Residential to CR Regional Commercial
- Location - 1048 Woodville Road
- Applicant - Ahmed Tawil
ANT Properties LLC
1000 Woodville Road
Toledo, OH 43605
- Attorney - Cherrefe Kadri
1109 Adams Street
Toledo, OH 43604

Site Description

- Zoning - RM36 Multi-Dwelling Residential
- Area - +/- .15 ac.
- Frontage - +/- 40' on Woodville Road
- Existing Use - Single Family Home
- Proposed Use - Used Auto Sales Office

Area Description

- North - Woodville Road & Mixed Residential / RM36
- South - Mixed Residential / RD6
- East - Woodville Road, Mixed Residential, and Church / RM36
- West - Car Lot and Single Family Residential / CR and RD6

Parcel History

- SUP-3002-13 - Special Use Permit for the expansion of a used car lot (Companion Case)
- Z-3003-13 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial for 1050 & 1054 Woodville Road. (Companion Case)

GENERAL INFORMATION (cont'd)

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The request is for a zone change from RM36 Multi-Dwelling Residential to CR Regional Commercial at 1048 Woodville Road to accommodate the expansion of the adjacent used car lot. The existing single family home is to be removed and the lot paved for display use by the used car lot. The zoning for the adjacent northwest parcels was modified in 2003 and 2012 to accommodate an earlier expansion of the used car lot. As a note, companion zone change and Special Use Permit applications accompany this case and include 1050 & 1054 Woodville Road.

Surrounding land uses include a mixture of one and two-family homes in the immediate area. However, the corner of Broadway and Woodville Road is developed with a variety of commercial uses. This area is a high volume traffic area and contains many of the characteristics of a CR District. Pursuant to TMC §1102.1000, the CR zoning district is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses.

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. The intent of the single-family residential future land use designation is to accommodate the development of single dwelling units on individual lots. It may also include libraries, schools, churches, and community centers. The district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. The area of Woodville Road is increasingly commercial in nature and the Toledo 20/20 Comprehensive Plan identifies the area of the existing used car lot as neighborhood commercial. Furthermore, the proposed zoning is not out of character with surrounding zonings. As a result, Staff has found that the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 Review and Decision-making Criteria.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-11009-12, a zone Change from RM36 Multi-Dwelling Residential to CR Regional Commercial 1048 Woodville Road to Toledo City Council for the following two (2) reasons:

1. The parcels to the northwest were recently rezoned for the used car lot and Woodville Road is increasingly commercial in nature; and

STAFF RECOMMENDATION (cont'd)

2. The proposed zone change is consistent with the zoning classification of properties within the general vicinity of the site (TMC §1111.0606.C Review & Decision-Making Criteria).

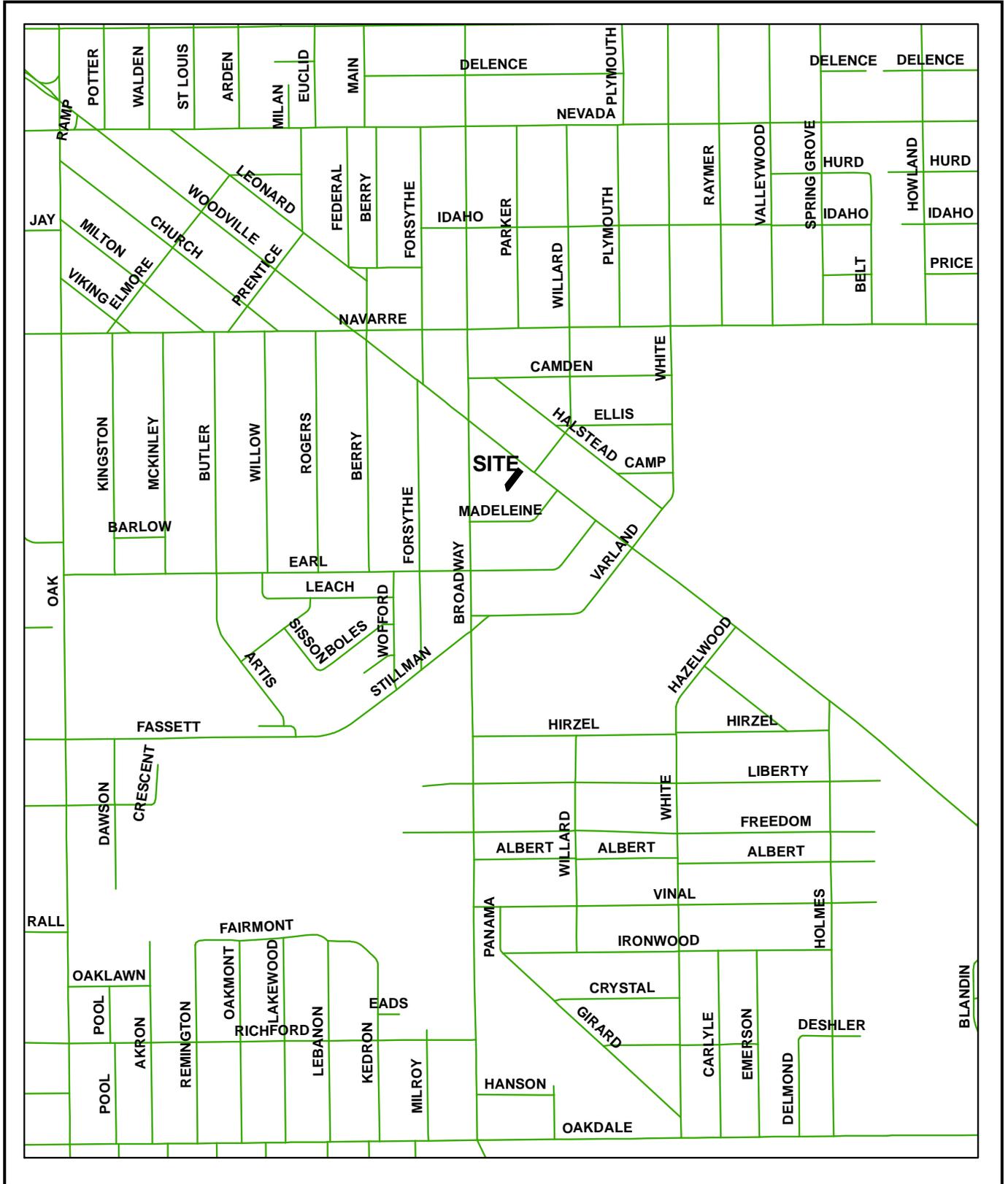
ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-11009-12
DATE: May 9, 2013
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: June 12, 2013
TIME: 4:00 P.M.

BH/ks
Two (2) sketches follow

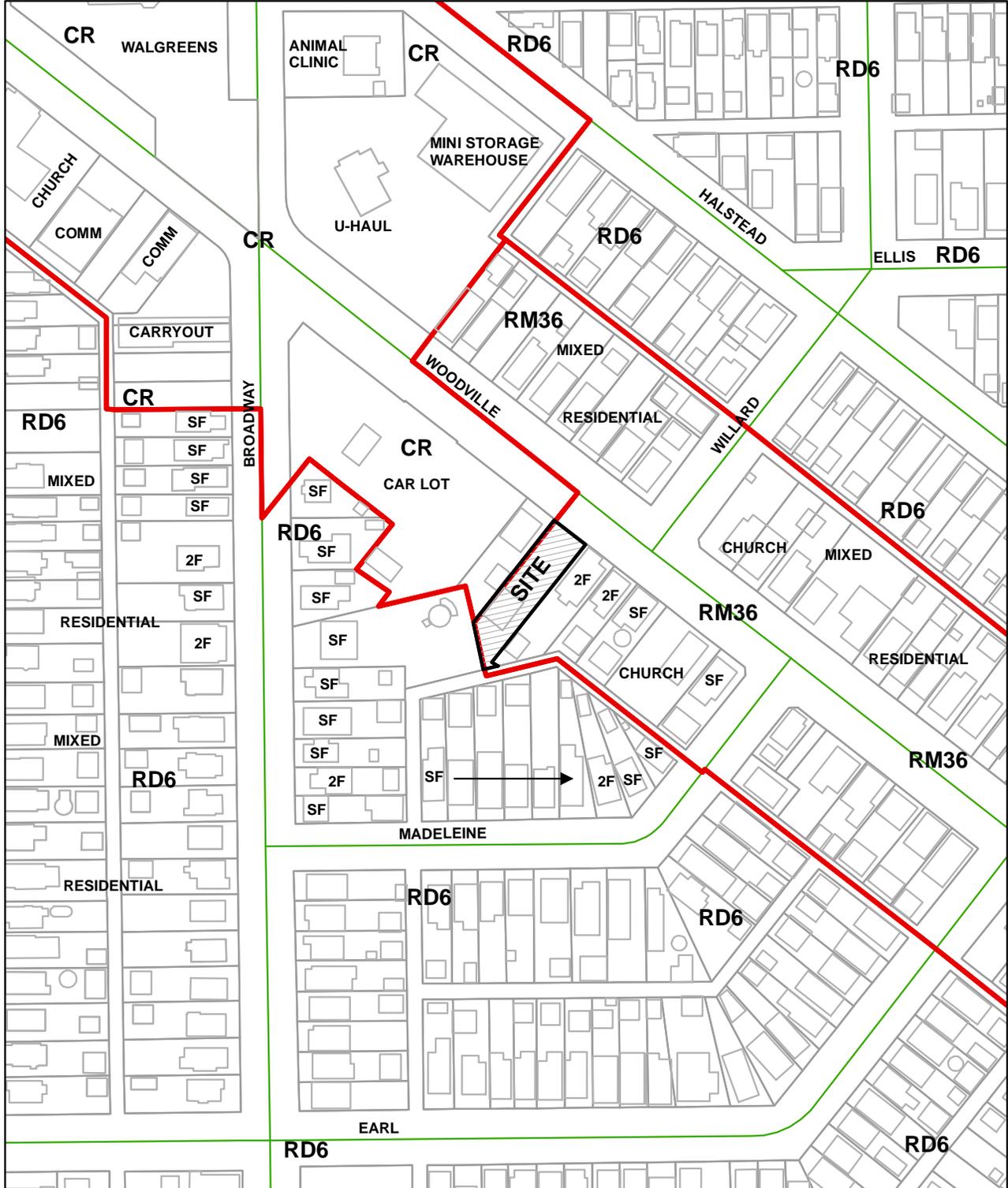
GENERAL LOCATION

Z-11009-12
ID 30



ZONING & LAND USE

Z-11009-12
ID 30



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GENERAL INFORMATION

Subject

- Request - Zone Change from RM36 Multi-Dwelling Residential to CR Regional Commercial
- Location - 1050 & 1054 Woodville Road
- Applicant - Ahmed Tawil
ANT Properties LLC
1000 Woodville Road
Toledo, OH 43605
- Attorney - Cherrefe Kadri
1109 Adams Street
Toledo, OH 43604

Site Description

- Zoning - RM36 Multi-Dwelling Residential
- Area - +/- .21 ac.
- Frontage - +/- 72' on Woodville Road
- Existing Use - Duplexes
- Proposed Use - Used Auto Sales

Area Description

- North - Woodville Road & Mixed Residential / RM36
- South - Mixed Residential / RD6
- East - Woodville Road, Mixed Residential, and Church / RM36
- West - Car Lot and Mixed Residential / CR and RD6

Parcel History

- Z-11009-12 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial for 1048 Woodville Road. (Companion Case)
- SUP-3002-13 - Special Use Permit for the expansion of a used car lot (Companion Case)

GENERAL INFORMATION (cont'd)

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The request is for a zone change from RM36 Multi-Dwelling Residential to CR Regional Commercial at 1050 & 1054 Woodville Road to accommodate the expansion of the adjacent used car lot. The existing duplexes are to be removed and paved for display use by the used car lot. The zoning of the current used car lot was changed to CR Regional Commercial in 2003 and 2012. As a note, companion zone change and Special Use Permit applications accompany this case and include 1048 Woodville Road.

Surrounding land uses include a mixture of one and two-family homes in the immediate area. However, the corner of Broadway and Woodville Road is developed with a variety of commercial uses. This area is a high volume traffic area and contains many of the characteristics of a CR District. Pursuant to TMC §1102.1000, the CR zoning district is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses.

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. The intent of the single-family residential future land use designation is to accommodate the development of single dwelling units on individual lots. It may also include libraries, schools, churches, and community centers. The district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. The area of Woodville Road is increasingly commercial in nature and the Toledo 20/20 Comprehensive Plan identifies the area of the existing used car lot as neighborhood commercial. Furthermore, the proposed zoning is not out of character with surrounding zonings. As a result, Staff has found that the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 Review and Decision-making Criteria.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-3003-13, a zone Change from RM36 Multi-Dwelling Residential to CR Regional Commercial 1050 & 1054 Woodville Road to Toledo City Council for the following two (2) reasons:

1. The parcels to the northwest were recently rezoned for the used car lot and Woodville Road is increasingly commercial in nature; and

STAFF RECOMMENDATION (cont'd)

2. The proposed zone change is consistent with the zoning classification of properties within the general vicinity of the site (TMC §1111.0606.C Review & Decision-Making Criteria).

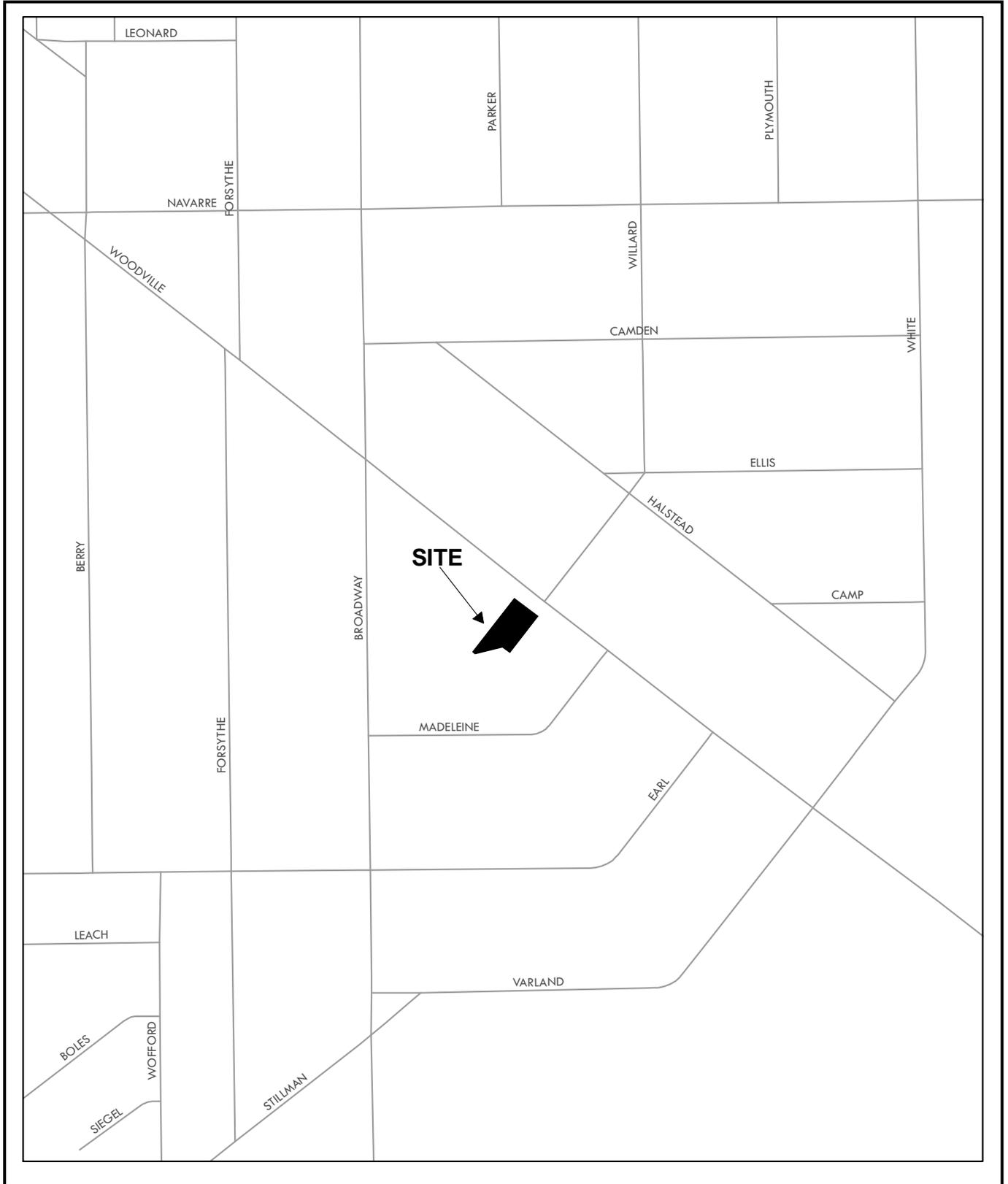
ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-3003-13
DATE: May 9, 2013
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: June 12, 2013
TIME: 4:00 P.M.

BH/ks
Two (2) sketches follow

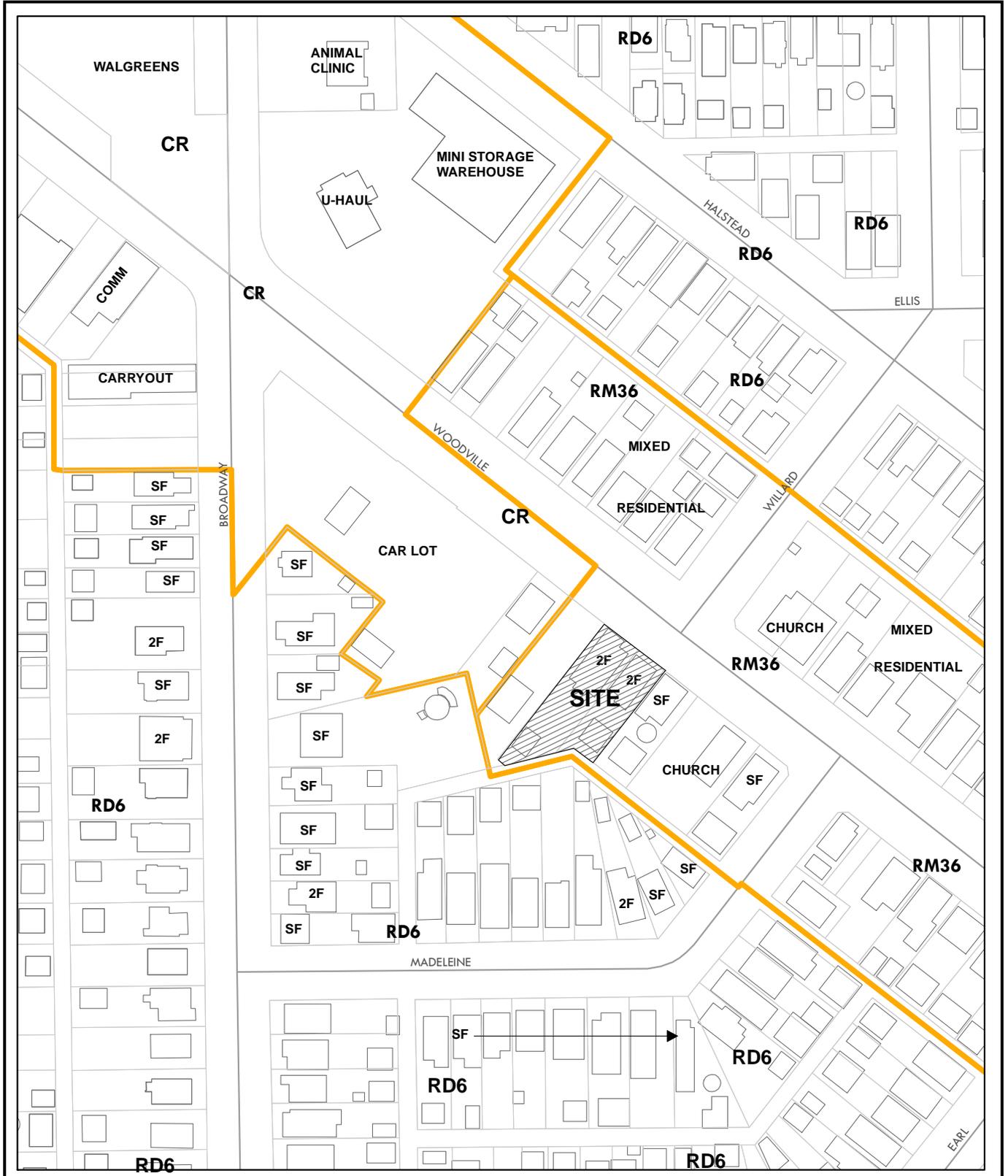
GENERAL LOCATION

Z-3003-13
ID 30



ZONING & LAND USE

Z-3003-13
ID 30



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GENERAL INFORMATION

Subject

- Request - Special Use Permit for an expansion of an existing used car lot
- Location - 1048, 1050 & 1054 Woodville Road
- Applicant - Ahmed Tawil
ANT Properties LLC
1000 Woodville Road
Toledo, OH 43605
- Attorney - Cherrefe Kadri
1109 Adams Street
Toledo, OH 43604
- Engineer - Curtis Hong
Hong Inc.
300 Phillips Avenue, Suite 4
Toledo, OH 43612

Site Description

- Zoning - CR Regional Commercial District
- Area - ± 1.42 ac.
- Frontage - ±456' on Woodville Road
±166' on East Broadway
- Existing Use - Used Auto Sales & Mixed Residential
- Proposed Use - Used Auto Sales
- Parking Required - 9 spaces (1 per 5000 square feet of open sales area plus 1 per 500 square feet of enclosed sales area, plus 1.5 per service bay)
- Parking Provided - None Indicated

Area Description

- North - Woodville Road & Mixed Residential / RM36
- South - Mixed Residential / RD6
- East - Woodville Road, Mixed Residential, and Church / RM36
- West - Car Lot and Mixed Residential / CR and RD6

GENERAL INFORMATION (cont'd)

Parcel History

- Z-222-74 - Request for zone change from R-4 Multi Family to C-3 General Commercial. (PC approved 9/19/74, Ord. 841-74, 10/8/74)
- Z-223-74 - Request to grant a special use permit to raze and rebuild an existing service station. (PC approved 9/19/74, Ord. 842-74, 10/8/74, Amendment approved Ord. 749-76, 10/5/76)
- Z-196-75 - Request to grant an amendment to a special use permit, previously granted by Ord. 842-74, to install a canopy for an existing gas station. (PC approved 8/7/75, Ord. 631-75, 8/19/75)
- SUP-95-85 - Request to grant an amendment to a special use permit, previously granted by Ord. 842-74 and amended, to replace existing kiosk and add fuel pumps for existing gas station. (PC approved 6/20/85, Ord. 572-85, 7/16/85, Amendment approved Ord. 316-91, 4/23/91)
- SUP-95-85 - Request to grant an amendment to a special use permit, previously granted by Ord. 842-74 and amended, to waive TMC Section 1393.14(g) to permit neon accent strip on canopy for existing gas station. (PC approved 3/21/91, Ord. 316-91, 4/23/91)
- Z-6005-01 - Zone change from R-3 & R-4 Two-family and Multi-family Residential to C-3 General Commercial (PC disapproved 9/13/01, CC Approved Ord. 893-01, 10/30/01).
- Z-12004-02 - Zone change from R-4 Multi-family Residential to C-3 General Commercial (PC disapproved 2/13/03, CC Approved Ord. 262-03, 4/1/03)
- SUP-8001-05 - Request for special use permit for used car sales lot. (PC approved 2/2/06, Ord. 196-06, 3/28/06)

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- SUP-10009-07 - Amendment to special use permit for new garage at used car sales lot. Application denied due to deficient site plan. Building constructed without special use permit. (Withdrawn incomplete application 11/28/07)

- Z-1002-12 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial. (PC approved 3/8/12, Ord. 217-12, 4/28/12)

- SUP-5005-12 - Request for special use permit for used car sales lot. (PC approved 7/12/12, Ord. 453-12, 9/28/12)

- Z-11009-12 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial for 1048 Woodville Road. (Companion Case)

- Z-3003-13 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial for 1050 & 1054 Woodville Road. (Companion Case)

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a special use permit to expand a used car sales lot to 1048, 1050 & 1054 Woodville Road. The overall site is irregular in shape and has frontage on Woodville Road and East Broadway. The subject properties currently contain a single-family home and two duplexes that will be razed prior to being graded and paved.

STAFF ANALYSIS (cont'd)

In 2001, Toledo City Council approved a zone change from RD6 & RM36 to CR; this allowed for the parent used car lot to be lawfully established. In 2004, the Toledo Municipal Code was updated. As part of this update, used car lots required a special use permit. A special use permit was subsequently approved in 2006, allowing for the expansion of the existing used car lot and automotive repair in an existing building. The applicant purchased the existing used car lot in 2011 and began work with Plan Commission Staff to expand the used car sales use and rectify landscaping compliance issues from the previous expansions. The special use permit was approved with waivers to the frontage greenbelt and landscape buffer requirements, as the compliance issues were not created by the current applicant. The applicant has since acquired 1048, 1050 and 1054 Woodville Road.

Surrounding land uses include a mixture of one and two-family homes in the immediate area. However, the corner of Broadway and Woodville Road is developed with a variety of commercial uses. Staff did not receive any negative concerns or comments from surrounding neighbors as part of the previous 2012 expansion.

The site plan as submitted indicates a proposed five-foot (5') greenbelt along the Woodville Road and East Broadway frontages. A fifteen-foot (15') greenbelt is required for all sites with less than 500' of frontage or less than five acres. A Type A buffer is also required along the South and Southeast side and rear yards. Either 25 feet of landscaping, or ten feet of landscaping with a fence is required. The applicant is proposing a five-foot (5') buffer with a solid wooden fence. In addition, the site plan indicates a five-foot (5') grass buffer with a solid wooden fence along the Southeastern side property line. TMC 1104.0301 Auto and RV Sales, Used Only – indicates that a 50' separation measured along street frontage shall be maintained between any open display sales lot and a residential district boundary. Staff does not support waivers of the greenbelt, buffer yards and open display lot separation, as through the acquisition of additional land, a hardship no longer exists.

Staff conducted a site visit and found that landscaping did exist along Broadway and Woodville Road. However, it did not appear to match the size or number of planting shown on the approved site plan contained in the SUP-5005-12 file.

The Toledo 20/20 Comprehensive Plan targets this area for neighborhood commercial and single-family residential land uses. The intent of the neighborhood commercial future land use designation is to encourage predominantly small and medium scale commercial uses to serve the nearby neighborhoods. The area of Woodville Road is increasingly commercial in nature and staff has found that a Special Use Permit to expand the used car lot would be suitable for this location. As a result, Staff has found that the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 Review and Decision-making Criteria.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3002-13, a special use permit for the expansion of a used car lot located at 1048, 1050 & 1054 Woodville Road, to Toledo City Council for the following two (2) reasons:

1. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use’s operation) (TMC 1111.0706.C Review & Decision-Making Criteria);
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC 1111.0706.B Review & Decision-Making Criteria); and

The staff recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the waivers requested for the expansion of an existing used car lot operation located at 1048, 1050 & 1054 Woodville Road:

Chapter 1108 Landscaping and Screening

Sec. 1108.0202 Frontage Greenbelt – B. Requirements

Deny a waiver of the 15’ frontage greenbelt landscape requirement to allow a 5’ for the frontage greenbelt.

Sec. 1108.0203 Buffer and Screening Requirements - D. Landscape Buffer Standards

Deny a waiver of 5’ of the required 10’ Type A landscape buffer.

Chapter 1104 Use Regulations

Sec. 1104.0301 Auto and RV Sales, Used Only - Location

Deny a waiver of the required 50’ Separation between any open display sales lot and a residential district boundary line to allow a 5’ grass buffer with a wooden fence.

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-3002-13, a Special Use Permit for an expansion of an existing used car lot located at 1048, 1050 & 1054 Woodville Road to Toledo City Council, subject to the following twenty-five (25) conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

STAFF RECOMMENDATION (cont'd)

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines.
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. Existing drives along both Woodville Road and East Broadway Street that will not be reused shall be removed and the area restored to match the adjacent landscape. Curb drops through unused drives shall be removed and replaced with full height curb to match the adjacent curb.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with eight-inch (8”) thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph (419) 245-1220.

Contact Scott Bishop at ph. (419) 936-2756 for inspection of above-mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Existing water services to structures removed from the site will be abandoned by the City of Toledo at the owner/developer's expense.

Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities and Public Service; the Toledo Municipal code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the “Subdivision Rules & Regulations: of the Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction Requirements; and “The Comprehensive Ditch Plan.” All disturbed land areas over one (1) acre must submit an NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

7. Water quality for this site will not have to be addressed as the public sewers are combined and discharge into the municipal wastewater treatment plant.
8. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100') from the development boundaries. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
9. No construction work, including grading, will be permitted without approved plans and inspection.
10. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewPorcess/tabid/355/Default.aspx. It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo's requirements for the sanitary, storm, water and roadway utilities. This will in turn help to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

Contact Information is:

Division of Engineering Services: ph. (419) 245-1315, fax (419) 936-2850
Sanitary Sewers: Mike Elling, ph. (419) 936-2276
Storm Water Drainage: Lorie Haslinger, ph. (419) 245-3221
Water: Andrea Kroma, ph. (419) 936-2163
Roadway: Doug Stephens, ph. (419) 936-2279

11. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developer's cost.
12. Any 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.

STAFF RECOMMENDATION (cont'd)

Sewer & Drainage Services

Comments not received at this time.

Fire Prevention

Comments not received at this time.

Building Inspection

13. Any alterations of or additions to any existing structures or construction of any new structures will likewise require that stamped construction documents be submitted to the Division of Building Inspection for review and approval according to the Ohio Building Code and its associated mechanical, electrical and fire codes.

Division of Transportation

Comments not received at this time.

Plan Commission

14. The applicant shall install planting as outlined in the approved plans of SUP-5005-12 before final approval is granted.
15. Elevated displays, lifts or metal structures used in conjunction with the display of motor vehicles shall be permitted only within those areas specifically designated upon the site plan and shall not be allowed in any required front yard.
16. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas.
17. A 50' separation measured along Woodville Road shall be maintained between the open display sales lot and the residential district boundary to the Southeast.
18. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.
19. Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

20. Fencing of customer display areas shall conform to TMC 1105.0302, outside storage screening shall comply with TMC 1108.0203.H.
21. All existing and proposed chain link fencing shall contain top and side rails.
22. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A 15' Greenbelt is required along the newly acquired Woodville Road frontage and shall include one tree for every 30' of lot frontage and a solid evergreen hedge; **shall be noted on revised landscape plan.**
 - b. A ten-foot (10') Type A landscape buffer is required along the easterly and southerly property lines, where the commercial zoning abuts residential zoning; **shall be noted on revised landscape plan.**
 - c. 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; **acceptable as depicted on landscape plan.**
 - d. 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; **acceptable as depicted on site plan.**
 - e. Ten (10) parking spaces shall be denoted and reserved for "Customer Only" and shall not be used for open auto display; **shall be noted on revised site plan.**
 - f. Dumpster location(s) shall 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; **shall be noted on revised site plan.**
 - g. The location, height and materials for any fencing to be installed and maintained; **acceptable as depicted on site plan.**
 - h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); **shall be noted on revised landscape plan;** and

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- i. The location, lighting and size of any signs; **shall be noted on revised site plan.**

- 23. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.

- 24. 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.

- 25. 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.

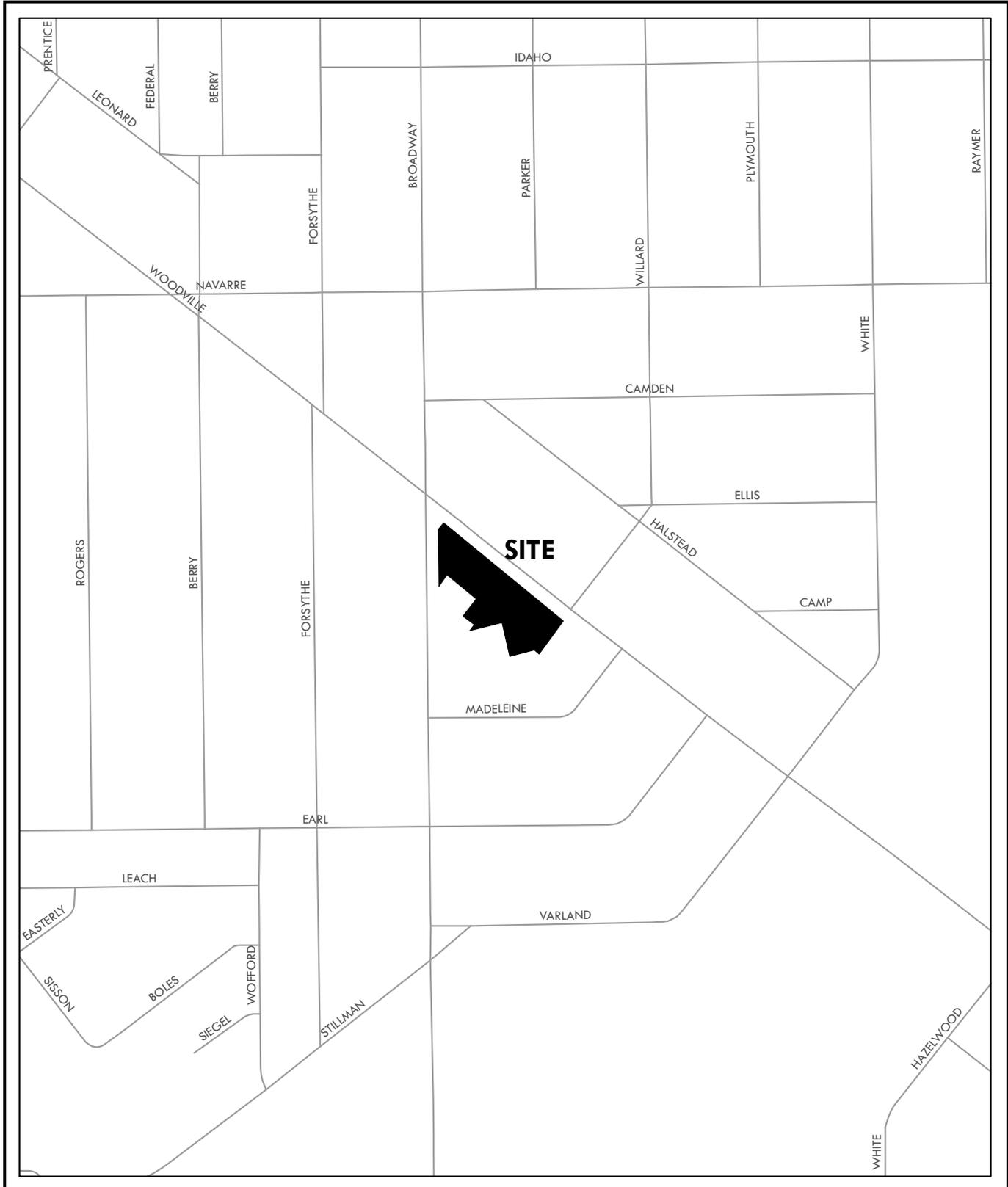
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3002-13
DATE: MAY 9, 2013
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: June 12, 2013
TIME : 4:00 P.M.

BH/ks
Three (3) sketches follow

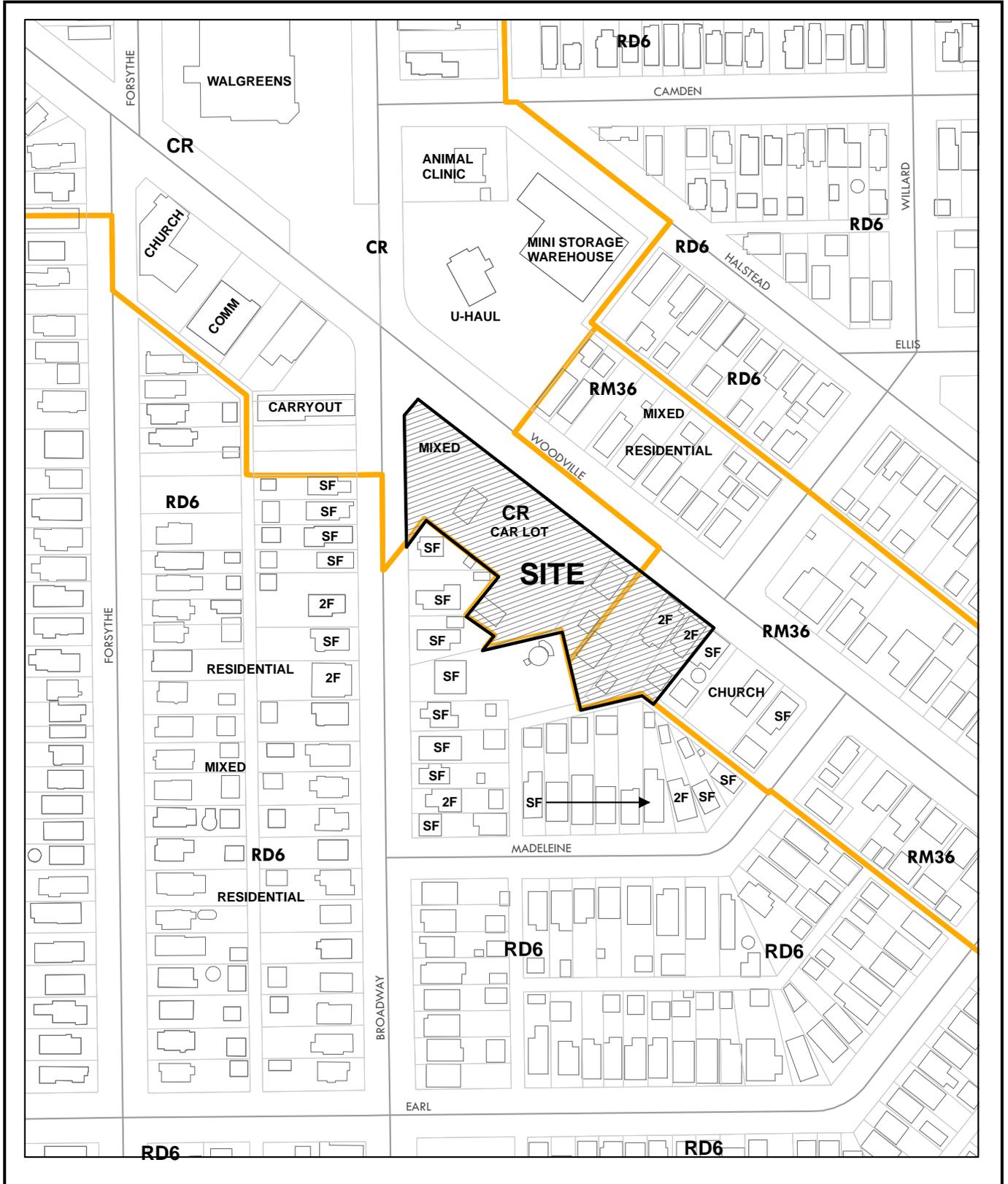
GENERAL LOCATION

SUP-3002-13
ID 30



ZONING AND LAND USE

SUP-3002-13
ID 30

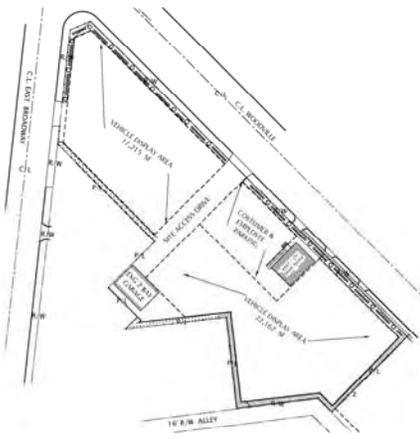


SITE PLAN AS SUBMITTED

SUP-3002-13
ID 30

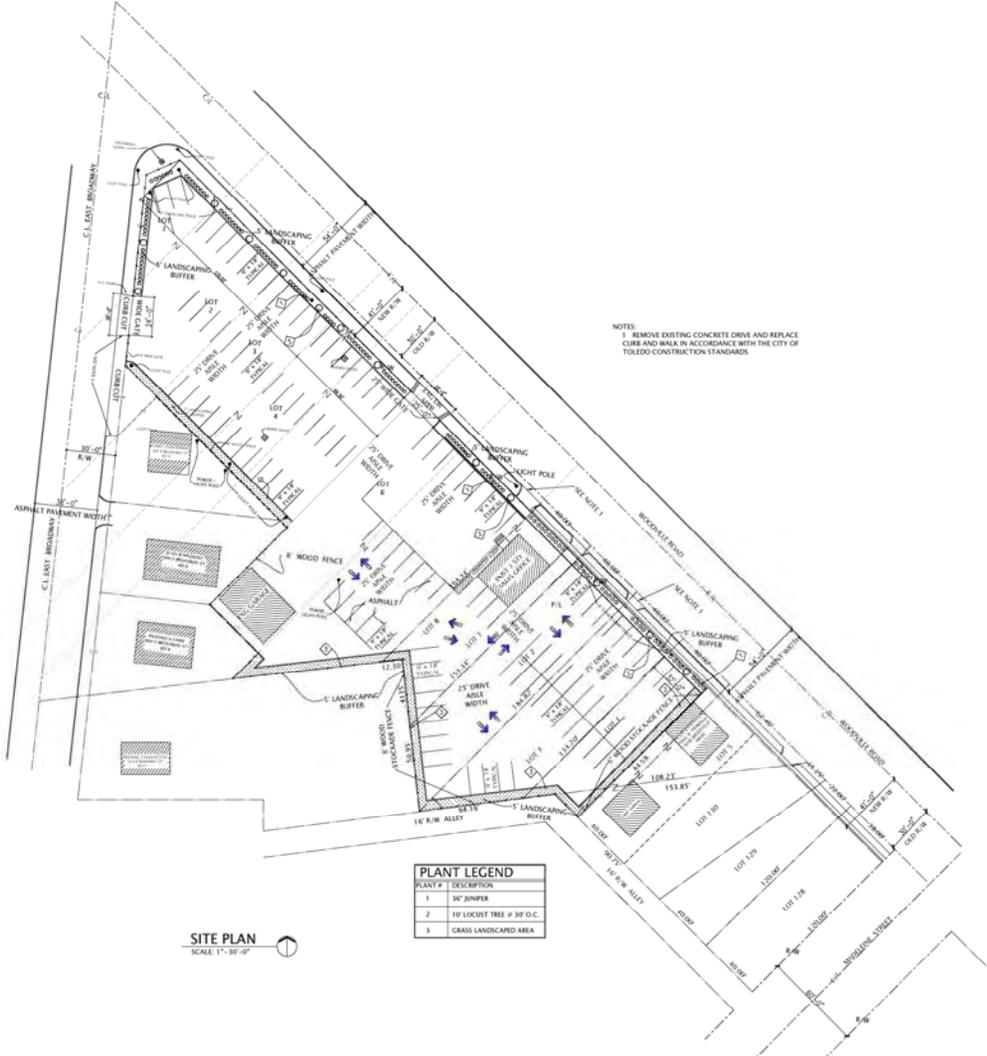


LOCATION MAP
NOT TO SCALE



PARKING SPACE REQUIREMENT	
TOTAL OFFICE AREA 910 SF	3 SPACES
PARKING SPACE 11,400 SF	3 SPACES
2 CAR BAY GARAGE	3 SPACES
PARKING SPACE 1.5 PER BAY	5 SPACES
TOTAL DISPLAY AREA - 39,182 SF	5 SPACES
PARKING SPACE 11,500 SF	14 SPACES
TOTAL SPACES REQUIRED -	18 SPACES
TOTAL SPACES PROVIDED -	18 SPACES

THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED UTILIZING INFORMATION PROVIDED BY THE OWNER AND/OR CONTRACTORS RELATED TO EXISTING CONSTRUCTION AND SYSTEMS. CONTRACTORS ARE REQUIRED TO VERIFY THE ACCURACY OF SAID INFORMATION IN THE FIELD. THE DESIGN PROFESSIONALS SHALL BE NOTIFIED OF ANY DISCREPANCIES.



NOTES:
1. REMOVE EXISTING CONCRETE DRIVE AND REPLACE CURB AND WALK IN ACCORDANCE WITH THE CITY OF TOLEDO CONSTRUCTION STANDARDS

PLANT #	DESCRIPTION
1	30' JUNIPER
2	10' LOCUST TREE @ 30' O.C.
3	GRASS LANDSCAPED AREA

SITE PLAN
SCALE 1"=30'-0"

HONG
300 Phillips Avenue, Suite #4
Toledo, Ohio 43612
Cory Hong
ph. 419.729.2000
email. cory.hong@totalink.net

STATE OF OHIO
COURT REPORTERS
C-39833
PROFESSIONAL

Site Review Plan
Remodelations
1st Choice Auto Finance
1000 Woodville Road
Toledo, Ohio 43605

DATE	04.02.13
SCALE	AS NOTED
DRAWN BY	-
CHECKED BY	-
DATE	12-010
FILE	12-010.dwg (C0.1)

C0.1

The drawing is the property of Hong Inc. It shall not be copied, reproduced, or used in any way without the written consent of Hong Inc. The drawing is provided as a guide for design purposes for each submission. While every attempt has been made to the accuracy, preparation of these drawings is based on information provided by the client. All dimensions and details shall be field verified and all discrepancies reported to Hong Inc. in proper format.

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GENERAL INFORMATION

Subject

- Request - Special Use Permit amendment for an addition to Arlington Elementary
- Location - 707 Woodsdale Avenue
- Applicant - Ken Swartz
420 East Manhattan Boulevard
Toledo, OH 43608
- Contact - Kevin J. Young, AIA
Munger Munger and Assoc. Architects
225 North Michigan Avenue
Toledo, OH 43604

Site Description

- Zoning - RD6 Residential Duplex District
- Area - ±2.64 acres
- Frontage - ±516.69' along Woodsdale Avenue
- Existing Use - Elementary School
- Proposed Use - Building Addition

Area Description

- North - Single family residences / RD6
- South - Single family and two-family residential / RD6
- East - Single family and two-family residential / RD6
- West - Single Family and two-family residential / RS6 and RD6

Parcel History

- SUP-3010-06 - Request for a special use permit for Arlington Elementary School. Approved by Plan Commission on 6/14/06, City Council approved on 7/11/06, Ord. 450-06.

GENERAL INFORMATION (cont'd)

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan.

STAFF ANALYSIS

The applicant is requesting an amendment to a special use permit for a site located at 707 Woodsdale Avenue, to facilitate the construction of a building addition to the existing Arlington Elementary School. Located in a RD6 Residential Duplex zoning district, the site is one parcel comprised of ±2.64 acres and is currently occupied by Arlington Elementary School and related amenities. Pursuant to TMC§1111.0708 – *Amendments to Approved Special Uses*, major amendments require full review and approval in accordance with the procedures of TMC Section 1111.0700.

Construction documents and letter of intent indicate the desire to construct a single story, six classroom addition to Arlington Elementary School that will total ±6806 sq.ft. A new double-loaded corridor will extend about 75 feet toward Grafton Street and will have three classrooms on each side of the corridor. The new corridor will match the existing corridor and existing kindergarten classroom exits will remain. A new sidewalk between the building and the relocated playground fence will be added, similar to existing conditions.

The enrollment for Arlington Elementary outlined under SUP-3010-06 as for approximately 450 students. After construction was complete, several portable classrooms were added to the site. The proposed addition will replace the portable classrooms.

Building Design

Pursuant to TMC§1109.0205(C)(b) – *Design Standards*, all sides of the building shall include compatible materials and design characteristics consistent with those on the primary façade. The degree of consistency required will be in proportion to the visibility of the side to the public or to an adjacent residential district. The new single-story, six classroom addition to Arlington Elementary School is designed to be harmonious with the existing school. The exterior materials will match or complement existing exterior elevations. The new addition will have the same roof slope and same color asphalt shingles as the existing roof.

STAFF ANALYSIS (cont'd)

Landscaping

The original special use permit (SUP-3010-06) was granted certain landscape waivers due to the unique circumstance of the site having frontage on all four sides and the overall constraints of a confined, urban site. The waivers are as follows: reduction in the number of street trees in the frontage greenbelts; reduction in the number of required interior trees and shrubs; reduction in the number of foundation plantings; and limiting the required irrigation to the entryway landscaping and the greenbelt along Woodsdale Avenue. There are no further plan to modify the landscaping as approved in 2006.

Parking and Circulation

A waiver of the prohibition of parking in the front yard was granted via the original special use permit. The parking lot has been situated along Woodsdale Avenue and includes 58 parking spaces (40 spaces in the lot and 18 spaces along the drop-off lane) and 50 bicycle spaces. The bicycle racks will be relocated as part of the proposed building addition. There are no further plans to modify the parking circulation.

Playground

The original submittal located the kindergarten playground on the north side of the elementary school, just beyond the kindergarten classrooms. It was designed to house two distinct play areas surrounded by a fence and divided by a pedestrian walkway. However, the current plan includes the relocation of the kindergarten playground and fence to reflect the new site conditions. The design of the playground will remain relatively the same and will be located just beyond the proposed classroom additions.

Surrounding land uses include residential duplex uses east of the property along Toronto Avenue, and to the north and south of the site occupied by Arlington Elementary School. West of the property, across Woodsdale Avenue, is a combination of single family residential and residential duplex land uses.

The Toledo 20/20 Comprehensive Plan targets this site for single family and two-family residential uses. The intent of the Residential designations is to accommodate the development of single family dwelling units and duplexes on individual lots, as well as uses such as schools. Therefore, the proposed development conforms to this land use designation. Academic institutions are permitted throughout all residential zoning districts given a special use permit has been granted. The proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC§1111.0706 – *Review and Decision Making Criteria*.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3008-13, a request for a Special Use Permit for a building addition to the elementary school located at 707 Woodsdale Avenue, to the Toledo City Council, for the following two (2) reasons:

1. The proposed use meets the stated purpose of this Zoning Code (TMC§1111.0706(A));
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B));

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-3008-13, a request for a Special Use Permit for a building addition to the elementary school located at 707 Woodsdale Avenue, to the Toledo City Council, subject to the following twenty-one (21) conditions:

Engineering Services

1. All **existing standard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines. The cross slope of existing drive approach along Laskey Road exceeds the maximum allowable cross slope. The drive approach shall be removed and replaced to meet the above referenced guidelines.
2. All **proposed** drive approaches, sidewalk, 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 the sidewalk through the drive) and curb shall be constructed with eight-inch (8") thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph. (419) 245-1220.
5. Contact Scott Bishop at ph. (419) 936-2756 for inspection of above mentioned items.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

6. Plans submitted for review do not detail any revisions to the existing site which is paved and has an existing storm water drainage system. Therefore, it appears that there are no items requiring a storm water plan review. However, the following items are Storm Water Utility requirements should site revisions be proposed on plans submitted later for approval.
7. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities Service; the Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the "Subdivision Rules and Regulations" of the Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction requirements; and the "Toledo Comprehensive Ditch Plan". All distributed land areas over one (1) acre must submit and NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above.
8. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100') from the development boundaries. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
9. No construction work, including grading, will be permitted without approved plans and inspection.
10. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at: www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewProcess/tabid/355/Default.aspx. It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo's requirements for the sanitary, storm, water, and roadway utilities. This in turn helps to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

Contact Information is:

Division of Engineering Services: ph. (419) 245-1351, fax (419) 936-2850
Sanitary Sewers: Mike Elling, ph. (419) 936-2276
Storm Water Drainage: Lorie Haslinger, ph. (419) 245-3221
Water: Andrea Kroma, ph. (419) 936-2163
Roadway: Doug Stephen, ph. (419) 936-2279

Sewers and Drainage Services

No comments and/or recommendations.

Fire Prevention

Comments not received at time of printing.

Transportation

The Division of Transportation does not object to the approval of the plan by the Plan Commission.

Building Inspection

No objection as to the site plan for the proposed used auto sales lot at this address.

The proposed development is NOT in a special flood hazard are (SFHA).

11. Construction and/or erection of any building or additions to existing buildings on this site will require stamped construction documents submitted to the Division of Building Inspection for plan review and approval according to the Ohio Building Code (OBC) and the associated mechanical, electrical and fire codes. Plans must also meet federal ADAG standards. It should be noted, that revised occupancy calculations from the proposed addition may affect such things as plumbing fixture count and egress requirements.

Plan Commission

12. Pursuant to TMC§1108.0204(B)(10) – *Landscaping and Screening*: Wheel stops (i.e., parking blocks) must be provided to ensure that vehicles cannot overhang directly on plant material.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

13. The dumpster location(s) shall 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.
14. Pursuant to TMC§1108.0304(G) – *Dumpsters and Trash Receptacle Screening*:
 - i. Screening must be a minimum height of 6 feet.
 - ii. All four sides of the dumpster must be screened.
 - iii. The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate.
 - iv. Screening materials can be any combination of evergreen plantings, fence or wall structure.
 - v. Dumpsters may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible;
 - vi. Dumpsters and trash receptacles serving commercial or industrial uses may not be located in Residential districts.
 - vii. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
15. Building elevations shall meet the requirements of Toledo Municipal Code Chapter 1109 Design Standards. Proposed addition shall match existing building materials.
16. Pursuant to TMC§1109.03205(C)(b) – *Design Standards*: All sides of the building shall include compatible materials and design characteristics consistent with those on the primary façade. The degree of consistency required will be in proportion to the visibility of the side to the public or to an adjacent residential district. **Revised elevation drawings shall be submitted indicating compliance with this condition.**
17. Pursuant to TMC§1109.0501(A) – *Design Standards*: Predominant exterior building materials shall be high-quality material. For facades visible from the public right-of-way, predominant materials must comprise at least seventy-five percent (75%) of the total wall area of the façade.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

18. Pursuant to TMC§1109.0502(A) – *Design Standards*: 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.
19. 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.
20. 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.
21. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3008-13
DATE: May 9, 2013
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: May 15, 2013
TIME: 4:00 P.M.

GP/ks
Five (5) sketches follow

GENERAL LOCATION

SUP-3008-13
ID 20

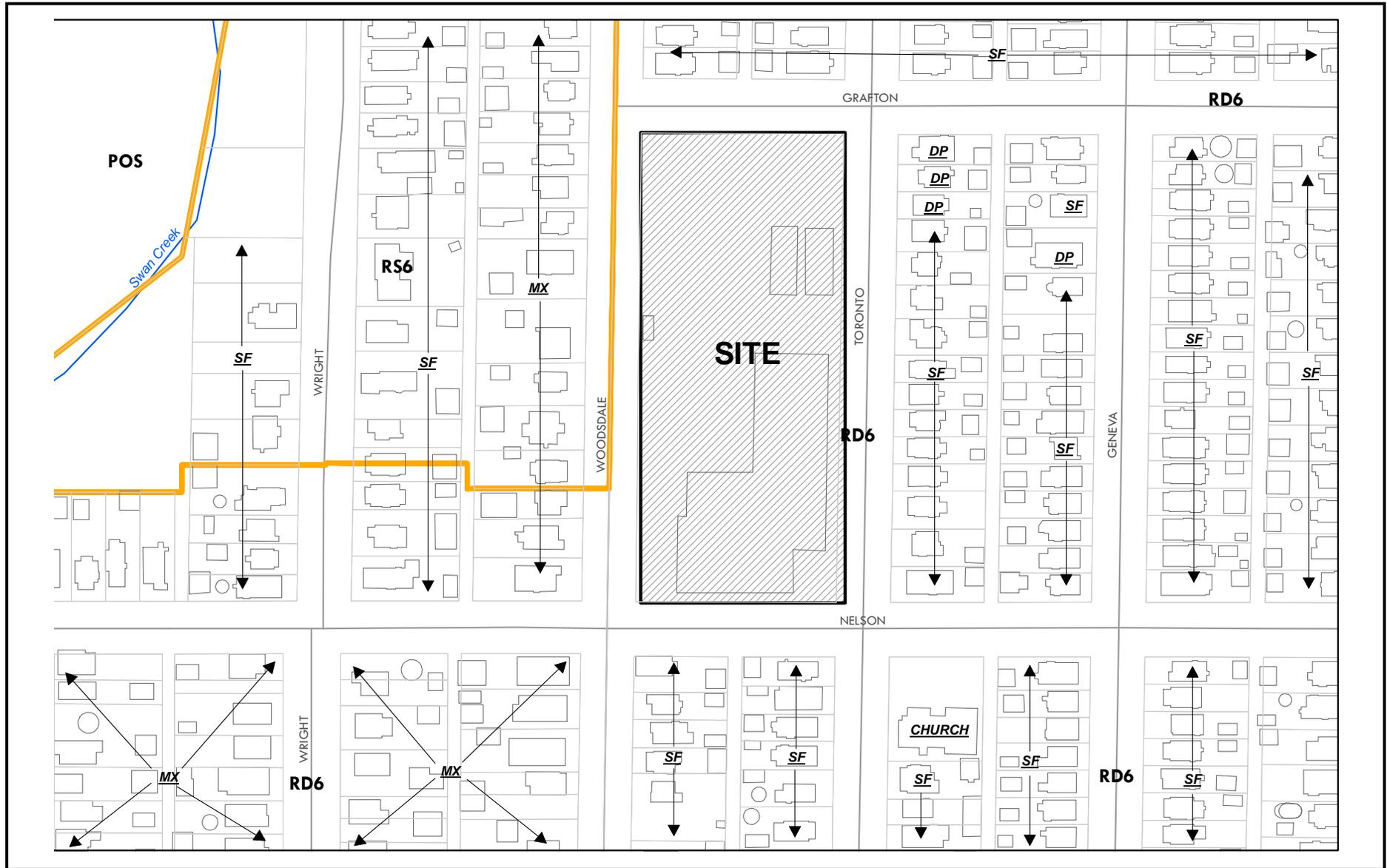


ZONING & LAND USE

SUP-3008-13
ID 20

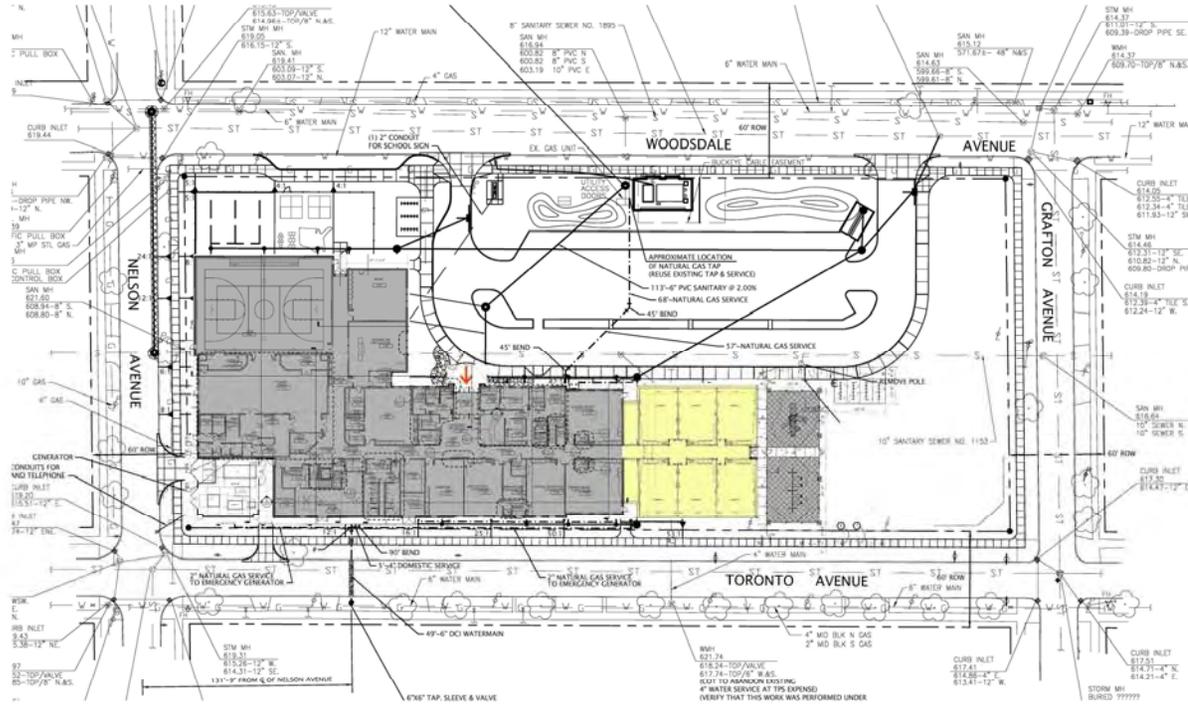
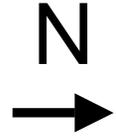


7 - 10



SITE PLAN

SUP-3008-13
ID 20



SITE PLAN
SCALE: 1" = 30'-0"

NOTE:
DRAWINGS BASED UPON BACKGROUNDS PROVIDED BY OTHERS, AND ARE FOR DESIGN INTENT ONLY.



SITE PLAN
NO. 6
1
ADDITIONS AND ALTERATIONS TO
ARLINGTON ELEMENTARY SCHOOL
507 WOODSDALE AVENUE
TORONTO, ONTARIO M8N 3K9
PREPARED FOR:
MUNGER MUNGER + ASSOCIATES ARCHITECTS INC.
225 AVENUE KINGSTON
TORONTO, ONTARIO M5X 1C4
COMMISSION: M-2895 DRAWN: GMM REVIEWED: DER DATE: 3.27.2019

7 - 11

ELEVATION

SUP-3008-13
ID 20



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"

NOTE:
DRAWINGS BASED UPON BACKGROUNDS PROVIDED BY OTHERS AND ARE FOR DESIGN INTENT ONLY.



ELEVATIONS
PREPARED FOR: JIM GRAY, BUSINESS MANAGER
MUNGER MUNGER + ASSOCIATES ARCHITECTS INC.
233 NORTH MICHIGAN TOLEDO, OHIO 43604-5813 TEL: 419.243.8141
CONVISION 11-21-2015 10:48 AM REVISED: DCB DATE: 3.22.2016

7 - 13

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GENERAL INFORMATION

Subject

- | | | |
|-----------|---|--|
| Request | - | Request for Special Use Permit to expand an existing school |
| Location | - | 4224 Walker Avenue |
| Applicant | - | Ken Swartz
Toledo Board of Education
420 East Manhattan Blvd.
Toledo, OH 43608-1267 |
| Architect | - | Dan Tabor
The Collaborative Inc.
500 Madison Avenue
Toledo, OH 43604 |
| Engineer | - | Matt Lewandowski
Lewandowski Engineers
234 N Erie Street
Toledo, OH 43604 |

Site Description

- | | | |
|--------------|---|---|
| Zoning | - | RD6 Duplex Residential |
| Area | - | ± 4.56 Acres |
| Frontage | - | ± 360' on Walker Avenue
± 590' on Dryden Drive
± 360' on Lewis Avenue |
| Existing Use | - | Public School |
| Proposed Use | - | Public School |

Area Description

- | | | |
|-------|---|--|
| North | - | Commercial and Single-family Residential / CR & RD6 |
| South | - | Single-family Residential and a Commercial Office / CO & RD6 |
| East | - | Single-family Residential / RD6 |
| West | - | Commercial and Multi-family Residential / CO |

GENERAL INFORMATION (cont'd)

Parcel History

SUP-2006-06 - Special Use Permit to build new school (PC approved 4/6/06, Ord. 341-06, 5/23/06)

Applicable Plans and Regulations

Toledo Municipal Code Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The Toledo Public School District is requesting a Special Use Permit to build an addition on the new Whittier Elementary School building, originally approved as SUP-2006-06. The proposal will also include the reconfiguration of the parking lot, student drop-off and playground areas. The 4.56-acre school parcel is located at 4224 Walker Street and is situated on the southeast corner of Lewis and Dryden Drive. The building is oriented facing Walker Street, therefore provided with a Walker Street address.

The current enrollment outlined under SUP-2006-06 provides for approximately 388 students. The expansion will allow for 590 total students, 35 faculty members and 19 additional staff. As a result, 54 parking and 50 bicycle spaces are required. The submitted site plan indicates 55 parking spaces with a 25 space “future parking lot expansion” to be provided (80 spaces = 148% of the required parking). However, no bicycle parking was indicated on the plan. The applicant has indicated that 18 bicycle spaces will be provided. A waiver has been requested to reduce the bicycle parking from 50 spaces to 18 spaces (SUP-2006-06 included an approved a bicycle waiver from 50 required spaces to 12 provided spaces). Staff found that 18 total bicycle spaces would be consistent with the waiver previously approved. The parking lot is to be located between the main entrance and Walker Avenue. The previous special use approval included a waiver to allow the parking to take place in the front yard. Although, the parking is proposed in the front of the building, it will be setback approximately 60 additional feet from Walker Avenue than that previously approved. Based on the previous waiver, staff has found that no additional action on this matter is required.

The existing building is a two-story masonry structure, with the masonry and stone colored masonry banding designed to reflect the appearance and character of the old Whittier Elementary school building. Variation in massing and wall articulation was accomplished through elements such as changes in wall planes and heights, changes in masonry patterns, and windows. Stair towers at the building ends, the entry tower, the extended cornice and buff-colored concrete masonry banding also served to proportion and divide the building mass. The predominate building material for all sides was brick masonry, with approximately 70 percent of the exterior building material comprised of dark red-brown brick.

STAFF ANALYSIS (cont'd)

The primary entrance is clearly defined with a two and one-half story entry tower, recessed entry court and canopy. The new addition will be a one-story masonry structure and will use many of the same elements of the existing building to vary the mass, as well as, the same building materials and color pallets to ensure visual consistency is achieved.

A landscape plan has been submitted for review. A combination of existing and proposed trees, shrubs and plantings will be used. The proposal includes a frontage greenbelt (consisting of Elm, Maple and Linden Trees) along both Walker Avenue and Dryden Drive and a solid evergreen hedge bordering the three (3) non-school facing sides of the parking lot with additional interior parking lot landscaping. The remaining landscaping, greenbelts and foundation plantings are consistent with that approved as part of SUP 2006-06. Staff has found that additional foundation planting shall be required along the new Lewis Avenue and side entrances near Peak Avenue. These planting areas should be similar to those approved at the main entrance, in terms of size, scale and plantings. Irrigation is not indicated on the submitted landscape plan, however, the previous approval include an irrigation waiver for sites over one acre. The existing playground equipment will be relocated to an area between the new addition and the equipment yard/service area on the Lewis Avenue side of the building. This will provide direct playground access via the kindergarten classrooms according to the applicant.

The architect has asked for an alternate building addition and a future parking lot expansion to be reviewed as part of this application. The alternate building addition request is based on the construction bidding process, while the future parking lot expansion will be installed at schools discretion. Although, the architect anticipates being awarded the additional building addition, they have yet to be approved by the Board of Education. In the event the architect is awarded the additional work, the proposed building addition will project into the Lewis Avenue front yard setback approximately four (4) feet. Staff supports the waiver and found that based on the urban nature of the property, a hardship is created and little to no adverse impacts are anticipated.

The surrounding land uses include single-family neighborhoods to the north, east and south and a mixture of single-family, duplex, multi-dwelling, office and commercial uses along Lewis Avenue to the west.

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. The single-family residential district was established and intended to accommodate the development of single dwelling units on individual lots. It may also include libraries, schools, churches, and community centers. The district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. As a result, based on the current zoning, proposed use and location staff has found that the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 *Review and Decision-making Criteria*.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-4001-13, a special use permit for an addition to the existing Whittier Elementary School located at 4224 Walker Avenue, to Toledo City Council for the following two (2) reasons:

1. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC 1111.0706.C Review & Decision-Making Criteria);
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC 1111.0706.B Review & Decision-Making Criteria); and

The staff recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the variance and waiver requested for the expansion of existing Elementary School located at 4224 Walker Avenue:

Chapter 1106 Intensity and Dimensional Standards

Sec. 1106.0101 Residential Districts

Approve a waiver for four (4) feet of the twenty-five (25) foot front yard setback along Lewis Avenue

Chapter 1107 Parking, Loading, and Access

Sec. 1107.0304 Off-Street Parking Schedule "A"

Approve a waiver for the required number of bicycle spaces from 50 spaces to 18 spaces.

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-4001-13, a request for a Special Use Permit for an addition to the existing Whittier Elementary School located at 4224 Walker Avenue, to the Toledo City Council, subject to the following twenty-four (24) conditions:

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines.
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.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with eight-inch (8") thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph (419) 245-1220.

Contact Scott Bishop at ph. (419) 936-2756 for inspection of above-mentioned items.

5. The original storm water drawings for the new Whittier School were approved November 13, 2006 and the school built in 2007. At that time the old school was to have been kept until the new school was built and then torn down. Stormwater drainage was designed for two phases of construction; phase 1 until the new school was built, and then phase 2 when the old school was torn down. Phase 2 contained a detention basin; however, phase 2 never happened because the old school was kept in use.

With the proposed new building addition and parking lot, the storm water design must take into consideration the detention from the original design in phase 2 along with the increase in runoff from new impervious surfaces.

6. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities and Public Service; the Toledo Municipal code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the "Subdivision Rules & Regulations: of the Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction Requirements; and "The Comprehensive Ditch Plan." All disturbed land areas over one (1) acre must submit an NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above.
7. A detailed site-grading plan for this project shall be submitted for approval. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
8. No construction work, including grading, will be permitted without approved plans and inspection.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

9. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewPorcess/tabid/355/Default.aspx. It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo's requirements for the sanitary, storm, water and roadway utilities. This will in turn help to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

Contact Information is:

Division of Engineering Services: ph. (419) 245-1315, fax (419) 936-2850
Sanitary Sewers: Mike Elling, ph. (419) 936-2276
Storm Water Drainage: Lorie Haslinger, ph. (419) 245-3221
Water: Andrea Kroma, ph. (419) 936-2163
Roadway: Doug Stephens, ph. (419) 936-2279

10. Post construction storm water Best Management Practices shall be incorporated into the design to provide treatment of runoff prior to discharging into the City's system. Underground detention does not qualify as a Best Management Practice. Designs incorporating low impact development solutions such as grassy swales, and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and often much less costly and may be eligible for a 30-percent (30%) reduction in the property's storm water utility fee.
11. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
12. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. The developer shall use existing sanitary tap, when available.
13. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developer's cost.
14. Any existing sewers under proposed buildings shall be relocated or abandoned. The developer shall verify any sewers to be abandoned are no longer in service.
15. Any 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.

STAFF RECOMMENDATION (cont'd)

Sewer & Drainage Services

No comments or objections.

Fire Prevention

No comments or objections.

Transportation

No comments or objections.

Building Inspection

16. Any construction of any buildings on this site will require that stamped construction documents be submitted to the Division of Building Inspection for review and approval according to the Ohio Building Code and its associated mechanical, electrical and fire codes.
17. Stamped construction documents for the parking lot, including dimensioned size, construction, drainage, striping configuration and accessibility standards must be submitted for plan review and approval to the Division of Building Inspection

Plan Commission

18. Additional landscape screening shall be provided around the equipment yard/service area on the Lewis Avenue (West) side of the building as requested in SUP-2006-06.
19. Additional foundation plantings shall installed along the newly created Lewis Avenue and side entrance near Peak Avenue, subject to the review and approval by the Director of the Toledo City Plan Commission.
20. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscape areas.
21. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Total interior landscaping shall be 20 square feet per parking space. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6 inch by 18 inch concrete curbing, (existing trees may be eligible for credits); **acceptable as depicted on site plan;**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- b. All parking spaces must be within 100 linear feet of a landscaped area, **acceptable as depicted on site plan;**
- c. All landscaped areas must have a minimum dimension of at least 9 feet and be at least 160 square feet in area; **acceptable as depicted on site plan;**
- d. Topsoil must be back filled to provide positive drainage of the landscape area; **acceptable as depicted with landscape materials;**
- 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 cover; **acceptable as depicted with landscape materials;**
- f. Landscape terminal islands must be provided at the end of each parking row; **acceptable as depicted on site plan;**
- g. Two canopy trees and six shrubs are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot (existing trees may be used for credits; **acceptable as depicted on site plan;**
- h. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10') in width; **acceptable as depicted on site plan;**
- i. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **acceptable as depicted with landscape materials;**
- j. The location, height and materials (chain link, aluminum tube, or wrought iron) for any fencing to be installed and maintained; aluminum tube or wrought iron fencing shall be used rather than chain link, **acceptable as depicted on site plan;**
- k. The location of the relocated playground equipment; **shall be noted on revised site plan;**
- l. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties);

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- m. The location, lighting and size of any signs.
- 22. Building façade materials and color shall meet the design standards of TMC Section 1109.0500.
- 23. 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.
- 24. 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.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-4001-13
DATE: May 9, 2013
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: May 15, 2013
TIME: 4:00 P.M.

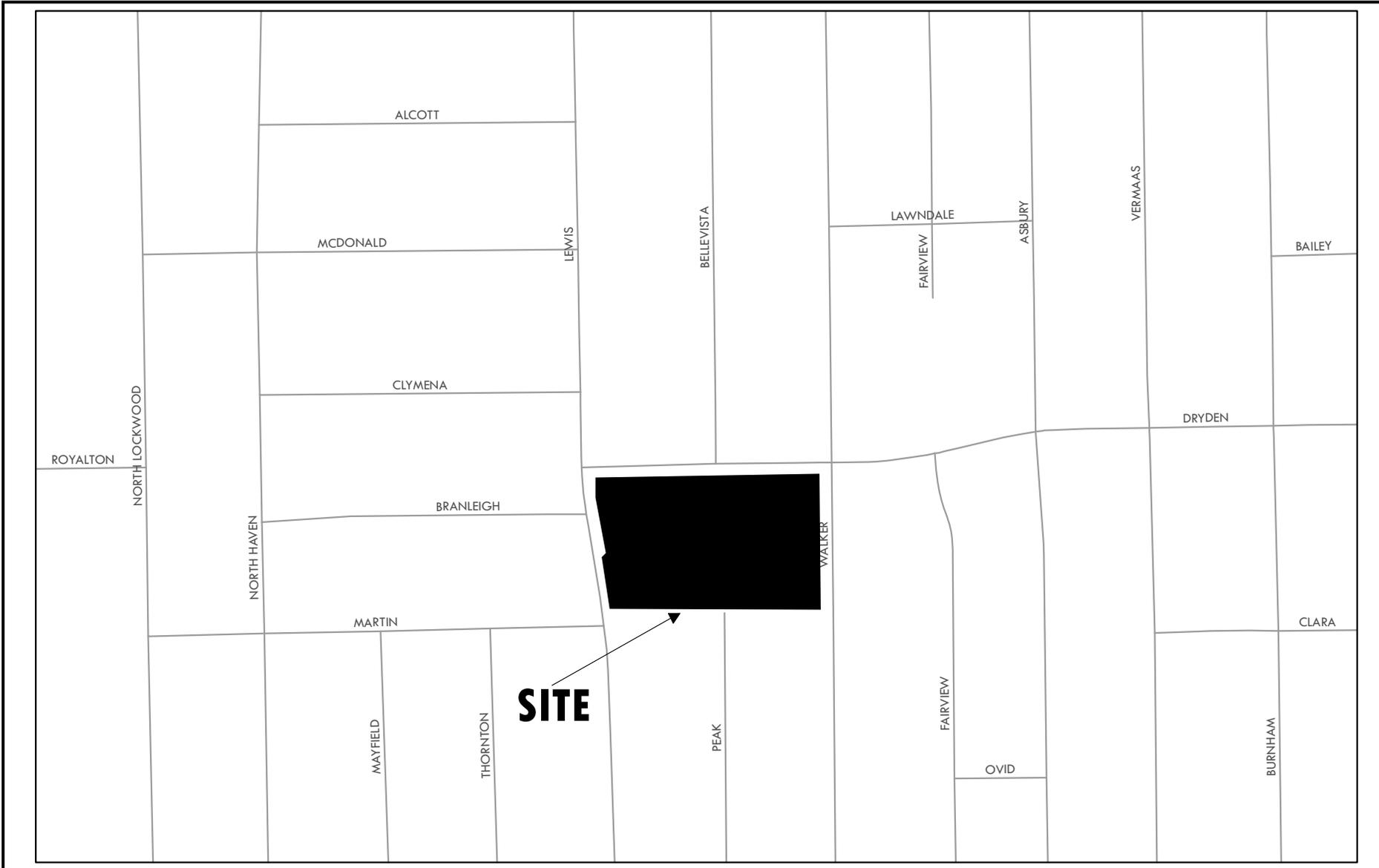
BH/ks
Five (5) sketches follow

GENERAL LOCATION

SUP-4001-13
ID 38



01 - 8

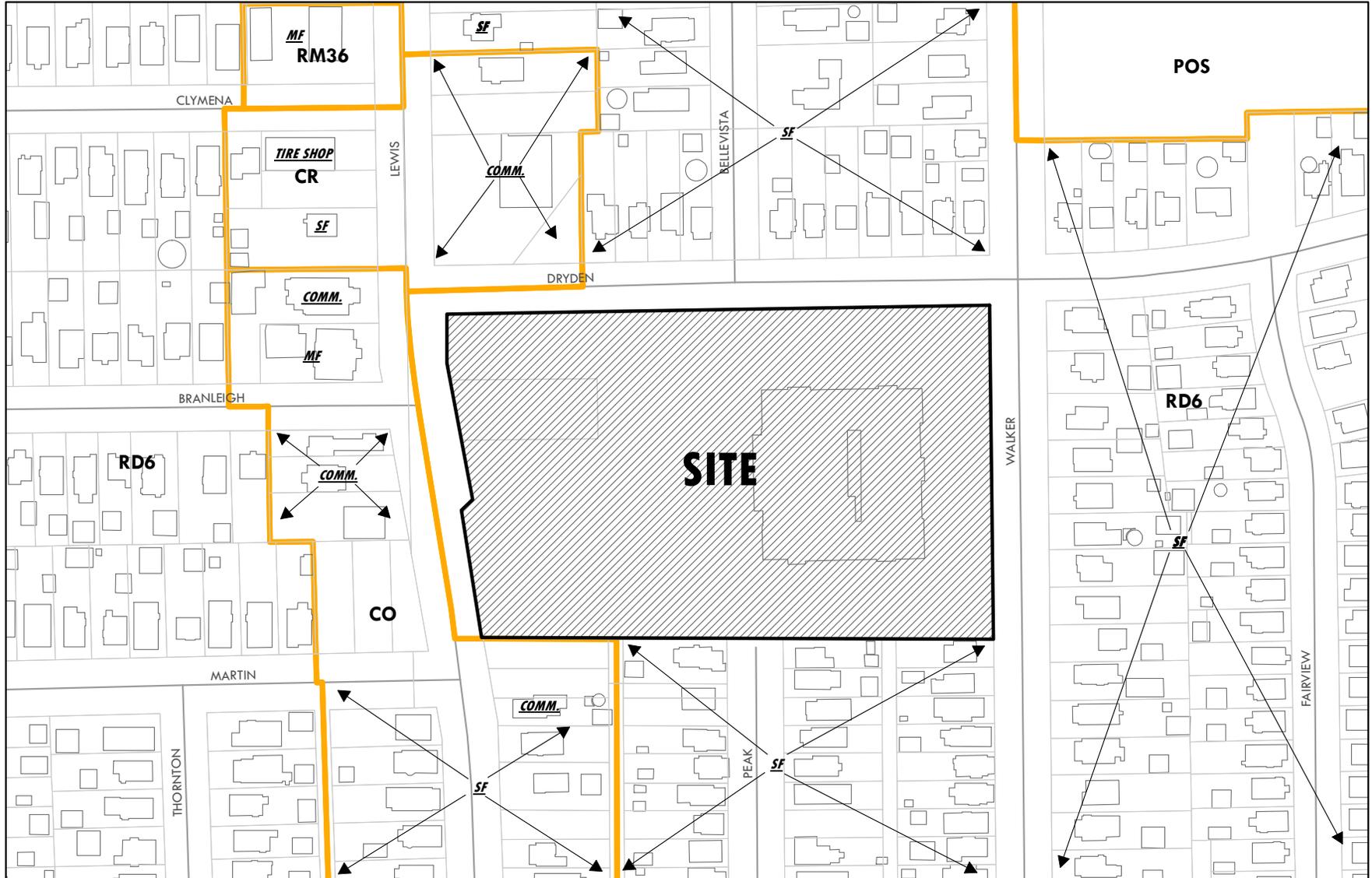


ZONING & LAND USE

SUP-4001-13
ID 38



11 - 8



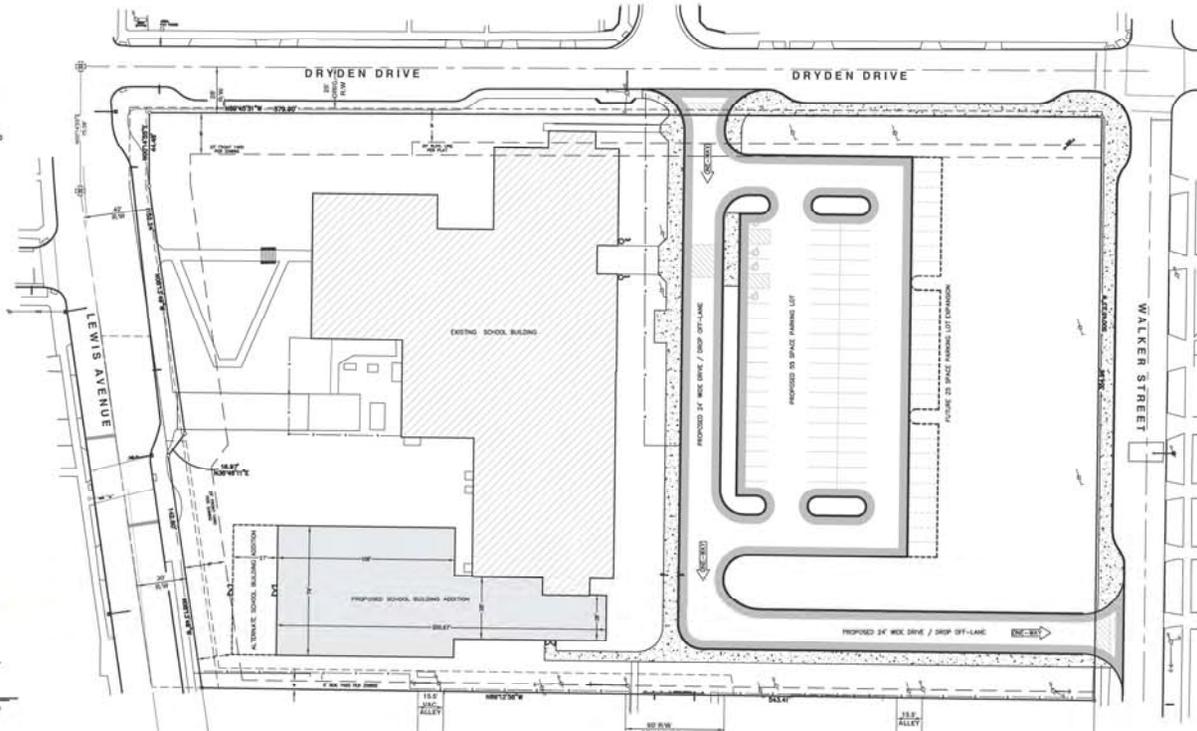
SITE PLAN AS SUBMITTED

SUP-4001-13
ID 38



LE PROJECT : 46101
CONTRACT : Q-TM

SPECIAL USE AND BUILDING SETBACK VARIANCE SUBMITTAL FOR:
WHITTIER SCHOOL
IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO



LEGAL DESCRIPTION

THE SOUTH THREE AND EIGHT ONE HUNDREDS (1.99) ACRES OF THE NORTH TWENTY-FOUR AND EIGHT ONE HUNDREDS (2.88) ACRES OF THE WEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION TWENTY (20), T9S, R7E AND (1) SOUTH, RANGE SEVEN (7) EAST, EXCEPTING THEREFROM THAT PART 1.990 ACRES, NESTLY OF THE CENTERLINE OF LEWIS AVENUE AND ALSO EXCEPTING THEREFROM THE EAST THIRTY (30) FEET WIDEWAY CONVEYED TO THE CITY OF TOLEDO FOR STREET PURPOSES BY VOLUME 540 OF DEEDS, PAGE 238, AND ALSO:

LOTS NUMBERS ONE (1), TWO (2), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19), TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTY-THREE (23), TWENTY-FOUR (24), TWENTY-FIVE (25), TWENTY-SIX (26), TWENTY-SEVEN (27) AND TWENTY-EIGHT (28), IN BALLY'S SUBDIVISION OF LOTS NUMBERS FOUR (4) ONE (1), ONE (1), SEVEN (7) AND EIGHT (8) IN HILLCREST GARDENS IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO IN ACCORDANCE WITH VOLUME 32 OF PLATS, PAGE 10.

T9S-0941
1653-3427

ZONING

ZONED: RES-A, SINGLE RESIDENCE
REFER TO T.C. ZONING CODE 1108.001

FRONT YARD SETBACK: 30'
REAR YARD SETBACK: 30'

SIDE YARD REQUIRED: 5' MINIMUM WITH AN ADDITION OF 12'

ACCESSORY STRUCTURE:
FRONT YARD SETBACK: 5' (1108.002A)
SIDE YARD SETBACK: 1' (1108.002C)
REAR SETBACK: 5' (1108.002B)
MAX. HEIGHT: 10' (1108.002E)
MAX. COVERAGE BY AN ACCESSORY BUILDING: 25% OF REAR YARD (1108.002A)
MAX. SETBACK COVERAGE IS SIDE OF REAR YARD (1108.002A)

NOTE: A VARIANCE IS ON FILE PERMITTING AN ENCROACHMENT OF 12' INTO THE FRONT SETBACK ALONG OPTION DRIVE.

LSM COTTRELL - LUCAS COUNTY PLANNING COMMISSION
378-240-1226



WARNING

UNDESIGNED CONSTRUCTION IN AREAS CONTACT THE OHIO DIVISION OF PROFESSIONAL SERVICE (DPS) TWO WORKING DAYS PRIOR TO ANY EXCAVATION, DEMOLITION OR CONSTRUCTION. 1-800-368-2784

CONTRACTOR SHALL NOTIFY AND CONTACT ANY UTILITY COMPANIES THAT DO NOT PARTICIPATE IN THE DAPS SYSTEM.



INDEX	DEVELOPER	ADDRESS	PARKING	PLAN PREPARED BY:
1 - OVERALL SITE PLAN 2 - PROPOSED IMPROVEMENTS 3 - EXISTING SETBACK AND QUALITY	TOLEDO BOARD OF EDUCATION 420 EAST MANHATTAN BLDG TOLEDO, OHIO 43616	4143 WALKER AVENUE TOLEDO, OHIO 43612 PARCEL NO. 14-10-044	PER C.O.T. ZONING CODE SECTION 1108 1 FACULTY MEMBER = 50 SPACES 18 STAFF MEMBERS = 63 SPACES 1 SPACE / 30 STUDENTS ONE STUDENT = 118 SPACES REQUIRED PARKING = 541 SPACES PROPOSED PARKING = 50 SPACES	TROY M. BARMAN, P.E. DATE OF THIS PLAN
	INTENT OF SUBMITTAL	AREA		
	THE INTENT OF THIS SUBMITTAL IS TO AMEND THE EXISTING SPECIAL USE PERMIT FOR WHITTIER SCHOOL TO INCLUDE A BUILDING ADDITION, REISED PARKING LAYOUT AND A DROP OFF DRIVE.	18.53 SQ. FT. 80 4.58 AC		
	IN ADDITION TO AMENDING THE SPECIAL USE PERMIT IT IS ALSO INTENDED TO OBTAIN A 5' BUILDING SETBACK VARIANCE FROM 20' TO 25' ALONG LEWIS AVENUE FOR THE PROPOSED ADDITION.			

PT. W. 1/4, SW. 1/4, SEC. 14, T9S, R7E AND LOTS 1,2,17-28 IN BALLY'S SUBDIVISION OF LOTS 4-8 IN HILLCREST GARDENS

LEWANDOWSKI ENGINEERS

CIVIL ENGINEERS & SURVEYORS
THE CHEF BLDG. 234 N. ERIE ST.
TOLEDO, OHIO 43604
V: 419.255.4111 F: 419.255.4112
LEWANDOWSKIENG.COM

SPECIAL USE AND VARIANCE SUBMITTAL FOR:
WHITTIER SCHOOL
IN PT. W. 1/4, SW. 1/4, SEC. 14, T9S, R7E
AND LOTS 1,2,17-28 IN BALLY'S SUBDIVISION
OF LOTS 4-8 IN HILLCREST GARDENS
CITY OF TOLEDO, LUCAS COUNTY, OHIO

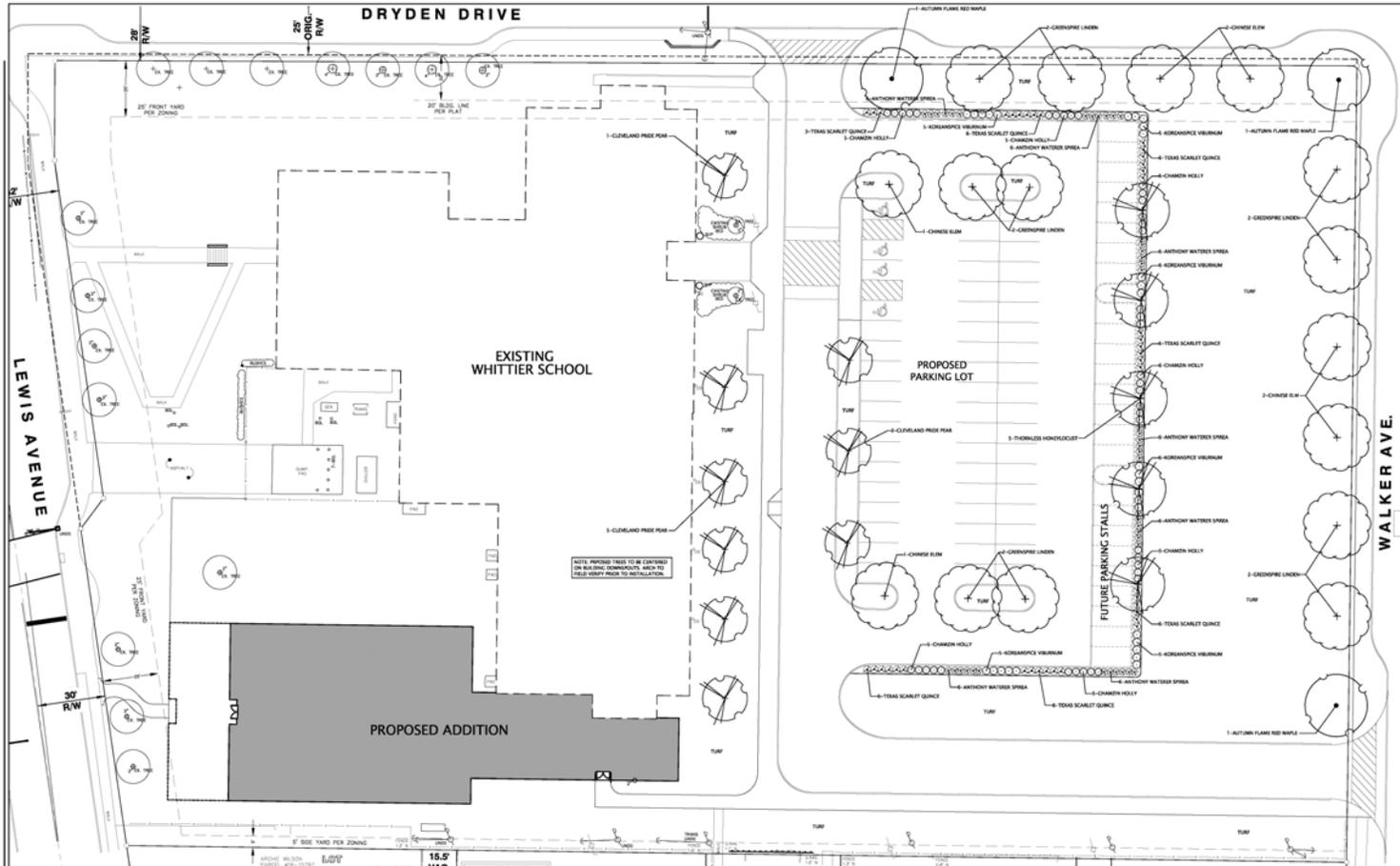
DATE: 04/20/13
DRAWN: A.A.
CHECKED: MCL.
TOPO: SP1
UTILITIES: J.A.

SCALE: 1"=30'
DWG. # 46101-LAYOUTS
DR # 46101
AUTOCAD REL. 2004
GIS: ARCVIEW 9.2

8 - 12

LANDSCAPE PLAN AS SUBMITTED

SUP-4001-13
ID 38



LANDSCAPE PLAN
SCALE: 1" = 20'-0"



- GENERAL NOTES:**
1. CONTRACTOR TO BE RESPONSIBLE FOR FIELD VERIFICATION OF ALL EXISTING CONDITIONS, DIMENSIONS, LOCATIONS AND MATERIALS.
 2. LAND CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING UTILITIES.
 3. EACH CONTRACTOR SHALL NOTIFY THE OWNER REPRESENTATIVE IMMEDIATELY IN A DISCREET MANNER BETWEEN THE OPERATING HOURS AND ACTUAL BIDDING OF THE FIELD.
 4. EXISTING CONDITIONS ARE SHOWN AS IS. UNLESS SHOWN BACK TO ALLOW FOR EXISTING CONSTRUCTION TO TAKE SET.
 5. SEE ALL AREA SHOWN ON PLANS AS WELL AS ALL AREAS DISTURBED BY CONSTRUCTION OPERATIONS.

PLANT LIST:

QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
TREES				
1	ACER RUBRUM 'AUTUMN FLAME'	AUTUMN FLAME RED MAPLE	4"	BAR
1	QUERCUS TRUNCATOIDES 'THORNY'	THORNLESS HORNDOLOGUET	2" CAL.	BAR
15	PRUNUS CALIFORNICA 'COPPINHO'	CLEVELAND PRIDE PINK	2 1/2" CAL.	BAR
13	TELA COBERTA 'CHERRYPIKE'	CHERRYPIKE LINEN	2 1/2" CAL.	BAR
6	UNIONIA PARVIFLORA	CHERRY ELM	2 1/2" CAL.	BAR
SHRUBS				
28	CHAMONILLA JAPONICA 'TEXAS SCARLET'	TEXAS SCARLET QUINCE	24" HT.	CONT.
27	SLER CLAMBA 'DANZON'	CHAMBER HOLLY	24" HT.	CONT.
207	SARONIA & BURNING 'ANTHONY WATERS'	ANTHONY WATERS SPREA	24" HT.	CONT.
32	VIBURNUM CARLESI	KORONARCA VIBURNUM	24" HT.	CONT.

*CONTRACTOR IS RESPONSIBLE FOR PLANT QUANTITIES. VERIFY COUNTS WITH PLAN.

300 Madison Ave.
Toledo, OH 43606
419.242.7400 ext.
419.242.7400 fax
www.collaborativeinc.com
collaborativeinc.com



PROJECT TITLE
Whittier Elementary School Addition
Toledo Public Schools

4221 Walker Ave.
Toledo, OH 43612

CHECKED: RAW
APPROVED: DJT

TCL JOB NO. 106169

SHEET TITLE
Landscape Plan

SHEET NO.
L10

REF: SUP-3006-13
DATE: May 9, 2013

GENERAL INFORMATION

Subject

Request	-	Request for Special Use Permit for a new daycare center
Location	-	4438 Jackman Road
Applicant	-	Michael Tersigni 806 Starr Avenue Toledo, OH 43605
Contact	-	Dave Tersigni 1006 Miller Road Northwood, OH 43619
Architect	-	Curtis Hong Hong Inc. 300 Phillips Avenue Toledo, OH 43612

Site Description

Zoning	-	CR Regional Commercial & RD6 Duplex Residential
Area	-	± 0.218 Acres
Frontage	-	± 40' along Jackman Road and ± 37' along Dartmoor Drive
Existing Use	-	TV Sales and Service
Proposed Use	-	Daycare Center

Area Description

North	-	Mixed-Use and Daycare Center / CR
South	-	Duplex and Single-family Residential / CR, RD6 & RM36
East	-	Single-family Residential / RD6
West	-	Multi-dwelling Apartments / IL

GENERAL INFORMATION (cont'd)

Parcel History

P-9-74 - Off-Street Parking in a RD6 Duplex Residential District (PC Disapproved 1/9/75, Approved by BZA 2/3/75)

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit to operate a daycare center on the site located at 4438 Jackman Road. The 0.218-acre site has 40 feet of frontage on Jackman Road and is split zoned CR Regional Commercial and RD6 Duplex Residential. The applicant is proposing to open a daycare center in the existing 1,880 square foot commercial building on the site. A Special Use Permit is required because the site is partially located in a residential zoned district.

Surrounding land uses include a commercial daycare center and a mixed-use building to the North, single-family residential neighborhoods to the East, one and two-family residential uses to the South and an apartment complex to the West. As a note, the applicant owns the commercial daycare and mixed-use building to the North. There are no spacing requirements that prohibit multiple daycare centers on the same block.

The site plan indicates that the daycare will provide services to 38 students. TMC§1107.0304 requires 1 parking space be provided for every 6 students or 1 per 400 square feet of building area, whichever is greater, resulting in a parking requirement of seven (7) spaces. The site currently has three (3) existing parking spaces located in the front of the building and a proposed five (5) additional parking spaces and a drop-off space in the rear of the building. The Division of Transportation has objected to the use of the substandard parking in the front of the building. The parking in the rear will be accessed through commonly owned cross-access agreement drives, one via Jackman Road and the other via Eleanor Avenue. In addition, 1,330 square feet of indoor and 2,280 square feet of outdoor play area will be required. According to the site plan submitted, adequate play space will be provided.

The Toledo 20/20 Comprehensive Plan targets this area for both neighborhood commercial and single-family residential land uses. The intent of the neighborhood commercial future land use designation is to encourage predominantly small and medium scale commercial uses to serve the nearby neighborhoods. This area of Jackman Road is a major street and the proposal is providing adequate drop-off/pick-up areas and appropriate outdoor play space. The proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 Review and Decision-making Criteria.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3006-13, a special use permit for a daycare center located at 4438 Jackman Road, to Toledo City Council for the following three (3) reasons:

1. The proposed use is consistent with the Toledo 20/20 Comprehensive Plan;
2. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC 1111.0706.C Review & Decision-Making Criteria);
3. The proposed use complies with all applicable provisions of this Zoning Code (TMC 1111.0706.B Review & Decision-Making Criteria)

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-3006-13, a request for a Special Use Permit for a daycare center at 4438 Jackman Road, to the Toledo City Council, subject to the following thirteen (13) conditions:

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines.
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 eight-inch (8") thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph (419) 245-1220.

Contact Scott Bishop at ph. (419) 936-2756 for inspection of above-mentioned items.

STAFF RECOMMENDATION (cont'd)

Sewer & Drainage Services

No comments or objections.

Fire Prevention

5. Approved address numbers are required to be visible from Jackman Road.

Transportation

6. If not already established, cross-access agreements shall be established with adjacent property owners.

Building Inspection

7. A change of use of the building will require a new certificate of occupancy to be issued once stamped drawings of the building on the property are submitted to the Division of Building Inspection for review and approval identifying the correct use group, occupancy load, plumbing fixture count, egress and emergency egress locations, emergency evacuation routes and other life-safety and ADA compliancy facilities, in accordance with the administrative code of the Ohio Building Code and its associated mechanical, electrical and fire codes.

It is recommended that if construction and/or alterations of any buildings on these sites are planned, that, simultaneous to the change of use request, the construction documents be submitted to the Division of Building Inspection for review and approval showing the improvements to be in compliance with the Ohio Building Code and its associated mechanical, electrical and fire codes

Plan Commission

8. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscape areas.
9. A dumpster location(s) shall have a concrete pad surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.
10. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- a. A Type "B" Landscaping Buffer shall be installed around the outdoor play area. A fence, wall, or berm may be used as a substitute for shrub requirements; **acceptable as depicted on site plan.**
 - b. Foundation plantings shall be provided along the Jackman Road building frontage subject to the review and approved by the Director of the Toledo City Plan Commission; **shall be noted on revised site plan.**
 - c. Topsoil must be back filled to provide positive drainage of the landscape area;
 - d. 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 cover; **acceptable as depicted on site plan;**
 - e. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **acceptable as depicted on site plan;**
 - f. The location, height and materials (chain link, aluminum tube, or wrought iron) for any fencing to be installed and maintained; aluminum tube or wrought iron fencing shall be used rather than chain link, **acceptable as depicted on site plan;**
 - g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties);
 - h. The location, lighting and size of any signs.
11. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.
 12. 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.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

13. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3006-13
DATE: May 9, 2013
TIME: 2:00 P.M.

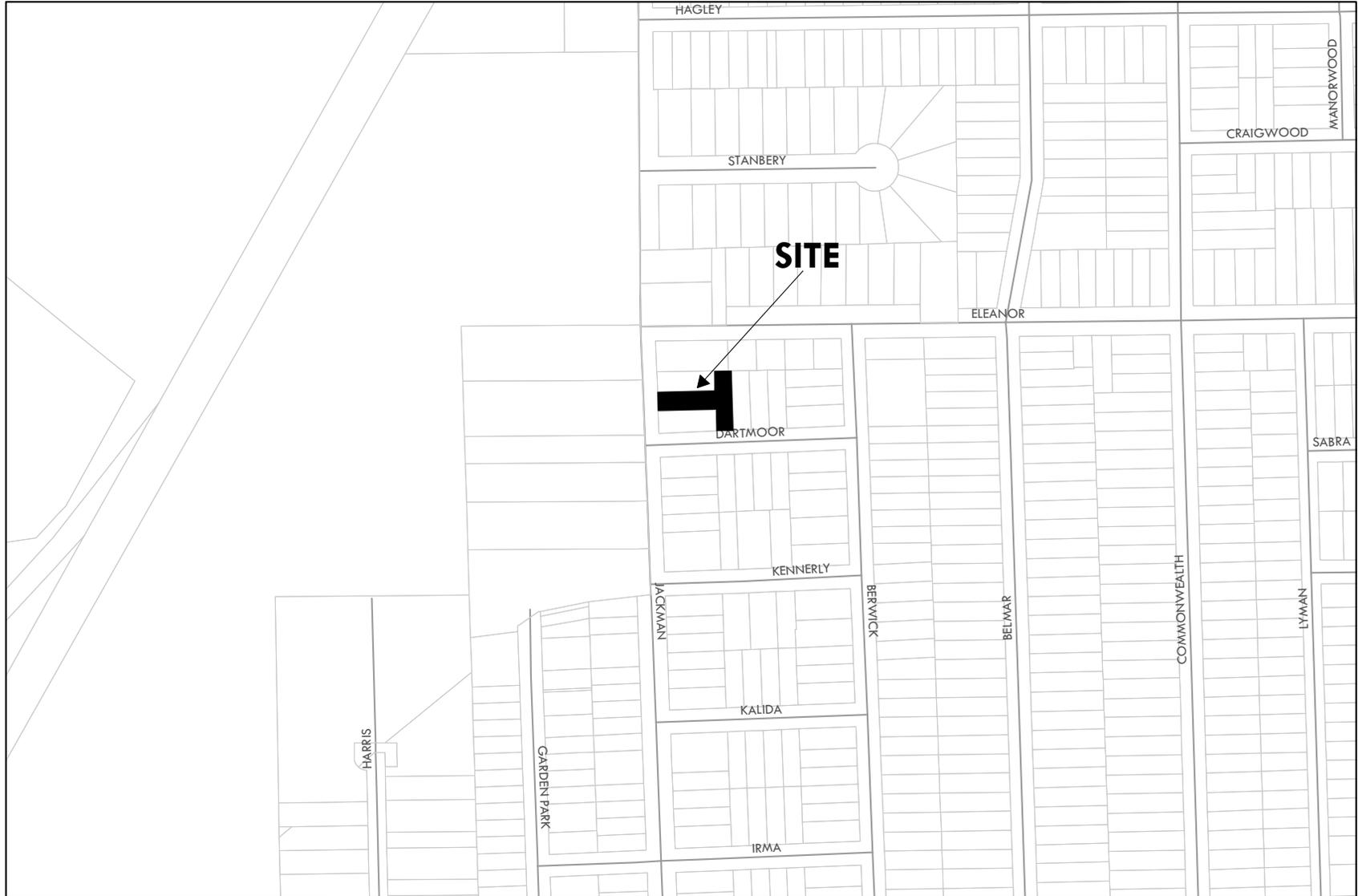
CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: June 12, 2013
TIME: 4:00 P.M.

BH/ks

Three (3) sketches follow

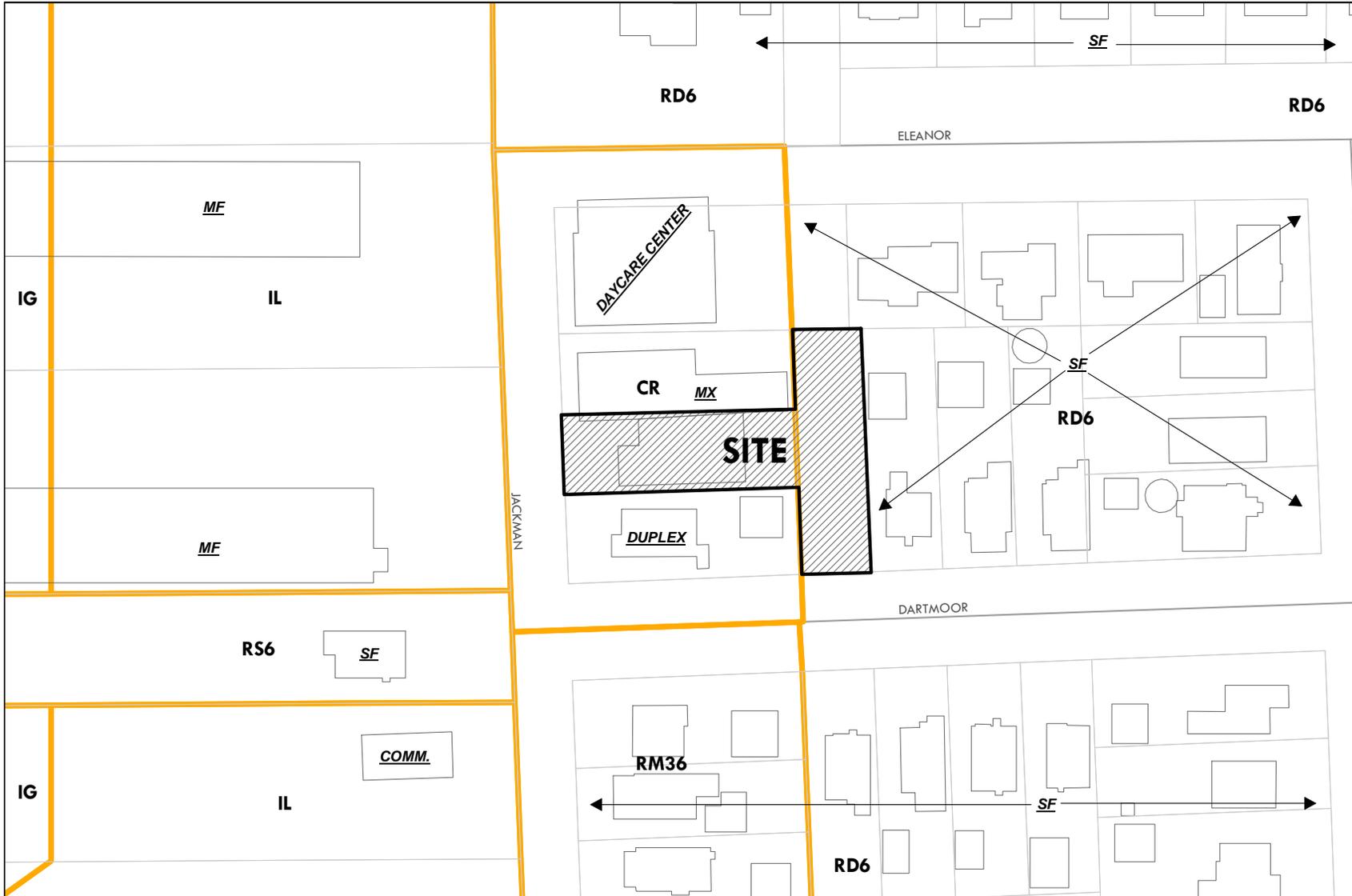
GENERAL LOCATION

SUP-3006-13
ID 37



ZONING & LAND USE

SUP-3006-13
ID 37



8-6

SITE PLAN AS SUBMITTED

SUP-3006-13
ID 37



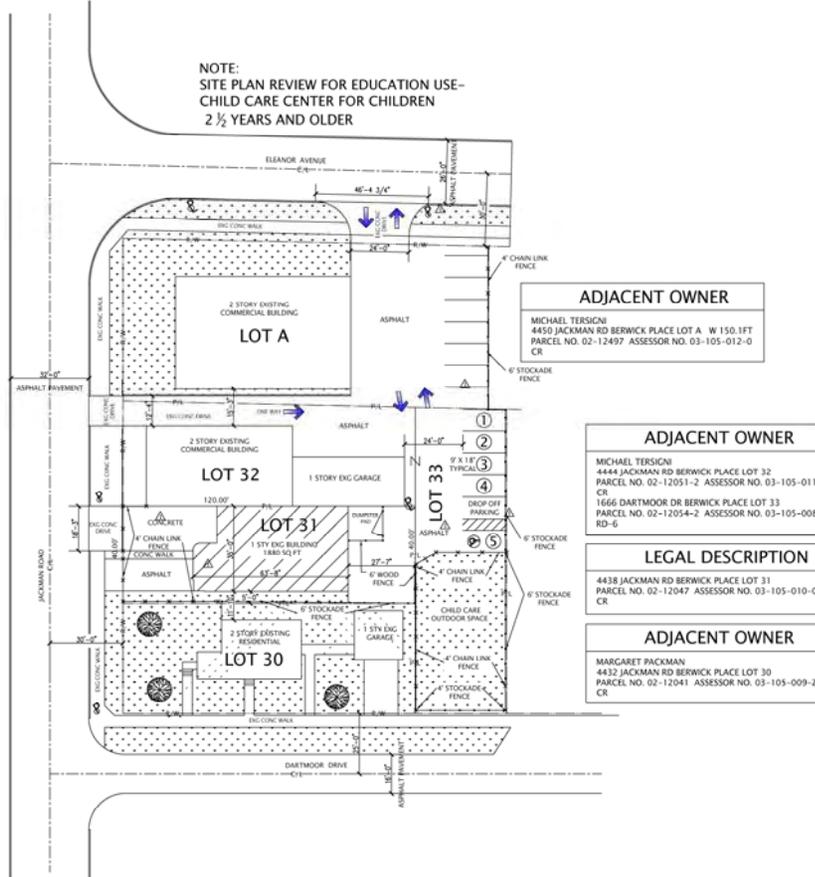
LOCATION MAP
NOT TO SCALE

DEVELOPER:
TODDLERS SCHOOLS
4438 JACKMAN ROAD
TOLEDO, OH 43612

PLANT LEGEND

1/8"	JUNIPER BUSHES
1"	LOCUST TREES

NOTE:
SITE PLAN REVIEW FOR EDUCATION USE-
CHILD CARE CENTER FOR CHILDREN
2 1/2 YEARS AND OLDER



ADJACENT OWNER
MICHAEL TERSICAI
4450 JACKMAN RD BERWICK PLACE LOT A W 150.1FT
PARCEL NO. 02-12497 ASSESSOR NO. 03-105-012-0
CR

ADJACENT OWNER
MICHAEL TERSICAI
4444 JACKMAN RD BERWICK PLACE LOT 32
PARCEL NO. 02-12051-2 ASSESSOR NO. 03-105-011
CR
1666 DARTMOOR DR BERWICK PLACE LOT 33
PARCEL NO. 02-12054-2 ASSESSOR NO. 03-105-008
RD-6

LEGAL DESCRIPTION
4438 JACKMAN RD BERWICK PLACE LOT 31
PARCEL NO. 02-12047 ASSESSOR NO. 03-105-010-0
CR

ADJACENT OWNER
MARGARET PACKMAN
4432 JACKMAN RD BERWICK PLACE LOT 30
PARCEL NO. 02-12041 ASSESSOR NO. 03-105-009-Z
CR

CODE INFO:

Occupancy Group	
Existing -	B
Proposed -	E
Construction Type -	
Floor Area	
Building -	1,880 SF
Alteration Area -	1,880 SF
No Fire Resistance Rating Req'd for Bldg. Elements	
Occupant Load	
1329 SF / 35 SF Students =	38
Teachers =	2
Total Occupants-	40
Egress Width	
Required - 35 x 2 =	7' Clear
Provided - 36 x 2 =	7 1/2' Clear
Exits	
Required -	2
Provided -	2
Toilet Facilities:	
Required -	2 W.C., 2 Lav., 1 S.S., 1 D.F.
Provided -	3WC, 3Lav, 1 S.S, 1 Bottled Water Cooler

GENERAL NOTES

1. DRAWINGS ARE SCHEMATIC AND EXACT CONDITIONS MUST BE VERIFIED AT THE SITE. ANY CONFLICTS BETWEEN THE CONSTRUCTION DOCUMENTS AND ACTUAL CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER FOR RESOLUTION BEFORE WORK CONTINUES.
2. ALL WORK SHALL CONFORM TO ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS.
3. PROVIDE BLOCKING IN WALLS FOR WALL MOUNTED ITEMS.

SITE PLAN REVIEW
SCALE: 1"=20'-0"

PARKING SPACE REQUIREMENT

CHILD CARE CENTER	= 1880 SF
PARKING SPACE 1:400 SF =	4 SPACES
HANDICAP SPACE	= 0 SPACE
TOTAL SPACES REQUIRED =	5 SPACES
TOTAL SPACES PROVIDED =	5 SPACES

OUTDOOR SPACE REQUIREMENT

CHILD CARE CENTER	= 38 STUDENTS
SPACE PER STUDENT	= 1 PER 60 SF
TOTAL SPACE REQUIRED =	2280 SF
TOTAL SPACE PROVIDED =	2458 SF

HONG
300 Phillips Avenue, Suite #4
Toledo, Ohio 43612
Cathy Hong
ph: 419.729.2000
email: cathyhong@totalink.net



Site Plan Review
Proposed Renovations
Child Care Center
4438 Jackman Road
Toledo, Ohio 43612
Owner: Toddlers Schools

NO. 103-14-13	

DATE	02.16.13
SCALE	AS NOTED
DRAWN BY	
CHECKED BY	
JOB NO.	12-033
1:400 PLOT	12-033.dwg(A1.0)

A1.0

This drawing is the property of Hong Inc. It shall not be copied or reproduced in any way without the written consent of Hong Inc. It shall not be used for any work other than that intended by Hong Inc. It shall not be used for any other project without the written consent of Hong Inc. All dimensions are given in feet and inches. All dimensions are given in feet and inches. All dimensions are given in feet and inches. All dimensions are given in feet and inches.

6-6

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GENERAL INFORMATION

Subject

- Request - Request for Special Use Permit for the operation of a Drug and Alcohol Treatment Group Living Facility
- Location - 3314, 3318, 3322 Cherry Street & 3345 Condley Street
- Applicant - Donna Perras, Executive Director
Harbor House / 300 Beds Inc.
3322 Cherry Street
Toledo, OH 43608
- Architect - Paul Sieben, FAIA, President
LeanTrak, Inc.
1645 Indian Wood Circle, Suite 101
Maumee, OH 43537

Site Description

- Zoning - RM36 Multi-dwelling Residential & RD6 Duplex Residential
- Area - 0.3 Acres
- Frontage - ±133' along Cherry Street
±172' along Condley Street
- Existing Use - Single-family Residence
- Proposed Use - Drug and Alcohol Treatment Group Living Facility

Area Description

- North - Apartment Complex / RM36
- South - Single-family Residential / RM36
- East - One and Two-family Residential / RD6 & RM36
- West - Single-family Residential and Medical Office / RM36

Parcel History

- M-14-10 - Review of the Cherry Street Legacy Plan as an amendment to the 20/20 Plan. (PC approved 12/2/10, Ord. 55-11, 1/25/11)

GENERAL INFORMATION (cont'd)

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- The Cherry Street Legacy Plan

STAFF ANALYSIS

This is a request for a Special Use Permit (SUP) to expand an existing drug and alcohol treatment/group living facility, currently operating at 3322 Cherry Street and 3345 Condley Street. The proposal is to expand the facility to 3314 and 3318 Cherry Street. The site is currently a legal-nonconforming use. Pursuant to 1114.0202 *Non-conforming Uses – Expansion*, an SUP is required because the proposed expansion is greater than ten (10) percent.

The applicant, Harbor House, occupies the residential structure at 3322 Cherry Street. The property at 3345 Condley Street functions as a parking lot for the existing facility. The proposal is to expand the facility to the residential structure at 3318 Cherry Street and to utilize the vacant lot at 3314 Cherry Street for green space.

Surrounding land uses include an apartment complex to the North, one and two-family residential neighborhoods to the East, single-family residential uses to the South and single-family residential and a mental health office to the West.

Harbor House's target population are indigent and low income females in recovery who lack a safe, sober, structured living environment, and who have a history of recidivism through the criminal justice and substance abuse systems. The new facility is a three-bedroom structure that will utilize communal living, kitchen, dining and laundry areas. According to the applicant, each resident will have their own bedroom and may reside for an indefinite amount of time, with the ultimate goal of finding permanent supportive housing or their own apartments.

The existing Harbor House facility, which began operation in 1989, is currently structured as a three phase in-house program, for a period typically not exceeding 18 months. They have the capacity of up to 18 residents in the 6-bedroom structure. Each resident's length of stay is typically determined by the needs of the resident. Both facilities will have onsite staff with the exception of 3rd shift, when staff will be either on-site or on-call.

Required on-site parking for drug and alcohol treatment group living facilities is based on the number of employees (1 per 2 employees). The applicant has indicated that the new facility will have no more than 2 employees onsite at any given time. The majority of staff is located in the 3322 Cherry Street facility and does not exceed 4 employees. As a result, the on-site parking requirement between the facilities is 3 spaces. Based on 4 parking spaces located at 3345 Condley Street and an off-site parking agreement, the applicant has demonstrated that adequate parking exists between the commonly owned properties.

STAFF ANALYSIS (cont'd)

The applicant is also requesting a waiver to the spacing requirements as outlined in TMC§1104.1000. These requirements state that no more than one group living facility shall be located within 500 feet of any other group living facility or located on the same block. However, based on the common ownership between group living facilities, staff is supportive of the waiver request and recommends approval to the Plan Commission.

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. The single-family residential district was established and intended to accommodate the development of single dwelling units on individual lots. It may also include libraries, schools, churches, public safety facilities and community centers. The district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. This area of Cherry Street is currently zoned and is increasingly multi-dwelling residential in nature, resulting in a suitable location for a Group Living Facility of this nature and size. As a result, staff has found that the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 *Review and Decision-making Criteria*.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3007-13, a special use permit for the operation of a Drug and Alcohol Treatment Group Living Facility located at 3314, 3318 & 3322 Cherry and 3345 Condley Streets, to Toledo City Council for the following two (2) reasons:

1. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC 1111.0706.C Review & Decision-Making Criteria);
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC 1111.0706.B Review & Decision-Making Criteria); and

The staff recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the waiver requested for the operation of a Drug and Alcohol Treatment Group Living Facility located at 3314, 3318 & 3322 Cherry and 3345 Condley Streets:

STAFF RECOMMENDATION (cont'd)

Chapter 1104 Use Regulations

Sec. 1104.1001 Group Living and Day Care - Spacing

Approve a waiver for the 500 feet spacing requirement between Group Living Facilities

Sec. 1104.1002 Group Living and Day Care - Spacing

Approve a waiver for no more than one facility on the same block spacing requirement.

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-3007-13, a request for a Special Use Permit for the operation of a Drug and Alcohol Treatment Group Living Facility located at 3314, 3318 & 3322 Cherry and 3345 Condley Streets, to the Toledo City Council, subject to the following seventeen (17) conditions:

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines.
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 residential drive approaches, (along with the sidewalk through the drive) shall be constructed with six-inch (6") thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph (419) 245-1220.

Contact Scott Bishop at ph. (419) 936-2756 for inspection of above-mentioned items.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

5. If existing fire and/or domestic services are not to be reused, they shall be abandoned by the City of Toledo at the developer's cost.

Plans submitted for review do not detail any revisions to the existing site yet the existing structure at 3314 Cherry Street is not shown, but a curb cut is shown. It appears that the curb cut may lead to a new parking area, but no details are given. Additional site plan details are requested for this site to explain this. If additional paved areas are added, the design might require storm water drainage according to the following items.

6. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities and Public Service; the Toledo Municipal code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the "Subdivision Rules & Regulations: of the Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction Requirements; and "The Comprehensive Ditch Plan." All disturbed land areas over one (1) acre must submit an NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above.
7. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100') from the development boundaries. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.

No construction work, including grading, will be permitted without approved plans and inspection.

8. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewPorcess/tabid/355/Default.aspx. It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo's requirements for the sanitary, storm, water and roadway utilities. This will in turn help to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

Contact Information is:

Division of Engineering Services: ph. (419) 245-1315, fax (419) 936-2850

Sanitary Sewers: Mike Elling, ph. (419) 936-2276

Storm Water Drainage: Lorie Haslinger, ph. (419) 245-3221

Water: Andrea Kroma, ph. (419) 936-2163

Roadway: Doug Stephens, ph. (419) 936-2279

9. Post construction storm water Best Management Practices shall be incorporated into the design to provide treatment of runoff prior to discharging into the City's system. Designs incorporating low impact development solutions such as grassy swales, and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and often much less costly.
10. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developer's cost.

Sewer & Drainage Services

No comments or objections.

Fire Prevention

11. Approved address numbers are required to be visible from Cherry Street.

Transportation

No comments or objections.

Building Inspection

12. A change of use of the building will require a new certificate of occupancy to be issued once stamped drawings of the building on the property are submitted to the Division of Building Inspection for review and approval identifying the correct use group, occupancy load, plumbing fixture count, egress and emergency egress locations, emergency evacuation routes and other life-safety and ADA compliancy facilities, in accordance with the administrative code of the Ohio Building Code and its associated mechanical, electrical and fire codes.

STAFF RECOMMENDATION (cont'd)

Building Inspection (cont'd)

It is recommended that if construction and/or alterations of any buildings on these sites are planned, that, simultaneous to the change of use request, the construction documents be submitted to the Division of Building Inspection for review and approval showing the improvements to be in compliance with the Ohio Building Code and its associated mechanical, electrical and fire codes

Plan Commission

13. Applicant shall submit an alternative parking plan to allow for off-site parking, subject to the review and approval of the Director of Planning and Law Department.
14. In the event a dumpster is to be located on the property, it shall have a concrete pad and be surrounded by a solid wooden fence or masonry screen enclosure with landscaping and shall not be located in any required setbacks, **shall be noted on revised site plan;**
15. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Parking area shall be clearly defined and constructed of concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill and be striped in accordance with the TMC, subject to the reviewed and approved by the Director of the Toledo City Plan Commission, **shall be noted on revised site plan;**
 - b. A Type "A" landscape buffer with solid fence shall be installed along the southern side yard property line, **acceptable as depicted on landscape plan;**
 - c. Topsoil must be back filled to provide positive drainage of the landscape area; **shall be noted on revised landscape plan;**
 - d. 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 cover; **shall be noted on revised landscape plan;**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- e. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **shall be noted on revised landscape plan;**
 - f. The location, height and materials (chain link, aluminum tube, or wrought iron) for any fencing to be installed and maintained; aluminum tube or wrought iron fencing shall be used rather than chain link, **acceptable as depicted on site plan;**
 - g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties);
 - h. The location, lighting and size of any signs.
16. 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.
17. 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.

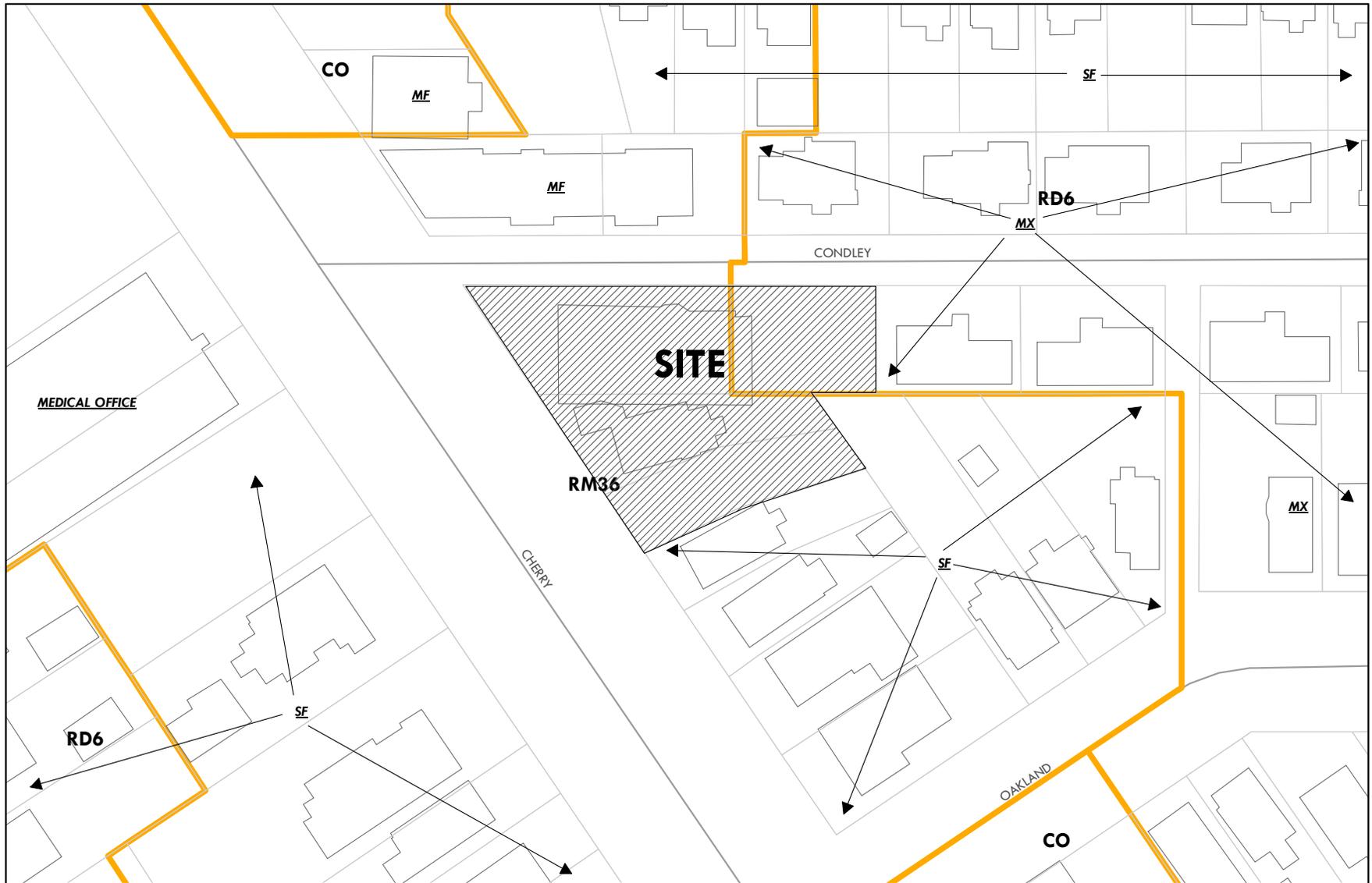
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3007-13
DATE: May 9, 2013
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: June 12, 2013
TIME: 4:00 P.M.

BH/ks
Three (3) sketches follow

ZONING & LAND USE

SUP-3007-13
ID 16



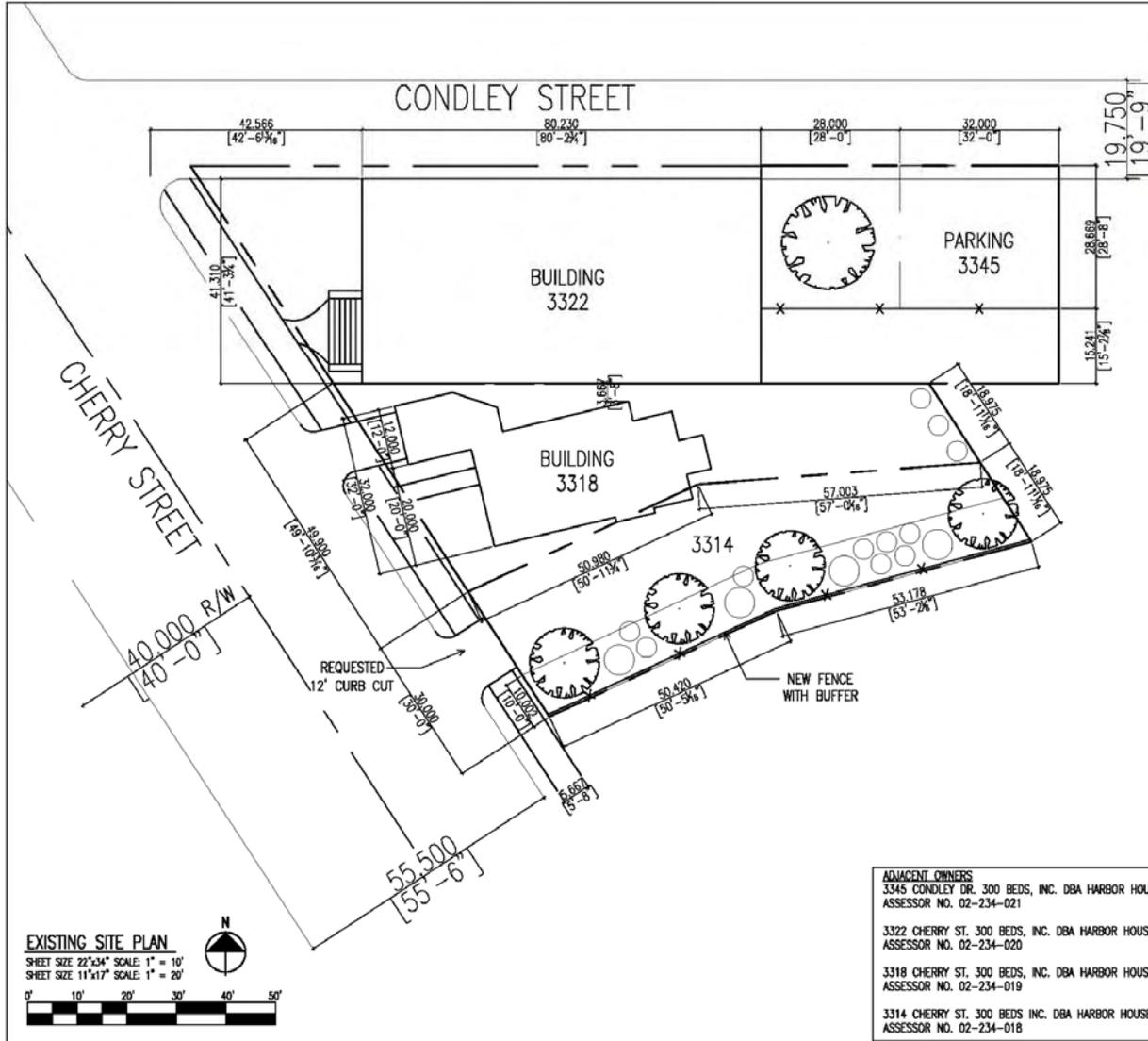
10 - 10

SITE PLAN AS SUBMITTED

SUP-3007-13
ID 16



10 - 11



LEGAL DESCRIPTION
ASSESSOR NO. 02-234-018 FOR 3314 CHERRY ST.
ASSESSOR NO. 02-234-019 FOR 3318 CHERRY ST.
ASSESSOR NO. 02-234-020 FOR 3322 CHERRY ST.
ASSESSOR NO. 02-234-021 FOR 3345 CONDLEY DR.

LEGAL DESCRIPTION:
3318 CHERRY STREET
LOT NUMBER NINE (9) IN THE EXTENSION OF MURRAY & CASONEYS ADDITION TO THE CITY OF TOLEDO, LUCAS COUNTY (OH), IN ACCORDANCE WITH VOLUME 27 OF PLATS PAGE 45.
3314 CHERRY STREET
EXT. OF MURRAY & CASONEYS ADD LOT 8.

OWNER
300 BEDS, INC. DBA HARBOR HOUSE
3322 CHERRY ST.
TOLEDO, OHIO 43608

SITE ADDRESS
HARBOR HOUSE
3318 CHERRY STREET
TOLEDO, OHIO 43608

ZONING
ZONED: RM 36

FRONT YARD REQUIREMENTS: EXISTING
REAR YARD REQUIREMENTS: EXISTING
SIDE YARD REQUIREMENTS: EXISTING
BUILDING HEIGHTS: EXISTING
PARKING REQUIREMENTS: EXISTING

VARIANCES REQUESTED

1. REQUEST FOR SPECIAL USE: GROUP LIVING
2. REQUESTING A VARIANCE FROM SPACING STANDARDS OF SECTION 1104.1000 BECAUSE 3322 AND 3318 ARE BOTH OWNED AND OPERATED BY 300 BEDS, INC. DBA HARBOR HOUSE.

1108.0203 BUFFER AND SCREENING REQUIREMENTS

- MINIMUM WIDTH BUFFER, 10 FEET.
- 4 CANOPY TREES.
- 15 SHRUBS.
- WOOD SLAT FENCE, 6 FEET HIGH.
- ALL LANDSCAPE MATERIAL MUST BE CONFINED TO WIDTH OF BUFFER BOUNDARY.
- GROUND COVER AND SOIL MUST BE CAPABLE OF FILTERING STORM WATER RUNOFF PRIOR TO DISCHARGE INTO CITY'S STORM SEWER SYSTEM.

PARKING

CURB OUT REQUESTED FOR 3314 CHERRY STREET.

NO. SIGNS

NO. KNOWN EASEMENTS



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NO.	REVISION	DATE

SITE PLAN & LANDSCAPING PLAN
SPECIAL USE PERMIT
HARBOR HOUSE
CHERRY ST & CONDLEY ST
TOLEDO, OHIO 43608

REFERENCE FILE	DATE	DRAWN	CHECKED

SITE PLAN

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REF: SUP-3009-13
DATE: May 9, 2013

GENERAL INFORMATION

Subject

Request	-	Request for Special Use Permit for a used auto sales lot
Location	-	2424 West Laskey Road
Applicant	-	Afif Moussa 2424 West Laskey Road Toledo, OH 43613
Contact	-	Bryan D. Ellis, P.E 2105 Perth Street Toledo, OH 43607

Site Description

Zoning	-	CR Regional Commercial
Area	-	± 0.67 acres
Frontage	-	± 152' along West Laskey Road
Existing Use	-	Restaurant
Proposed Use	-	Addition of a used car lot

Area Description

North	-	Elementary School / RS6
South	-	Bingo Hall / CR
East	-	Single Family Residential, Commercial Buildings / RS6, CR
West	-	Rite-Aid Retail Store / CR

Parcel History

None on record

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit to facilitate the development of a used automobile sales lot for a site located at 2424 West Laskey Road. The ±0.67 acre site is located approximately ±286' east of the Douglas Avenue and Laskey Road intersection. The site is currently occupied by a restaurant and is in a CR Regional Commercial zoning district.

Surrounding land uses includes regional commercial uses east of the property along West Laskey Road; single family residential uses to the northeast; commercial uses are to the west and an elementary school to the north. South of the property, across West Laskey Road, are regional commercial land uses.

The proposal is to operate a used automobile sales lot in the rear portion of the existing site. The used automobile sales will be offered in addition to the restaurant services. The site plan indicates that the existing parking lot will service both businesses as well as provide spaces for an outdoor sales area. Hours of operation for the used automobile sales lot will be from 8am to 6pm Monday through Friday and from 9am to 4pm on Saturday.

The restaurant requires 27 total parking spaces and the site currently offers 40 parking spaces. The applicant is proposing a 3,500 square foot used car sales area within the existing overflow parking area for the restaurant. Required customer parking for the auto sales lot is one (1) parking space. Therefore, the number of existing parking spaces is adequate for both uses. No new parking spaces or paved surface will be added and a fence will be installed to enclose the car sales area per State of Ohio regulations.

To protect the residential uses to the east, approximately ±162 square feet of the existing paved surface along the eastern property line will be removed for the installation of dense landscaping. A 6' tall solid fence will also be installed.

The site is existing, and therefore not required to fully comply with the landscape requirements of the 2004 Zoning Code. Therefore, staff only request that frontage greenbelt plantings be added as well as landscaping and screening along the portions of the site that abut the elementary school to the north and residential area to the east, and foundation planting at all main entrances.

The Toledo 20/20 Comprehensive Plan targets this area for regional commercial land uses. The special use permit is suitable for this location because all zoning code provisions can be met and is compatible with surrounding uses and will not negatively impact the adjacent neighborhood and it is compatible with the commercial zoning along West Laskey Road.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3009-13, a request for a Special Use Permit for a used automobile sales lot located at 2424 West Laskey Road, to the Toledo City Council, for the following two (2) reasons:

1. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B));
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C));

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-3009-13, a request for a Special Use Permit for a used automobile sales lot located at 2424 West Laskey Road, to the Toledo City Council, subject to the following twenty-five (25) conditions:

Engineering Services

1. All **existing standard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines. The cross slope of existing drive approach along Laskey Road exceeds the maximum allowable cross slope. The drive approach shall be removed and replaced to meet the above referenced guidelines.
2. All **proposed** drive approaches, sidewalk, 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 the sidewalk through the drive) and curb shall be constructed with eight-inch (8") thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph. (419) 245-1220.
5. Contact Scott Bishop at ph. (419) 936-2756 for inspection of above mentioned items.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

6. Plans submitted for review do not detail any revisions to the existing site which is paved and has an existing storm water drainage system. Therefore, it appears that there are no items requiring a storm water plan review. However, the following items are Storm Water Utility requirements should site revisions be proposed on plans submitted later for approval.
7. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities Service; the Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the "Subdivision Rules and Regulations" of the Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction requirements; and the "Toledo Comprehensive Ditch Plan". All distributed land areas over one (1) acre must submit and NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above.
8. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100') from the development boundaries. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
9. No construction work, including grading, will be permitted without approved plans and inspection.
10. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at: www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewProcess/tabid/355/Default.aspx. It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo's requirements for the sanitary, storm, water, and roadway utilities. This in turn helps to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

Contact Information is:

Division of Engineering Services: ph. (419) 245-1351, fax (419) 936-2850
Sanitary Sewers: Mike Elling, ph. (419) 936-2276
Storm Water Drainage: Lorie Haslinger, ph. (419) 245-3221
Water: Andrea Kroma, ph. (419) 936-2163
Roadway: Doug Stephen, ph. (419) 936-2279

Sewers and Drainage Services

No comments and/or recommendations.

Fire Prevention

11. Facility identification, including address numbers, is required (number minimum 4" high X .5" wide visible from Laskey Road).

Transportation

12. If not already secured, formal cross-access agreements shall be established with adjacent property owners.

Building Inspection

No objection as to the site plan for the proposed used auto sales lot at this address.

13. The building on this site was used as a restaurant (A Use Group). Applicant requests a used car lot with a sales office (B Use Group). Locating a used auto sales office in this space requires a change of use. As a requirement of a change of use, a new certificate of occupancy must be issued. The applicant must submit construction drawings bearing the seal of a registered design professional to the Division of Building Inspection for review and approval. The construction documents must show the occupant load of each occupied space as well as the total occupant load, plumbing fixture count, the means of egress and fire safety routes and those items listed in Chapter 106 of the Ohio Building Code. Special inspections of all disciplines, along with fire inspection, must be arranged to confirm that the occupied space complies with the submitted drawings. A new certificate of occupancy will be issued to the tenant space at this location when all inspections are satisfied and approved.

STAFF RECOMMENDATION (cont'd)

Building Inspection (cont'd)

14. Further, any alterations of or additions to existing structures or construction of a new structure will likewise require submission of stamped construction documents to the Division of Building Inspection for plan review and approval, along with inspection of actual work performed as a requirement of a certificate of occupancy.

Plan Commission

15. Pursuant to TMC§1104.0302(A) – *Outdoor Display Areas*: Elevated displays lifts or metal structures used in conjunction with the display of motor vehicles shall be permitted only within those areas specifically designated upon the site plan and shall not be allowed in any required front yard.
16. Pursuant to TMC§1104.0302(B) – *Outdoor Display Areas*: Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas.
17. Pursuant to TMC§1104.0303 – *Vehicle Quality*: All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.
18. Pursuant to TMC§1104.0304 – *Repairs*: Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot.
19. Pursuant to TMC§1108.0204(B)(10) – *Landscaping and Screening*: Wheel stops (i.e., parking blocks) must be provided to ensure that vehicles cannot overhang directly on plant material.
20. The dumpster location(s) shall 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.
21. Pursuant to TMC§1108.0304(G) – *Dumpsters and Trash Receptacle Screening*:
 - i. Screening must be a minimum height of 6 feet.
 - ii. All four sides of the dumpster must be screened.
 - iii. The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- iv. Screening materials can be any combination of evergreen plantings, fence or wall structure.
 - v. Dumpsters may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible;
 - vi. Dumpsters and trash receptacles serving commercial or industrial uses may not be located in Residential districts.
 - vii. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
22. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. Screen landscaping shall be added in the 162 sq.ft. area abutting the residential uses along the eastern property line.
 - b. Trees shall be installed in the frontage greenbelt, one (1) tree for every 30 feet of lot frontage.
 - c. Foundation plantings are required along all main and secondary entrances of the building, and patio areas that are visible from the public right of way, and landscaping at all major building entrances.
 - d. 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 cover.
 - e. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards;
 - f. The location, height and materials for any fencing to be installed and maintained. Pursuant to TMC§1108.0203(D) *Landscape Standards* – A solid fence or wall 6 feet to 8 feet in height shall be used for a “Type A” landscape buffer with a minimum width of 10 feet along the easterly property line, and a solid board on board fence is required along the northerly property line.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
- 23. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely
- 24. 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.
- 25. 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.

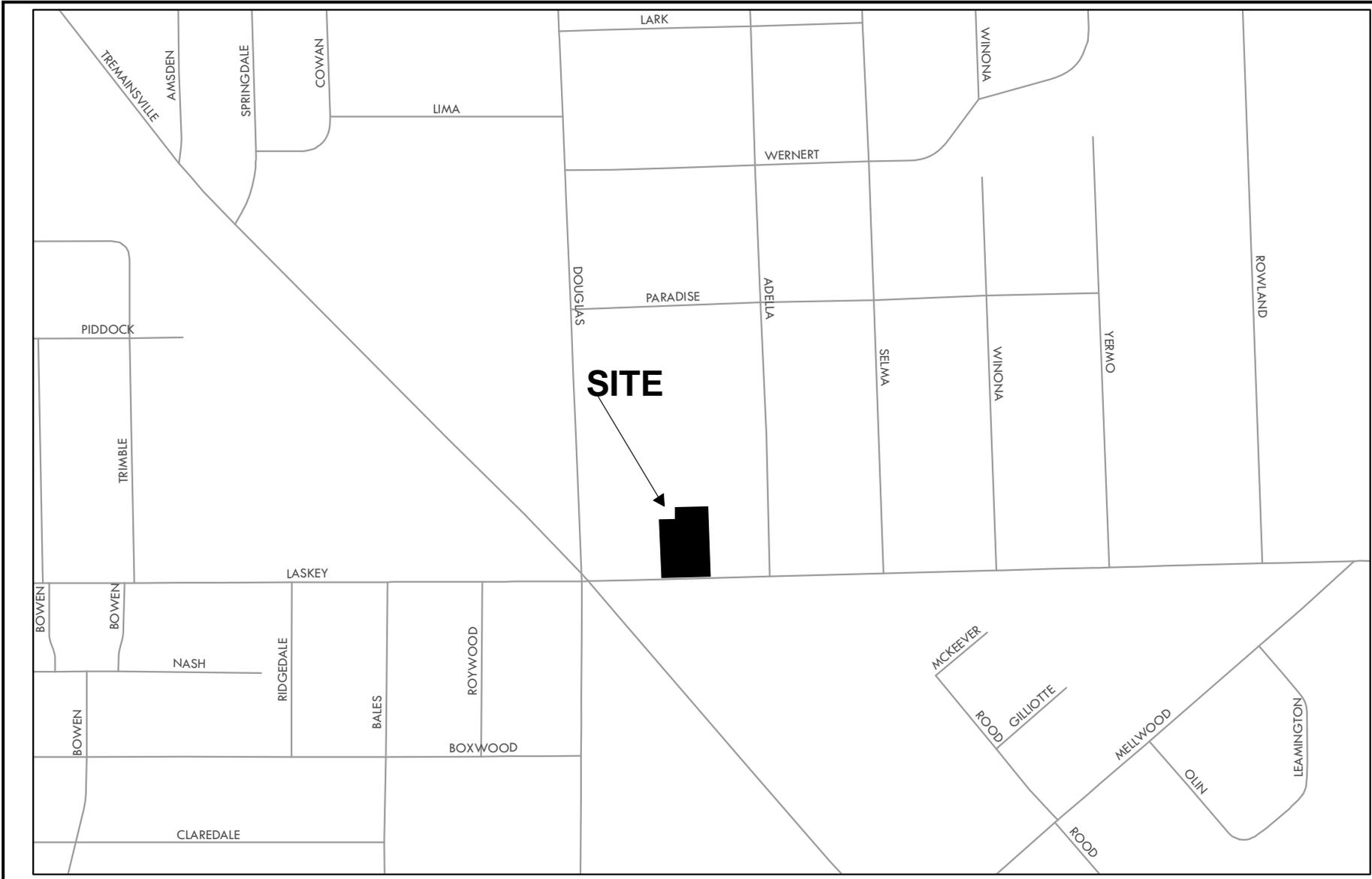
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3009-13
DATE: May 9, 2013
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: June 12, 2013
TIME: 4:00 P.M.

GP/ks
Three (3) sketches follow

GENERAL LOCATION

SUP-3009-13
ID 56

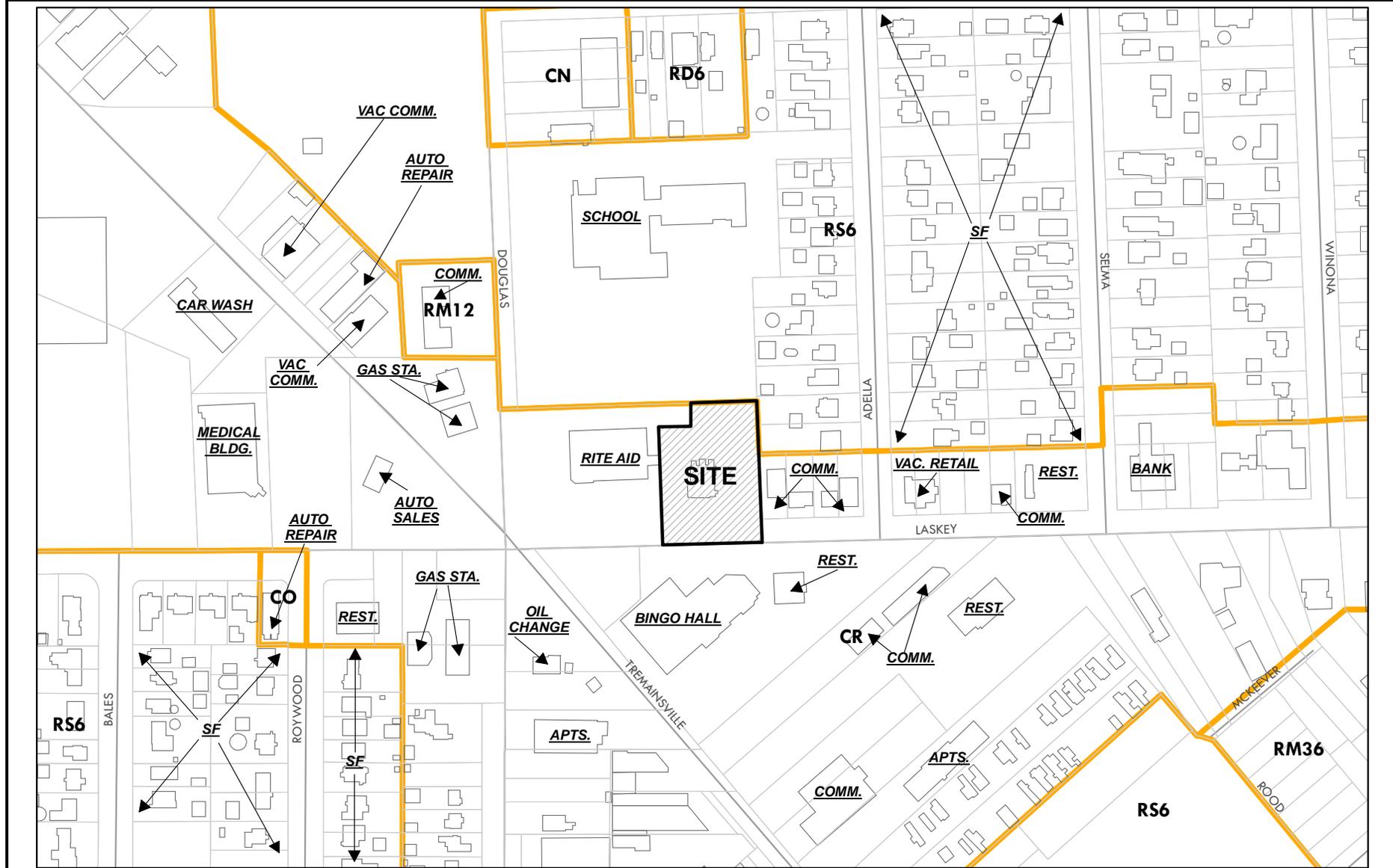


ZONING & LAND USE

SUP-3009-13
ID 56



11 - 10



SITE PLAN AS SUBMITTED

SUP-3009-13
ID 56



EXISTING SITE CONDITIONS:

ZONING: CR COMMERCIAL
AREA: 0.67 AC ±
CURRENT USE: MOLLY'S DINER AND PARKING AREAS.

BUILDINGS:
EXISTING BUILDING: ONE BUILDING ON SITE, TOTAL AREA = 2,402 SF
DINING ROOM AREA 1 = 892 SF
DINING ROOM AREA 2 = 382 SF
RESTROOM AREA = 195 SF
OUTDOOR PATIO = 400 SF
TOTAL CUSTOMER AREA = 1,872 SF

KITCHEN AREA = 789 SF
OFFICE AREA = 141 SF + 54 SF (4' ADDITION) = 195 SF

BUILDINGS SETBACKS:

BUILDING SETBACKS PER ZONING CODE IN CR ZONE (CODE 1106.0102)

FRONT BUILDING LINE: 20'
SIDE: 0 ADJACENT C OR I ZONING, HOWEVER 10' ADJACENT TO RESIDENTIAL
REAR: 0 ADJACENT C OR I ZONING, HOWEVER 15' ADJACENT TO RESIDENTIAL
MAX. DWELLING HEIGHT: 6'
MAX. DWELLING LOT COVERAGE: 85%

PARKING SETBACKS:

PARKING SETBACKS PER ZONING CODE (CODE 1107.1002.B)
PARKING SETBACK (FRONT): 15' (LESS THAN SAC)
PARKING SETBACK (FRONT): 25' WITHIN 50' OF RESIDENTIAL (LESS THAN SAC)
10' FROM ALL RS DISTRICTS

LANDSCAPING (1108)

FRONTAGE GREEN BELTS
ONE TREE PER 30'
SOLID EVERGREEN FRONT PARKING SCREENING
FRONTAGE GREENBELT: 10'-15'
LANDSCAPE BUFFER: TYPE A (10' WIDE WITH SOLID FENCE-4 TREES AND 15 SHRUBS IN 100')
DUMPSTER SCREENED BY SOLID FENCE 6' HIGH

REQUIRED PARKING (CR ZONING)

REQUIRED PARKING - RESTAURANT
SIT DOWN RESTAURANT: 1 PER 3 EMPLOYEE AND 1 PER 75 SF (CODE 1107.0304 SCHEDULE "A")
RESTAURANT CUSTOMER AREA TOTAL: 1,872 SF
1,872 SF / 75 SF = USE 25 SPACES

NUMBER OF EMPLOYEES IN 1,872 AREA = 5 (5 EMPLOYEES PER PEAK SHIFT)
5 / 3 = 1.7 SPACE, USE 2 SPACES

TOTAL MOLLY'S RESTAURANT PARKING REQUIRED 27 SPACES

REQUIRED PARKING - USED VEHICLE SALES
OPEN SALES AREA: 1 PER 5,000 SF (CODE 1107.0304 SCHEDULE "A")
ENCLOSED SALES AREA: 1 PER 500 SF (CODE 1107.0304 SCHEDULE "A")

OPEN SALES AREA TOTAL: 3,500 SF
3,500 SF / 5,000 SF = USE 1 SPACES
ENCLOSED SALES AREA TOTAL: 141+54 = 195 SF
195 SF / 500 SF = USE 1 SPACES

TOTAL USED CAR PARKING REQUIRED 2 SPACES

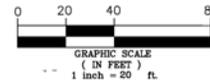
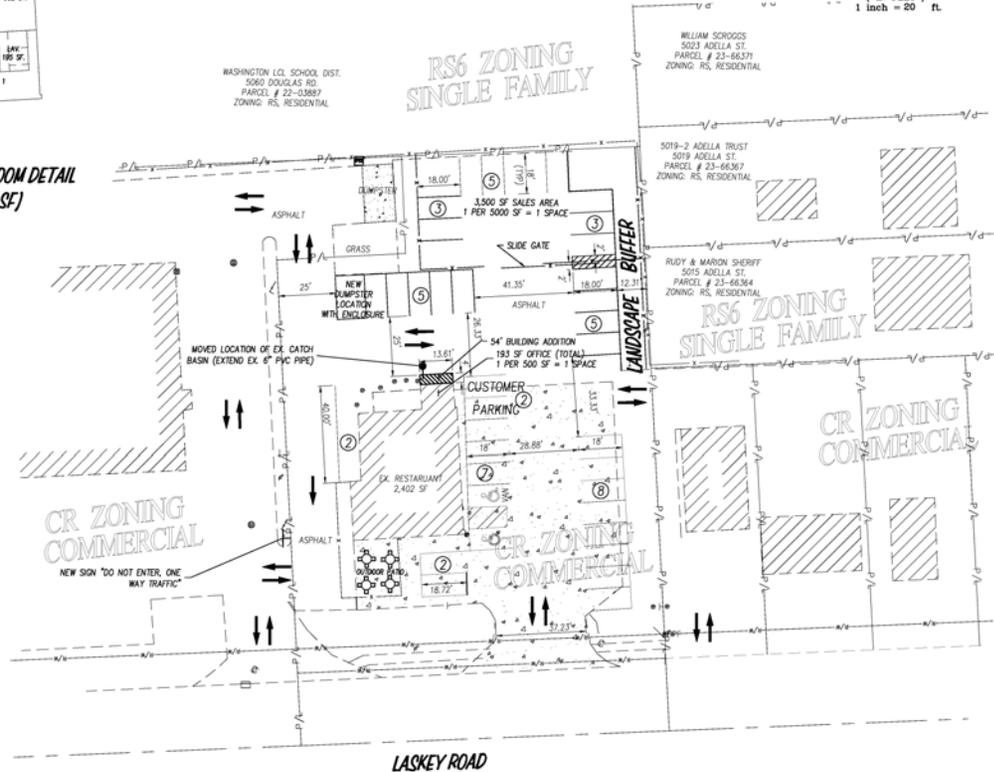
REQUIRED ACCESSIBLE PARKING BY ADA (4111) WITH BUILDING ADDITION
TOTAL PARKING: 28 TO 50 = 2 ACCESSIBLE SPACE (10% OF)
MINIMUM 1 IN 8 ACCESSIBLE SPACES MUST BE VAN ACCESSIBLE (10% OF)(411.36)
TOTAL = 1 VAN ACCESSIBLE SPACE & 1 ACCESSIBLE SPACE

TOTAL REQUIRED PARKING
27 STANDARD SPACES + 1 ACCESSIBLE SPACES + 1 VAN ACCESSIBLE
29 TOTAL SPACES REQUIRED

TOTAL PROVIDED PARKING
29 STANDARD SPACES + 1 ACCESSIBLE SPACES + 1 VAN ACCESSIBLE
31 TOTAL SPACES PROVIDED
11 TOTAL SPACES PROVIDED FOR USED VEHICLE SALES



PROPOSED SITE LAYOUT



NO.	REVISION FOR	DATE
1	1ST SUBMISSION	3-19-13
2	REV. PARKING LAYOUT	4-1-13

GLASS CITY ENGINEERING & SURVEYING, LLC
5717 W. STATE ST.
TOLEDO, OHIO 43628
419-293-8368 FAX 419-639-9867
EMAIL: BLACKBIRD_I@GASN.COM

MOLLY'S
244 LASKEY ROAD
CITY OF TOLEDO, Lucas Co. OH
PROPOSED SITE CONDITIONS

DRAWN BY: BEK
JOB NUMBER: 108-1301
REVIEWED BY: BEK

SP-2/2

© Glass City Projects 5/10/08-1/22/09/09/10/11/12/13/14/15/16/17/2015 7:18:05 PM EST

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GENERAL INFORMATION

Subject

Request	-	Request for Special Use Permit for a convenience store
Location	-	4034 Monroe Street
Applicant	-	Basel Mohammad 28745 Main Street Millbury, OH 43447
Consultant	-	ESA, LLC 5353 Secor Road Toledo, OH 43623

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.21 acres
Frontage	-	± 113' along Monroe Street
Frontage	-	± 96' along Matson Street
Existing Use	-	Vacant Building
Proposed Use	-	Convenience Store

Area Description

North	-	Multi Family Dwellings / RM36
South	-	Commercial Buildings / CR
East	-	Vacant Commercial / CR
West	-	Restaurant / CR

Parcel History

None on record

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Monroe Street Corridor Design and Livability Plan
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit to facilitate the development of a convenience store for a site located at 4034 Monroe Street. The ±0.21 acre site is located northwest of the Monroe Street and Central Avenue intersection. The site is currently zoned CR Regional Commercial and has frontage on Monroe Street as well as Matson Street.

The subject property lies within the Monroe Street Corridor Urban Neighborhood Overlay (UNO) District. The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. The Monroe Street Corridor Urban Neighborhood Overlay District is intended to provide a review process for proposed physical changes to structures and public space along the Monroe Street Corridor in order to evaluate the proposals in relation to the Monroe Street Corridor Design and Livability Plan (TMC§1103.0900(A)). Because there are no proposed building or parking lot alterations for the site, the Monroe Street UNO standards are not triggered in this case.

The site is currently occupied by a vacant commercial building that was most recently used as a fast food restaurant. The proposed convenience store is intended to operate as a full service general carry-out store where food, soft drinks, deli sandwiches, t-shirts, and tobacco products are among the selling items to be offered. TMC§1116.0217 – *Food and Beverage Retail Sales* define convenience stores as commercial properties with a floor area of less than 5,000 square feet that offers the retail sale of food and beverages for home consumption. The applicant anticipates that hours of operation will be from 8am to 11pm Monday through Sunday.

Pursuant to TMC§1107.0300 – *Off-Street Parking Schedule “B”*, general retail stores under 50,000 square feet in floor area are required to have one (1) parking space per 300 square feet. By this calculation the proposed ±1181 square foot convenience store would be required to provide four (4) parking spaces, one of which must meet the American with Disabilities Act (TMC§1107.1707). Pursuant to TMC§1107.1900 – *Design Standards*, off-street parking lots and loading areas must be designed with an appropriate means of vehicular access to a street, place, or alley in a manner that will least interfere with traffic movement and shall be subject to the approval of the Division of Transportation.

Surrounding land uses include commercial uses east of the property across Matson Street and commercial uses immediately west of the site along Monroe Street. To the north of the parcel abuts a multi-family residential district. South of the property, across Monroe Street, are a variety of commercial uses.

STAFF ANALYSIS (cont'd)

The Toledo 20/20 Comprehensive Plan targets this area for regional commercial land uses. The CR Regional Commercial zoning district is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. Staff is recommending disapproval of the SUP for the following three (3) reasons. First, staff has identified one (1) convenience store within 2,000 feet of the site. Because the site is located within 2,000 feet of another convenience store, it is in violation of the TMC§1104.0603 *Convenience Stores – Spacing Requirements*. Second, the Division of Transportation has recommended deferral or disapproval of the special use permit because the parking spaces, circulation and site access is not code compliant. Specifically, the Division of Transportation has concerns regarding parking in the right-of-way, drive aisle and access drive widths, parking stall size, inadequacy of the one-way traffic pattern on the site, alley access opposite residential uses, and the location of the parking stalls.

Staff is recommending disapproval. However, review agency conditions are attached as Exhibit “A” for informational purposes.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-3010-13, a special use permit for a convenience store located at 4034 Monroe Street, to Toledo City Council for the following two (2) reasons:

1. A convenience store shall not be located within a 2,000 foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit (TMC§1104.0603(A));
2. The Division of Transportation objects to the Special Use Permit request.

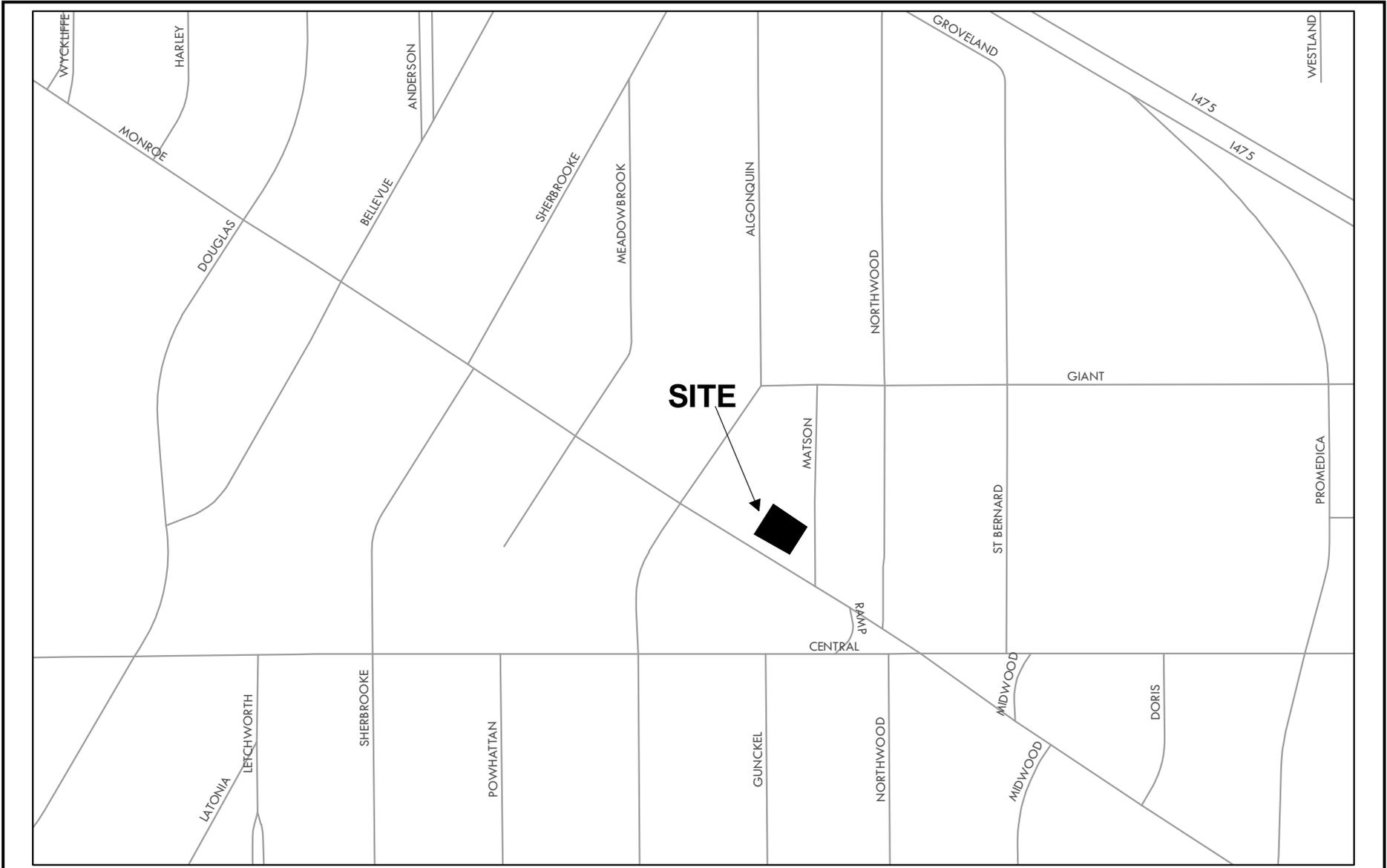
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3010-13
DATE: May 9, 2013
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: June 12, 2013
TIME: 4:00 P.M.

GP/ks
Three (3) sketches follow
One (1) exhibit follows

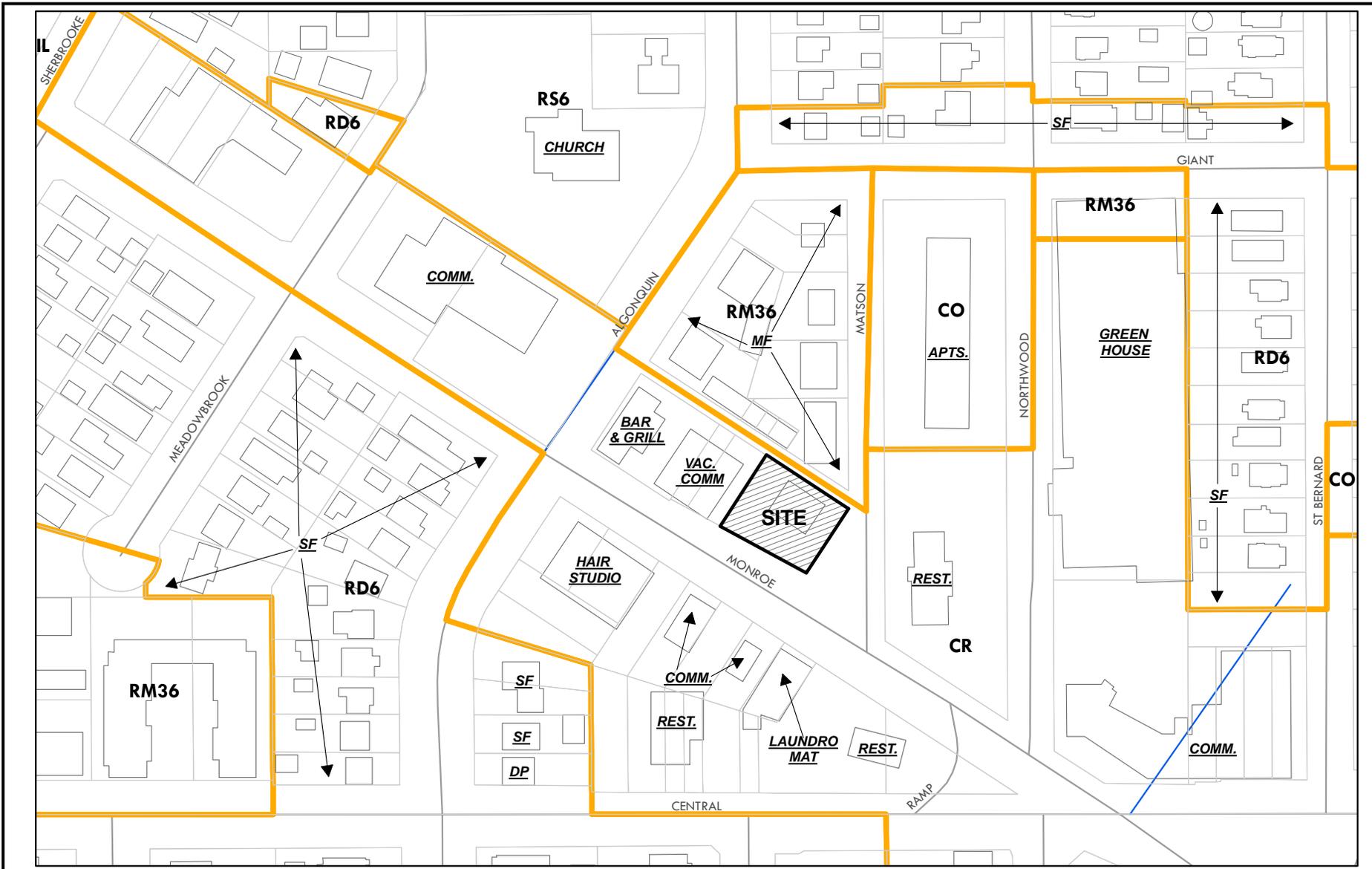
GENERAL LOCATION

SUP-3010-13
ID 45



ZONING & LAND USE

SUP-3010-13
ID 45



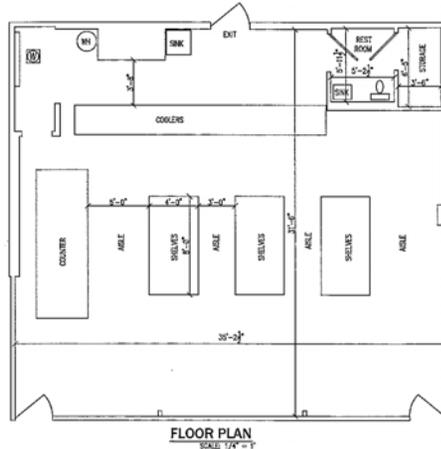
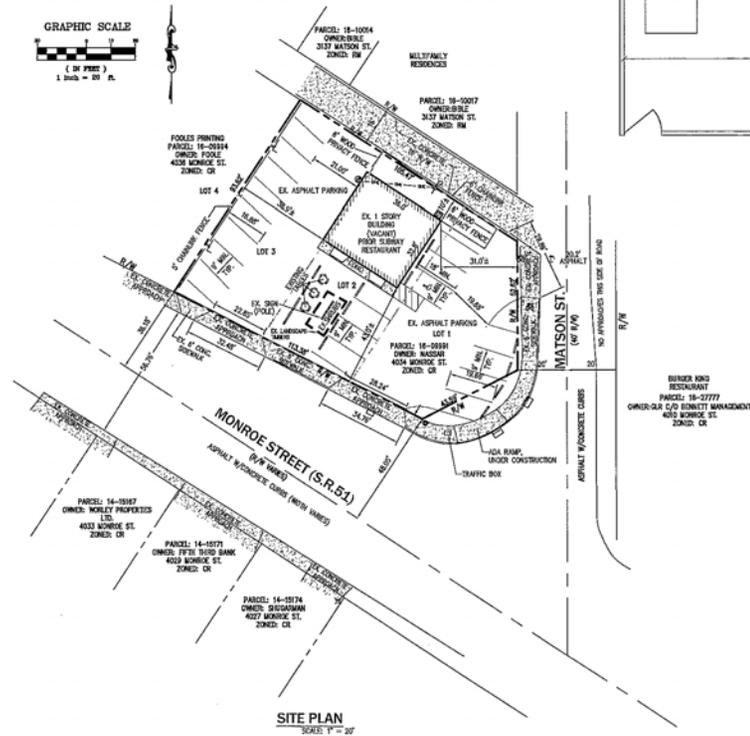
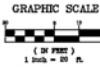
SITE PLAN AS SUBMITTED

SUP-3010-13
ID 45



SPECIAL USE PERMIT

LEGEND	
●	CATCH BASIN ROUND
□	CATCH BASIN SQUARE
—	CURB INLET
⊙	ELECTRIC METER
⋈	FIRE HYDRANT
⊕	GAS METER
⊕	GAS VALVE
⊕	LIGHT POLE
⊕	POWER POLE
⊕	STORM MANHOLE
⊕	TELEPHONE MANHOLE
⊕	WATER MANHOLE
⊕	WATER VALVE
—	FENCE LINE
—	OVERHEAD UTILITIES



DEVELOPER

MR. BAKEL MORGAN
4034 MONROE ST.
PHONE: (419) 971-4940

LEGAL DESCRIPTION

LOT NOS. 1, 2, AND 3 IN MONROE STREET PLAT 1, A SUBDIVISION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, SUBJECT TO LEGAL HIGHWAYS
PARCEL NO. 18-0881
DEED RECORD 200208-001000

UNDERLYING ZONING DISTRICT

ZONED: CR - REGIONAL COMMERCIAL

FRONT SETBACK: 30'

SIDE SETBACK: RESULT = 0' (AUSTS OR ZONE)
NONE EXCEPT WHEN ADJUTING RESIDENTIAL. A MINIMUM OF 10' PLUS 1' ADDITIONAL FOOT FOR EVERY 2' OF BUILDING HEIGHT ABOVE 20' WITH A MAXIMUM REQUIREMENT OF 50'

REAR SETBACK: RESULT = 10' (AUSTS RES. ZONING)
NONE EXCEPT WHEN ADJUTING RESIDENTIAL. A MINIMUM OF 10' PLUS 1' ADDITIONAL FOOT FOR EVERY 4' OF BUILDING HEIGHT ABOVE 20' WITH A MAXIMUM REQUIREMENT OF 50'

BUILDING HEIGHT: 50' MAX

BUILDING COVERAGE: 100% MAX

MONROE STREET CORRIDOR UNO DISTRICT

SUBJECT PROPERTY LIES WITHIN THE MONROE STREET CORRIDOR UNO DISTRICT. THERE IS NO PROPOSED ADDITION TO THE EXISTING BUILDING.

PARKING

EXISTING SPACES: 19 TOTAL SPACES
18 STANDARD SPACES, 1 ADA SPACE

USE: CONVENIENCE STORE (GENERAL RETAIL SALES)
REQUIRED SPACE CALCULATION: SPACE PER 300 S.F. BUILDING AREA
1 THE S.F./300 = 4 SPACES

SIGNAGE

EXISTING POLE SIGN TO BE UTILIZED.
SEE CURRENT PHOTO.



NOTES

PROPERTY LINES SHOWN FOR THE SUBJECT PROPERTY WAS BASED ON A FLOOR SURVEY PROVIDED BY THE OWNER. ESA DOES NOT GUARANTEE ITS ACCURACY.

DATE: 5/22/13
DRAWN BY: JMW
CHECKED BY: JMW
DATE: 5/22/13
DRAWING DATE: 5/22/13
JOB NUMBER: 104-42
REVIEWED BY: JMW
DATE: 5/22/13
DESIGNED FOR: SPECIAL USE PERMIT
NO. 1
NO. 2
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esa
Engineers, Surveyors & Associates, LLC
5255 Sycamore Rd., Toledo, Ohio 43623 Phone (419) 478-9443

SITE PLAN
CONVENIENCE STORE
4034 MONROE ST.
TOLEDO, OH

DATE: 5/22/13
DRAWN BY: JMW
CHECKED BY: JMW
DATE: 5/22/13
DRAWING DATE: 5/22/13
JOB NUMBER: 104-42
REVIEWED BY: JMW

C-1

Exhibit "A"
Review Agency Conditions

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and the Americans with Disabilities Act Guidelines. The existing cross-slopes through both drive approaches along Monroe Street exceed the allowable, and shall be removed and replaced to meet the above guidelines.
2. All **proposed** drive approaches, sidewalk, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards and the Toledo Municipal Code. All drive approaches shall have sidewalk extending through, and no curb shall be permitted in the right-of-way along either side of the drive approach.
3. All commercial drive approaches, (along the sidewalk through the drive) and curb shall be constructed with eight-inch (8") thick concrete per the 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.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph. (419) 245-1220.
5. Contact Scott Bishop at ph. (419) 936-2756 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. All existing water services to structures removed from the site will be abandoned by the City of Toledo at the owner's/developer's expense.
8. New water taps are installed by the City of Toledo at the owner/developer's expense.
9. Plans submitted for review do not detail any revisions to the existing site. Therefore, it appears that there are no items requiring a storm water plan review. The following items are Storm Water Utility requirements should site revisions be proposed on plans submitted for approval.

Exhibit “A” (cont’d)

Engineering Services (cont’d)

10. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities Service; the Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the “Subdivision Rules and Regulations” of the Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction requirements; and the “Toledo Comprehensive Ditch Plan”. All distributed land areas over one (1) acre must submit and NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above.
11. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100’) from the development boundaries. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
12. No construction work, including grading, will be permitted without approved plans and inspection.
13. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at:
www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewProcess/tabid/355/Default.aspx. It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo’s requirements for the sanitary, storm, water, and roadway utilities. This in turn helps to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

Contact Information is:

Division of Engineering Services: ph. (419) 245-1351, fax (419) 936-2850
Sanitary Sewers: Mike Elling, ph. (419) 936-2276
Storm Water Drainage: Lorie Haslinger, ph. (419) 245-3221
Water: Andrea Kroma, ph. (419) 936-2163
Roadway: Doug Stephen, ph. (419) 936-2279

Exhibit “A” (cont’d)

Engineering Services (cont’d)

14. Post construction storm water Best Management Practices shall be incorporated into the design to provide treatment of runoff prior to discharging into the City’s system. Designs incorporating low impact development solutions such as grassy swales, and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and often much less costly. Designs incorporating wet ponds, extended detention, bio-retention, or grassy swales are eligible for a 30 percent (30%) reduction in the property’s storm water utility fee.

Sewer and Drainage Services

No comments and/or recommendations.

Transportation

15. Vehicles are not permitted to park within the right-of-way.
16. Drive aisles and access drives shall be a minimum of 25’ to accommodate two-way traffic.
17. The angled parking stalls do not meet the requirements of Toledo Municipal Code 1107.1911
18. The current configuration of the site cannot accommodate the one-way traffic pattern depicted on the site plan.
19. Alley access to this site is not appropriate opposite an area zoned for residential purposes.
20. The location of standard two-way parking stalls conflicts with the presence of the angled parking.

Building Inspection

No objections to the proposed site.

The property is NOT in a special flood hazard area (SFHA).

Exhibit “A” (cont’d)

Building Inspection (cont’d)

21. Please note that the property and the use of the building on it will require a “change of use” as the previous is listed as a restaurant. Stamped drawings of the buildings on the property must be submitted to the Division of Building Inspection for review and approval identifying the correct use group, occupancy load, plumbing fixture count, egress and emergency egress location, emergency evacuation routes and other life-safety and ADA compliancy facilities, in accordance with the administrative code of the Ohio Building Code and the associated mechanical, electrical and fire codes.

It is recommended that if construction and/or alterations of any buildings on these sites are planned, that, simultaneous to the change of use request, the construction documents be submitted to the Division of Building Inspection for plan review and approval showing the improvements to be in compliance with the Ohio Building Code and the associated mechanical, electrical codes and fire codes.

Plan Commission

22. A revised site plan shall be submitted for the Department of Transportation’s approval.
23. If parking is located adjacent to a building, a six foot (6’) wide sidewalk shall be installed between the building and the parking area (TMC§1103.0910(C)(3)).
24. Pursuant to TMC§1108.0203 Landscape Materials Standards –Dumpster/Trash Receptacle Screening:
 - a. Screening must be minimum of 6 feet;
 - b. All four sides of the dumpster must be screened;
 - c. The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate;
 - d. Screening materials can be any combination of evergreen plantings, fence or wall structure;
 - e. A dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible;
 - f. Dumpsters and trash receptacles servings commercial or industrial uses may not be located in Residential districts;

Exhibit “A” (cont’d)

Plan Commission (cont’d)

- g. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
- 25. The dumpster location(s) shall 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. **Not depicted on site plan.**
- 26. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Foundation plantings are required along all main and secondary entrances of the building, and patio areas that are visible from the public right of way, and landscaping at all major building entrances. (TMC§1108.0205.B Landscaping and Screening).
 - b. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards;
 - c. Within Commercial and Industrial districts, three copies of a fencing plan shall be submitted to the Planning Director for review and approval prior to issuance of building permits. The location, height and materials for any fencing to be installed and maintained. **Not depicted on site plan.**
 - d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - e. The location, lighting and size of any signs.
 - f. A frontage greenbelt shall be provided along public right-of-ways, but not including alleys. Plantings required to meet this section shall not be located within the public right-of-way (TMC§1108.0202(A)).
 - g. If a parking lot is proposed to be developed in the front of the property, the frontage greenbelt 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 (TMC§1108.0202(B)(2)).

Exhibit “A” (cont’d)

Plan Commission (cont’d)

27. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. (TMC 1108.0302(B)) Use Regulations.
28. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscape areas (TMC§1108.0305(B)).
29. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year.
30. 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.
31. 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.

GENERAL INFORMATION

Subject

- Request - Text Amendment for Chapter 1115 replacing all references to the Commissioner of Inspection and Code Enforcement to the Director of the Department of Inspection
- Applicant - Chris Zervos, Director
Department of Inspection
One Government Center, Suite 1600
Toledo, Ohio 43604

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning

STAFF ANALYSIS

This is a text amendment replacing all references to the Commissioner of Inspection and Code Enforcement to the Director of the Department of Inspection, to reflect a recent change of authorities for enforcement of the zoning code. Prior to December 21, 2010 enforcement of the zoning code was under the authority of the Department of Neighborhoods, Commissioner of Building Inspection and Code Enforcement. In 2010, the Division of Inspection was given departmental status and enforcement authority was under the Department of Inspection. This text amendment updates Chapter 1115 of the zoning code to current conditions.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of the amendment to the Planning and Zoning Code as shown in Exhibit "A" to the Toledo City Council.

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-7-13
DATE: May 9, 2013
TIME: 2:00 p.m.

CITY COUNCIL PLANNING
AND ZONING COMMITTEE
DATE: June 12, 2013
TIME: 4:00 p.m.

GP/ks
Exhibit "A" follows

EXHIBIT “A”
(Revisions in bold red font)

Chapter 1115| Violations, Penalties and Enforcement

1115.0100| Responsibility for Enforcement

1115.0101 It is the duty of the ~~Commissioner of Building Inspection and Code Enforcement~~ **Director of the Department of Inspection** to enforce this Zoning Code.

1115.0102 is also the duty of all officers and employees of the City and especially of all members of the Police Department and Fire Department to assist the ~~Commissioner of Building Inspection and Code Enforcement~~ **Director of the Department of Inspection** by reporting apparent violations of the Zoning Ordinance. The ~~Commissioner of Building Inspection and Code Enforcement~~ **Director of the Department of Inspection** may authorize Police and Fire Officers to act on his or her behalf to enforce the provisions of this Zoning Code.

1115.0200| Violations

All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this Zoning Code. All of the following are violations of the Zoning Code:

1115.0201 to use land or buildings in any way not consistent with the requirements of this Zoning Code;

1115.0202 to erect a building or other structure in any way not consistent with the requirements of this Zoning Code;

1115.0203 to engage in the development of land in any way not consistent with the requirements of this Zoning Code.

1115.0204 to engage in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this Zoning Code without obtaining all such permits or approvals;

1115.0205 to violate the terms of any permit or approval granted under this Zoning Code or any condition imposed on such permit or approval;

1115.0206 to obscure, obstruct or destroy any notice required to be posted or otherwise given under this Zoning Code;

1115.0207 to violate any lawful order issued by any person or entity under this Zoning Code;

1115.0208 to violate any site plan;

1115.0209 to violate any provisions of the subdivision requirements;

1115.0210 to violate any provisions of the landscaping and screening requirements;

1115.0211 to allow plant material installed as part of an approved landscape plan to die and not replace with like kind and/or removing approved plant material without submitting a revised landscape plan for review and approval.

EXHIBIT “A” (cont’d)

1115.0300| Liability

The owner, tenant or occupant of any land or structure, or part thereof, or any design professional, builder, contractor, vendor, authorized agent or other person who knowingly participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Zoning Code may be held jointly and severally responsible for the violation and be subject to penalties and remedies.

1115.0400| Continuing Violations

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation.

1115.0500| Remedies and Enforcement Powers

The City may use the following remedies and enforcement powers:

1115.0501 Withhold Permit.

A. City officials may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. This provision applies regardless of whether the current owner or applicant is responsible for the violation in question.

B. Instead of withholding or denying a permit or other authorization, City officials may grant such authorization subject to the condition that the violation be corrected by a specified time. City officials are also authorized to require adequate financial assurances that such correction will be made.

1115.0502 Revoke Permits

C. Any permit or other form of authorization required and issued under this Zoning Code may be revoked by the *Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection* when the *Commissioner Director* determines that:

1. there is departure from the plans, specifications, or conditions required under terms of the permit;
2. the development permit was procured by false representation or was issued by mistake; or
3. any of the provisions of this Zoning Code are being violated.

D. Written notice of revocation must be served upon the owner, the owner’s agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or posted in a prominent location. Once notice of revocation is provided, all construction must stop.

1115.0503 Stop Work

Whenever a structure or part thereof is being constructed, reconstructed, altered, or repaired, or other development is occurring, in violation of this Zoning Code, the *Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection* may order the work to be immediately stopped.

EXHIBIT “A” (cont’d)

- A.** The stop-work order must be in writing and directed to the person doing the work.
- B.** The stop-work order must state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
- C.** Violation of a stop-work order issued under this Section constitutes a misdemeanor of the third degree, as defined in Chapter 5, General Offenses Code, Sec. 501.99.

1115.0504 Injunctive Relief

Pursuant to Revised Code Sec. 713.13, the City may seek an injunction or other equitable relief in court to stop any violation of this Zoning Code.

1115.0505 Abatement

The City may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

1115.0506 Criminal Penalties

- A.** For each and every violation or instance of noncompliance, violators may be deemed guilty of a misdemeanor of the 4th degree, as defined by Title 5 Criminal Offenses, Sec. 501.99, and each day that the violation exists will constitute a separate offense.
- B.** A subsequent violation of this Zoning Code involving the same property, the same violator, and occurring within 2 years of the last prior conviction for the same violation, constitutes a misdemeanor of the third degree, as defined in Title 5 Criminal Offenses Code, Sec. 501.99.

1115.0507 Citation for Infractions

A. Authority

The ~~*Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection*~~ may issue one or more citations and impose one or more non-criminal citations and civil penalties for a violation, as provided below. If the violator does not pay the penalty, the City may collect it in court through a civil action in the nature of debt.

B. Notice

Notice of the citation and penalty shall include a copy of the notice of violation, the amount of the penalty, information about where to pay the penalty, the deadline for payment, which shall be 15 days from the date of the notice, and the possibility of civil enforcement.

C. Amount

1. The ~~*Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection*~~ may impose a penalty of up to \$300 per violation.
2. If a violator has remedied the violation prior to imposition of the penalty, but not within the deadlines given in the notice of violation, and if the violator is not guilty of previous violations then the penalty shall not exceed \$50.
3. A late payment penalty of \$20 per day per violation may also be imposed for penalties not paid within 15 days of the date of the notice of citation and penalty.

EXHIBIT “A” (cont’d)

4. The ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ shall formulate written guidelines for enforcement personnel to use in assessing penalties. Criteria for assessing penalties shall include, but not be limited to, the violator's knowledge of legal requirements, whether the violator has been guilty of past violations, the possible profit to the violator in continuing the violation, the impact of the violation on the community, the degree of noncompliance, and the cost and time required to remedy the violation.

D. Settlement of Claims

The ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ is authorized to determine the amount of payment that will be accepted in full and final settlement of some or all of the claims the governing body may have in connection with the violation. The ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ shall indicate in writing the claims from which the violator is released. If the violation has not been remedied, payment shall not release a violator from potential criminal prosecution or a claim for injunctive relief and/or an order of abatement.

E. Continuing Violations

The ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ may issue a citation for a violation which continues without being corrected. The violators in such cases may be assessed a penalty for each day of the continuing violation.

1. Except as provided below, an initial citation for a single violation must be issued before a citation for a continuing violation is issued.
2. An initial citation is not required if the ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ has previously issued a citation to the violator for the same violation at the same location within the previous 2 years, or if the violator has been specifically warned concerning the violation.
3. The ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ may give a single notice of a citation for a continuing violation. The notice must contain a copy of the notice of violation and must state the violation is continuing, that a daily penalty of a specified amount is being imposed, and that the penalty is cumulative.
4. If the violator has failed to pay the penalty and correct the violation after the initial citation the violator is subject to a citation for a continuing violation with a daily penalty.

1115.0508 Other Remedies

The City may seek such other penalties and remedies as are provided by Ohio law.

1115.0600 Remedies Cumulative

The remedies and enforcement powers established in this Zoning Code are cumulative, and the City may exercise them in any order.

EXHIBIT “A” (cont’d)

1115.0700| Continuation of Previous Enforcement Actions

Nothing in this Zoning Code will be interpreted to prohibit the continuation of previous enforcement actions, undertaken by the City under previous, valid ordinances and laws.

1115.0800| Enforcement Procedures

1115.0801 Emergency Matters

In the case of violations of this Zoning Code that do not constitute an emergency or require immediate attention, the ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ must give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice will have up to 30 days to correct the violation before further enforcement action will be taken.

F. Notice must be given in person, by the U.S. mail, or by posting notice on the premises.

G. Notices of violation must state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

1115.0802 Emergency Matters

In the case of violations of this Zoning Code that constitute an emergency situation as a result of public safety concerns or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this Zoning Code without prior notice, but the ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ must attempt to give notice simultaneously with beginning enforcement action. Notice must be provided to the property owner and to applicants for any relevant permit.

1115.0803 Appeals

Enforcement actions by the ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ may be appealed to the Board of Zoning Appeals, in accordance with Sec. 1111.2000. A pending appeal to the Board of Zoning Appeals does not stay a decision to revoke a certificate or permit.

1115.0900| Determination of Status as Household

1115.0901 Determination

Upon investigation, complaint or application of a person aggrieved, the ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~ shall make a written determination of whether a specified group of persons constitutes a household by virtue of being the functional equivalent of a family.

EXHIBIT “A” (cont’d)

1115.0902 Transferability

The determination of the ~~Commissioner of Building Inspection and Code Enforcement, Director of the Department of Inspection~~ subject to any modification on appeal, shall be transferable with the entire group of persons constituting the household or with a majority of the persons constituting such household. It shall not run with the premises when occupied by a different household or other group of persons.

1115.0903 Appeal

The ~~Commissioner of Building Inspection and Code Enforcement’s Director of the Department of Inspection’s~~ determination of functional equivalency may be appealed to the Board of Zoning Appeals in accordance with Sec. 1111.2000. In acting on appeals, the Board of Zoning Appeals shall apply the factors set forth in Sec. 1115.0904 and shall be authorized to overrule the ~~Commissioner’s Director’s~~ determination only where there is evidence in the record that the Commissioner erred. The following individuals have the right to appeal the ~~Commissioner’s Director’s~~ determination:

- A. any member of the group proposed as a household;
- B. the owner of the premises occupied by such group; or
- C. any other person aggrieved by the ~~Commissioner’s Director’s~~ determination.

1115.0904 Factors

The determination of whether a group of unrelated persons living together are the functional equivalent of a family shall be based on such of the following factors as may be known to the ~~Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection~~. The presence or absence of any single factor is not necessarily determinative of whether the unit constitutes a family:

- D. The following factors shall be *prima facie* evidence that the group of persons living together constitutes a household:
 - 1. The same group of persons, or a majority of them, has resided together at a different location for a period of at least 6 months or at the present location for at least 12 months; and
 - 2. One or two members of the group have executed the lease for the entire premises, including the entire rental obligation, and there are no sub-lease, hold-harmless or other written arrangements to pro-rate the rent or recover the rent from other members of the group.
- E. The following factors shall be *prima facie* evidence that the group of persons does not constitute a household:
 - 1. Individual members of the group have entered into separate leases for the same premises, or parts thereof, with the obligation under each lease constituting only a portion of the total periodic rent payment due to the landlord for occupancy of the premises; and

EXHIBIT “A” (cont’d)

2. The premises are furnished with key-operated locks on individual rooms or with other means through which one member of the group may prevent other members of the group from entering her or his room or portion of the premises when she or he is not physically present (deadbolts, chains or other locking devices operated only from inside the room shall not be considered as evidence of the status of the group).

F. The following additional factors shall be considered, to the extent known or applicable, in determining whether the group of persons constitutes a household:

1. Voter registration by a majority of the eligible members of the group listing the address of the group’s dwelling shall be considered evidence in support of the proposition that the group is a household. Voter registration listing other addresses by a majority of the adult members of the group, or by a majority of those actually registered to vote shall be considered evidence negating the proposition that the group is a household.
2. Drivers’ licenses held by a majority of the adult members of the group listing the address of the group’s dwelling shall be considered evidence in support of the proposition that the group is a household. Drivers’ licenses listing other addresses by a majority of the adult members of the group, or by a majority of those actually holding such licenses shall be considered evidence negating the proposition that the group is a household.
3. The registration of motor vehicles regularly found at the dwelling listing the address of the group’s dwelling shall be considered evidence in support of the proposition that the group is a household. The regular presence at the dwelling of one or more motor vehicles belonging to members of the group and registered at one or more other addresses shall be considered evidence negating the proposition that the group is a household.
4. The filing of tax returns by a majority of the members of the group listing the address of the group’s dwelling shall be considered evidence in support of the proposition that the group is a household. The filing of tax returns listing other addresses by members of the group shall be considered evidence negating the proposition that the group is a household. Evidence that one or more individuals are claimed as dependents on the income tax return of individuals not resident in the household shall be considered evidence that the group is not a household.
5. The presence of minor dependent children regularly residing in the dwelling unit and enrolled in local schools with one or more members of the group acting in the role of parents (and primary care-givers) shall be considered a factor tending to support the proposition that the group is a household.
6. Evidence that different residents of the dwelling unit are away during the summer and that they have several as opposed to a single summer address shall be considered evidence negating the proposition that the group is a household.
7. Evidence of common acquisition and ownership of furniture and appliances shall be considered evidence in support of the proposition that the group is a household.

EXHIBIT “A” (cont’d)

8. Full-time employment of some members of the group in the general community shall be considered evidence in support of the proposition that the group is a household.
9. Evidence that groceries are purchased and meals regularly prepared for the group as a whole shall be considered evidence in support of the proposition that the group is a household. For purposes of this factor, weekly joint purchases of groceries and the preparation and sharing of at least seven meals per week shall be considered “regularly prepared.”

1115.0905 The ~~*Commissioner of Building Inspection and Code Enforcement Director of the Department of Inspection*~~ shall make the determination of whether the group constitutes a household based on a preponderance of the evidence. Where there is prima facie evidence supporting only one side of the proposition, the ~~*Commissioner Director*~~ shall make a determination that is supported by that prima facie evidence unless the ~~*Commissioner Director*~~ finds compelling evidence for the other side of the proposition, a finding which should normally be supported by at least four of the factors listed above.

1115.0906 Living arrangements for persons with a “handicap” and/or a “disability” as those terms are defined by the Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 *et seq.*) and the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 *et seq.*) will be presumed to be a household.

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GENERAL INFORMATION

Subject

- Request - Appeal of a Certificate of Appropriateness (COA) for a fence to be installed along the south side of the lot from the rear to the front and parallel to the driveway to include replacing an existing wood picket fence and stockade gate located behind the garage.
- Location - 2048 Scottwood Ave
- Owners - Scott & Tammy Michalak
2056 Scottwood Avenue
Toledo, OH 43620
- Appellant - Pam Minnich
603 Floyd Street
Toledo, OH 43620

Site Description

- Zoning - RD6 Duplex Residence
- Frontage - 80'
- Parcel Depth - 222'
- Use - Duplex
- Year Built - 1900

Parcel History

- OWE-22-83 - Porch floor (OWEHDC approved 9/13/83)
- OWE-47-10 - Exterior renovations (OWEHDC approved 9/13/10)
- OWE-20-12 - Replace front porch steps with a different material, restore the brick piers on both sides of the front steps, restore the back porch (OWEHDC approved 6/19/12)

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- | | | |
|-----------|---|---|
| OWE-43-12 | - | Rebuild roof eave and soffit, enclosed gutters, eave with similar clay tile and replace stucco on the rear of the house (OWEHDC approved 9/10/12) |
| OWE-51-12 | - | Repair the stucco on the back of the garage (OWEHDC approved 10/15/12) |

Applicable Plans, Regulations

- Toledo Municipal Code (T.M.C.), Part 11, Planning and Zoning Code, Chapter 1103.0300 - Historic Overlay Districts, Chapter 1111.1000 Historic Districts and Landmarks
- U.S. Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings

STAFF ANALYSIS

This request is an appeal of the Certificate of Appropriateness (COA) that was approved by the Old West End Historic District Commission (OWEHDC) at their monthly meeting held on April 8, 2013. The site is located at 2048 Scottwood Avenue and is occupied by a duplex home built in 1900.

The COA that was approved is for the installation a wood (cedar), lattice fence along the south side of the lot from the rear to the front and parallel to the driveway to include replacing an existing wood picket fence and stockade gate located behind the garage. Prior to the meeting, the applicant discussed the COA application with the abutting property owners to the rear of the lot (property fronts on Parkwood). The abutting neighbors called the Plan Commission staff and stated their approval and willingness to work with the applicant where the rear lot line fence will also be replaced in this COA.

Prior to the OWEHDC meeting, the applicant submitted a brochure with an example of what the fence will look like and a description of the material, a second brochure was provided that included the fence measurements, a site plan and an amended site plan to include the rear lot line, current photographs of the existing fence and gate located in the rear yard to include the future location of the rear fence as part of the application. A survey was submitted with this application although it is not required for a fence COA application. The application submitted on March 22, 2013 met the requirements for a OWEHDC COA application.

STAFF ANALYSIS (cont'd)

The applicant proposed the fence height for the front yard to be 3 ½', side yard to be 4' and the rear yard to be 7' which is to code for residential fences per the Toledo Municipal Code, Part Eleven, *Chapter 1105.0300, Fences and Hedges*. The proposed fence meets the material requirement for the historic district, as set by the U.S. Secretary of Interior, which allows wood, wrought iron and ornamental metal. Because the proposed fence meets TMC and the U.S. Secretary of Interior standards, the OWEHDC approved the COA.

The appeal that was received at the Plan Commissions office on April 15, 2013 was for the two items listed below as received from the appellant:

1. ***The complete dimensions of the fence were not provided, the height was addressed however the supporting posts, which is a part of the fence was not addressed. The concrete support base, which is also a dimension of the fence was not addressed.***

2. ***Because this relocation of the driveway, (which a permit was given without addressing) features of historical significance have been altered. This also includes the proposed fence would sit on top of our owned servants sidewalk, and noting to the OWHD Plan Commission and Planning Commission, of stones that were undermined and removed during the construction, excavating and relocation of the driveway. I do not want the fence sitting on my sidewalk. I will supply the pictures of the damage to my historical sidewalk feature, next to the new drive as well as the other stones that have become dislodge from the soil which was excavated away.***

The appeal was received from the abutting property owners to the south, Mr. and Mrs. Joe Minnich. The Minnich's statement from the first issue is that the application was incomplete because it did not cover the fence posts dimensions to include the base support. This item is not typically discussed at the OWEHDC when reviewing fences.

The second issue refers to the fence location. The appellant implies that the fence will be located on the abutting property and consequently affect the abutting property owner's servant sidewalk. The site plan and survey submitted by the applicant shows the fence will be installed on the subject site.

The appellant further states that a driveway relocation on the subject site has altered features of historical significance on the abutting property. A COA was granted in 2010 and extended in 2011, OWE-47-10, for a driveway at 2048 Scottwood (Michalak's property). The driveway was installed in 2012. The location of the new driveway has been disputed between the property owners, resulting in the abutting property owner's application for a COA to install a curb along the driveway. OWE-44-12, the COA for the removal of portion of a servant's walk and curb installation along the northern property line at 2040 Scottwood (Minnich's property), is pending.

STAFF ANALYSIS (cont'd)

The driveway relocation is a separate matter and not the focus of the current COA, which is for a fence at 2048 Scottwood Avenue. The OWEHDC, and subsequently the Plan Commission, is only authorized to consider the matter of the fence and its height and materials as part of the current case. The City of Toledo Law Department has advised staff to remain neutral regarding the property line dispute. The City of Toledo Law Department representative, Mr. John Madigan, has attended past OWEHDC meetings to advise the OWEHDC to review only the applications and not to debate the property line issue.

Per TMC 1103.0306 *Historic Overlay Districts – Certificates of Appropriateness*, an environmental change in a property within a designated historic district is to be reviewed for compliance to the U.S. Secretary of Interior’s “Standards for Rehabilitation”. The subject fence has been review for conformance with these guidelines and has been deemed compliant. Therefore, staff recommends that the Plan Commission uphold the decision of the OWEHDC.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission uphold the decision of the Old West End Historic District Commission to approve the Certificate of Appropriateness (COA) for the fence installation along the south side of the lot from the rear to the front and parallel to the driveway to include replacing an existing wood picket fence along the rear lot line and stockade gate located behind the garage located at 2048 Scottwood Ave for the following reasons:

1. This request meets the Toledo Municipal Code requirement for fence installation.
2. The wood fence meets the U.S. Secretary of the Interior Standards for Rehabilitation for a historic property that allows for fences to be made of wood, wrought iron and ornamental metal.

APPEAL OF OWEHDC DECISION
TOLEDO CITY PLAN COMMISSION
REF: OWE-4-13
DATE: MAY 9, 2013
TIME: 2:00 P.M.

MLM/ks
Attachments Follow



**CITY OF TOLEDO HISTORIC DISTRICT COMMISSIONS
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**

One Government Center, Suite 1620, Toledo, OH 43604
Phone: 419-245-1200 • Fax: 419-936-3730

Answer all the questions on this form and submit all required attachments. Incomplete applications will not be reviewed. If you have questions about application requirements contact the Toledo-Lucas County Plan Commissions at 419-245-1200 to ensure your application is complete.

1. GENERAL INFORMATION Old West End Westmoreland Vistula

Property Address: 2048 SCOTTWOOD AVE

Property Owner:
Print Name: SCOTT AND TAMMY MICHALAK
Mailing Address: 2056 SCOTTWOOD AVE, TOLEDO, OH 43620
Phone: 419-389-2349 Fax: _____ Email: TMICHALAK@FINDLEYDAVIES.COM
Signature: _____

Contractor or Agent:
Print Name: SELF
Mailing Address: _____
Phone: _____ Fax: _____ Email: _____
Signature: _____

I certify that all information contained in this application is true and accurate to the best of my knowledge.
Applicant/Owner Signature: [Signature]

2. APPLICATION CATEGORY (Check all that apply)

Proposed improvements will affect the following elevations:

<input type="checkbox"/> Site Improvement/Driveway/Walkway	<input type="checkbox"/> Storage Shed/Garage	<input type="checkbox"/> Siding/Floor/Porch
<input type="checkbox"/> Replacement Windows/Doors	<input type="checkbox"/> Demolition	<input type="checkbox"/> Signs/Awnings
<input type="checkbox"/> New Construction/Additions	<input type="checkbox"/> Lighting	<input checked="" type="checkbox"/> Fences/Gates/Pergolas/Tuck pointing
<input type="checkbox"/> Roofs/Gutters/Downspouts/Deck/Balcony	<input type="checkbox"/> AC/Mechanical	<input type="checkbox"/> Excavation
	<input type="checkbox"/> Other: _____	

A Certificate of Appropriateness (COA) is a permit issued to allow for an exterior alteration or environmental change in the Historic Districts. An environmental change means any exterior alteration, demolition, removal or new construction.

For Office Use Only

Date Received: 22 Mar 13 Application No. OWE-4-13

Historic District: Vistula Old West End City

Administrative Approval: Yes No Signed: [Signature]

Historic Commission Review Date: 8 Apr 13 Decision Date: 8 Apr 13

Certificate of Appropriateness Expires One Year from Date of Approval on 9 Apr 13

Approved Denied Deferred Details: Approved As Submitted w/ the addition in the rear yard.

Appealed: Yes \$25 No If Yes, Date of Submission: 15 APR 13

Hearing Date: 13 May 13 Appeal Decision: Affirmed Overturned

Decision Date: _____ Details: _____

.....

Certificate Issued on: _____ Signed: _____



**CITY OF TOLEDO HISTORIC DISTRICT COMMISSIONS
APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
SUPPLEMENTAL INFORMATION**

Please use the space below to provide additional details regarding proposed work.

Property Address: 2048 SCOTTWOOD

3. DESCRIPTION OF PROPOSED WORK

Completely describe the entire scope of work, including changes in material and color, and methods that will be used to accomplish the proposed work. For large projects an itemized list is required.

SEE ATTACHED LETTER

Multiple horizontal lines for writing the description of proposed work.

* A building permit is required for the activity detailed below. Please contact the Division of Building Inspection at 419-245-1220 for more information.

3/22/2013

Scott and Tammy Michalak
2056 Scottwood Ave.
Toledo, OH 43620

Ms. Molly L. Maguire
Toledo-Lucas County Plan Commissions
One Government Center, Suite 1620
Toledo, OH 43604

RE: Application for Certificate of Appropriateness (COA)
2048 Scottwood Avenue

Dear Ms. Maguire:

Enclosed is our application for a Certificate of Appropriateness, site plan, and pictures associated with our request for the following two items:

1. Install a wood cedar privacy fence along the South side of the lot from the rear to the front along the driveway and up to the public right-of-way. The fence will include a square lattice design and decorative posts similar to the picture attached. The fence height will vary in accordance with Toledo Municipal Code Section 1105.0301 paragraphs A through D.
2. Replace the existing wood picket fence located to the rear of the garage and extending to the adjoining rear neighbor's stockade fence with a wood stockade gate. The height of the gate will be similar to the neighbor's stockade fence and will comply with Toledo Municipal Code Section 1105.0301(C).

Molly, if you, or any member of the OWEHDC have any questions regarding the attached please call Tammy at 419-389-2349

Sincerely,



Scott and Tammy Michalak

Maguire, Molly

From: Joseph Minnich [jpmi@bex.net]
Sent: Monday, April 15, 2013 10:58 AM
To: Maguire, Molly
Cc: Hicks-Hudson, Paula; Cottrell, Lisa; rick_kramer2002@yahoo.com; Lemon, Thomas; Lorin Zaner; jmminich@gpi.net; jmminich@gpi.net; jmminich@gpi.net
Subject: April 8th OWHD COA approval/petition

Ms. Maguire,

I am formally submitting a petition of the COA permit given to WOVE-44-13 abutting property owners 2048 Scottwood, Mr./Mrs .Scott Michelak to install a lattice fence along the south of driveway of 2048 Scottwood. Citing the Requirements of Certificate of Appropriateness Application City of Toledo, Submittal Requirements Checklist,

Fence/Gates/Pergolas/Sheds/Garages

#2. A picture of the proposed structure. This can be an elevation drawing, sketch, brochure or photo of an existing shed, fence, gate, garage or pergola provided that the DIMENSIONS ARE INCLUDED.

The complete dimensions of the fence were not provided, the height was addressed however the supporting posts , which is a part of the fence was not addressed. The concrete support base , which is also a dimension of the fence was not addressed.

Also my petitioning is addressing the Requirements for COA under the Relocation portion of submittal requirements.

RELOCATION:

#5. DESCRIBE ANY SITE FEATURES WHICH WILL BE ALTERED AS A RESULT OF THE PLACEMENT OF THE STRUCTURE/BUILDING

Because this relocation of the driveway, (which a permit was given without addressing) features of historical significance have been altered. This also includes the proposed fence would sit on top of our owned servants sidewalk , and noting to the OWHD Plan Commission and Planning commission, of stones that were undermined & removed during the construction, excavating and relocation of the driveway. I do not want the fence sitting on my sidewalk. I will supply the pictures of the damage to to my historical sidewalk feature, next to the new drive as well as the other stones that have become dislodge from the soil which was excavated away.

I do not want the concrete to support the posts of the fence on my property.

To summarize my petition of COA OWE-4-13 Taken from City of Toledo submittal requirements:

1. Absent of complete dimensions of fence, dimension of the holes to be auggered, dimensions of the concrete placement to support the supporting posts required for the fence
2. Addressing features which will be altered as a result of placement of new structure

Please call if you need any additional information, or clarification

Thank You

ZONING & LAND USE

2048 SCOTTWOOD AVE.

OWE-4-13
ID 14



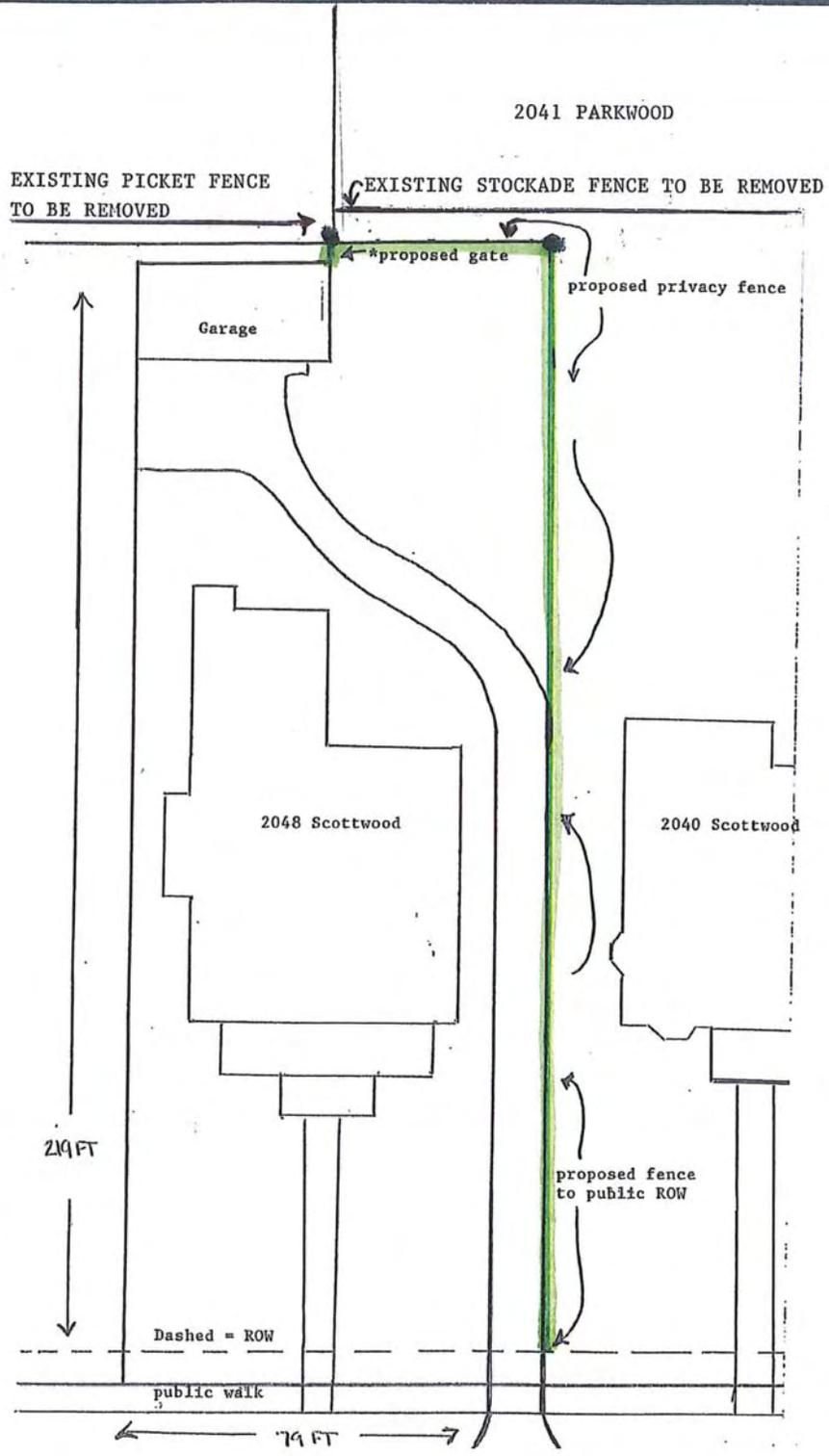
REVISED SITE PLAN
2048 SCOTTWOOD AVE.

OWE-4-13
ID 14



← NORTH

OWE 4-13 - CLARIFIED SITE PLAN (2048 SCOTTWOOD)



CURRENT PHOTOS OF SITE
2048 SCOTTWOOD AVE.

OWE-4-13
ID 14

Exhibit B - Photos of existing lot and current picket fence

2048 Scottwood Avenue

Front view 1



Front view 2



Rear view 1



Rear view 2



Rear view 3



Existing picket fence



REARYARD PHOTOS
2048 SCOTTWOOD AVE.

OWE-4-13
ID 14



REARYARD PHOTOS
2048 SCOTTWOOD AVE.

OWE-4-13
ID 14



SOUTH SIDE OF DRIVEWAY
2048 SCOTTWOOD AVE.

OWE-4-13
ID 14



SOUTH SIDE OF DRIVEWAY
2048 SCOTTWOOD AVE.

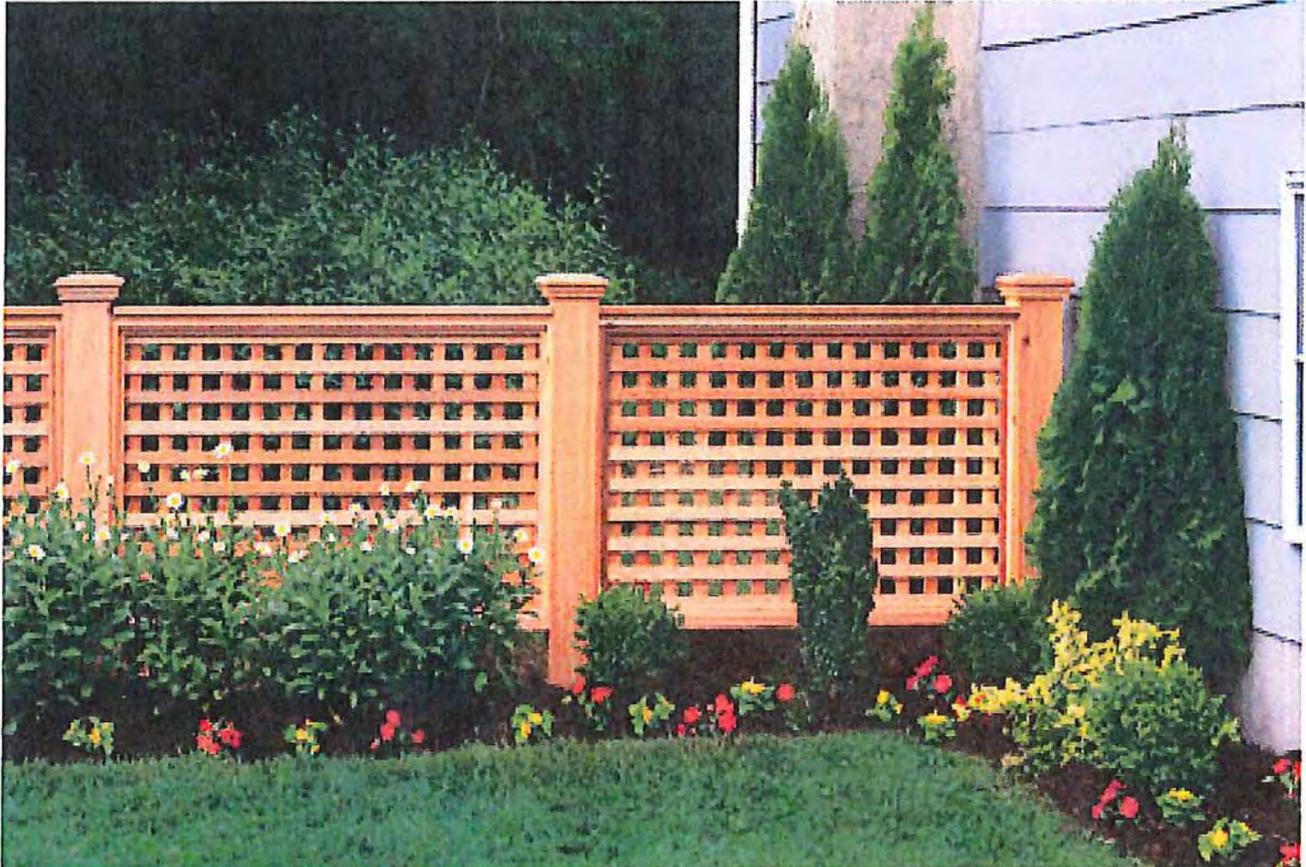
OWE-4-13
ID 14



**PROPOSED FENCE ALONG
SOUTH SIDE OF PROPERTY
2048 SCOTTWOOD AVE.**

**OWE-4-13
ID 14**

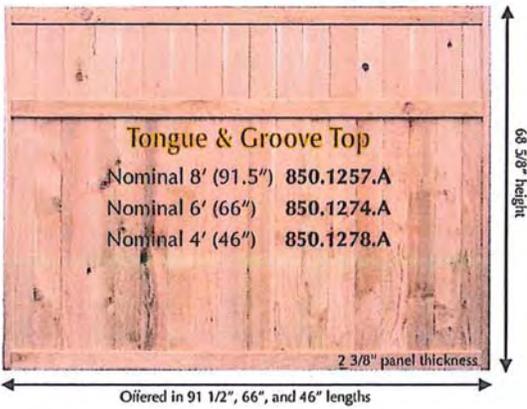
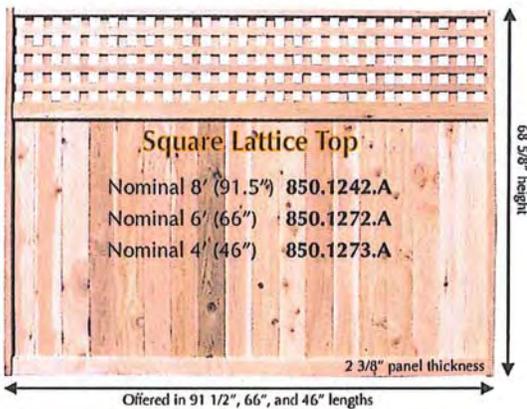
Subject: RE: COA request for 2048 Scottwood Avenue





www.WoodwayProducts.com

Professional Grade Montgomery Fence Panels



Pre-assembled panels offer improved efficiency, consistency and quality over site built fencing.

Built to Last

- Sturdy sandwiched frame with tongue and groove fence boards
- Lattice that's built to last with opposed-angle stapling and glue-coated fasteners
- 100% Select, tight-knot Western Red Cedar for the look your customers desire and natural resistance to decay



Finished Look & Feel

- Panel frame is striated and eased-edge moulded
- Boards are V-jointed with a smooth surfaced front and a re-sawn back



Hassle Free Installation

- Panel width designed to install with ease between standard posts

Fences shown have stainless steel staples

**PROPOSED FENCE AND GATE IN
BACKYARD
2048 SCOTTWOOD AVE.**

**OWE-4-13
ID 14**

Exhibit A – Photos of proposed fence and gate design
2048 Scottwood Avenue

Proposed wood cedar fence design



Proposed wood stockade gate (rear of garage)



Request for COA – 2048 Scottwood Ave.

{ 2 }

STAFF REPORT CONDITIONS OF APPROVAL – AGENCY SOURCE IDENTIFICATION

Recommendations for conditions of approval often originate from agencies that have reviewed plans and proposals under consideration by the Plan Commission. To indicate which agency requested which condition of approval, that agency's name is placed at the end of the condition in parenthesis. Agency names are listed below:

TOLEDO-LUCAS COUNTY
PLAN COMMISSIONS
ONE GOVERNMENT CENTER
SUITE 1620
TOLEDO, OH 43604
419-245-1200

FIRE PREVENTION
c/o BUILDING INSPECTION
ONE GOVERNMENT CENTER
SUITE 1600
TOLEDO, OH 43604
419-245-1220

TOLEDO EDISON COMPANY
CHRISTINE CUNNINGHAM
ENGINEERING SERVICES
6099 ANGOLA RD.
HOLLAND, OH 43528
419-249-5440

DIVISION OF WATER DISTRIBUTION
401 S. ERIE STREET
TOLEDO, OH 43604
419-936-2826

DIVISION OF FORESTRY
COMMISSIONER
2201 OTTAWA PARKWAY
TOLEDO, OH 43606
419-936-2326

UNITED STATES POST OFFICE
POSTMASTER
435 S. ST. CLAIR STREET
TOLEDO, OH 43601
419-245-6802

DIVISION OF WATER
RECLAMATION
COMMISSIONER
3900 N. SUMMIT STREET
TOLEDO, OH 43611
419-727-2602-

DIVISION OF INSPECTION
COMMISSIONER
ONE GOVERNMENT CENTER
SUITE 1600
TOLEDO, OH 43604
419-245-1220

LUCAS SOIL AND
CONSERVATION DISTRICT
JEFF GRABARKIEWICZ
138 W. DUDLEY
MAUMEE, OH 43537
419-893-1966

DIVISION OF TRANSPORTATION
COMMISSIONER
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1300

DIVISION OF
ENGINEERING SERVICES
COMMISSIONER
ONE LAKE ERIE CENTER
600 JEFFERSON AVENUE, STE 300
TOLEDO, OH 43604
419-245-1315

LUCAS COUNTY ENGINEER
KEITH EARLEY
ONE GOVERNMENT CENTER
SUITE 870
TOLEDO, OH 43604
419-213-4540

SERVICE DEPARTMENT
EDWARD MOORE, DIRECTOR
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1835

COLUMBIA GAS COMPANY
TONY BUCKLEY
FIELD ENGINEER TECHNICIAN
3222 W. CENTRAL AVE.
TOLEDO, OH 43606
419-539-6063

LUCAS COUNTY
SANITARY ENGINEER
JIM SHAW
1111 S. McCORD ROAD
HOLLAND, OH 43528
419-213-2926

TOLEDO-LUCAS COUNTY
HEALTH DEPT.
LANA GLORE, ENV. HEALTH SERV.
635 N. ERIE STREET ROOM 352
TOLEDO, OH 43604
419-213-5446

A T & T
ATTN: DESIGN MANAGER
130 N. ERIE, ROOM 714
TOLEDO, OH 43624
419-245-7000

BUCKEYE CABLESYSTEM, INC.
GARY KASUBSKI
4818 ANGOLA ROAD
TOLEDO, OH 43615
419-724-3821

VERIZON
BRAD SNYDER
300 W. GYPSY LANE
BOWLING GREEN, OH 43402
1-419-354-9452

WATERVILLE GAS
JAMIE BLACK
PO BOX 259
WATERVILLE, OH 43566
419-878-4972

OHIO GAS
MIKE CREAGER
13630 AIRPORT HWY.
SWANTON, OH 43558
419-636-1117

TIME WARNER
RAY MAURER
3760 INTERCHANGE ROAD
COLUMBUS, OH 43204
614-481-5262

EMBARQ
117 EAST CLINTON STREET
NAPOLEON, OH 43545
419-599-4030

