TOLEDO CITY PLAN COMMISSION REPORT

JUNE 13, 2013

Toledo-Lucas County Plan Commissions
One Government Center, Suite 1620, Toledo, OH 43604
Phone 419-245-1200, FAX 419-936-3730

MEMBERS OF THE TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

TOLEDO CITY PLAN COMMISSION

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A. BAILEY STANBERY
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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 *(HEARINGS BEGIN AT 2PM)*			
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 *(HEARINGS BEGIN AT 9AM)*			
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

LC/lc: 10/24/12

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**

AN, 3-31-11

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

June 13, 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

SWEARING IN

MINUTES

FINAL PLATS

ITEM NO.	CASE DESCRIPTION
1. SUP-4004-13:	Special Use Permit for solar array field at 671 Spencer Street (tg)
2. V-246-13:	Vacation of an alley running east-west along lots 1-6 and 71 of Meredith Place (gp)
3. SUP-4005-13:	Special Use Permit for school at 4234 Monroe Street (bh)
4. SPR-18-13:	Major Site Plan Review for McDonalds rebuild with sign waivers at 3008 Monroe Street (bh)
5. OWE-44-12:	Appeal of Old West End Historic District application to remove a portion of an existing servant's walk, restore a portion of a service sandstone walk and install a curb along the northern property line (mm)

DIRECTOR'S REPORT

ADJOURNMENT

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REF: SUP-4004-13
DATE: June 13, 2013

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Solar Array Field
Location	-	671 Spencer Street
Applicant	-	Jason Slattery Rudolph/Libbe Inc. 6494 Latcha Road Walbridge, Ohio 43465

Site Description

Zoning	-	IG General Industrial District
Area	-	22.7 ac. ±
Frontage	-	±990' along Spencer Street ±625' along Prouty Avenue ±1,020' along Anthony Wayne Trail
Existing Use	-	Vacant Industrial land
Proposed Use	-	Solar Array Field

Area Description

North	-	Prouty Avenue & Mixed Residential / RD6
South	-	Anthony Wayne Trail, Undeveloped Land & Light Industrial / IG
East	-	Vacant Church / CO
West	-	Spencer Street & Mixed Residential / RD6

Parcel History

T-143-58, T-416-58	-	Lot splits involving subject parcel administratively approved.
Z-8002-05	-	Zone change request from IG to CN. PC disapproved 9/8/05. CC disapproved 11/1/05.
SUP-8003-05	-	Special Use Permit for a Charter School. PC disapproved 9/8/05. CC disapproved 11/1/05.
SUP-5005-07	-	Special Use permit for an auto salvage yard. Withdrawn by applicant 8/13/07.

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

Z-10003-07	-	Zone Change request from IG to CN. Withdrawn by applicant 11/16/07.
Z-2001-08	-	Zone change from IG to CM. PC approved 5/14/08. CC approved 6/3/08, Ord. 366-08, Ord 607-08, 9/30/08, zone change subject to a commercial plat.

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 facilitate the development of a solar array on the 22 acre parcel. The proposed 2.0 MW DC ground-mount fixed-axis solar array will tie into the Toledo Zoo's electrical distribution system behind their existing Toledo Edison meter to offset their usage. This vacant property is currently in receivership and the proposal to install the solar array provides a low impact use for the site while providing the Toledo Zoo with renewable energy. Per TMC 1105.0803 Solar Panels- Location with Special Use, a special use permit is required because this is a stand –alone facility.

The site is currently encompassed by a 6' high chain link fence, which will be repaired or replaced for security reasons. Although the site is zoned general industrial, barbed wire or other similar material may not be used on the property when it is adjacent to residential property (per the requirements of TMC 1105.0303). In addition, landscaping will need to be installed along the perimeter fronting on right-of-way. Evergreen hedges or arborvitae should be employed to properly screen the property.

The Toledo 20/20 Comprehensive Plan designates this area and the land surrounding this site for Neighborhood Commercial uses. This land use is for predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may be included. Given that that the site is currently vacant and zoned General Industrial, staff supports the applicant's request. Additionally, the solar array field is a low intensity use that is compatible with adjacent uses (TMC 1111.0706.C) that will not have and adverse land or environmental impacts (TMC1111.0706.F)

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-4004-13, a Special Use Permit for Solar Array Field located at 671 Spencer Street, to Toledo City Council for the following two (2) reasons:

1. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics; (TMC 1111.0706.C**)**

2. The proposed use will not have any adverse land or environmental impacts. (TMC 1111.0706.F)

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-4004-12, a Special Use Permit for Solar Array Field located at 671 Spencer Street, to Toledo City Council subject to the following thirteen (13) 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.

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 Spencer Street and Prouty 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.

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

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

6. Existing fire and domestic water services shall be abandoned by the City of Toledo at the developer's expense.

Division of Transportation

7. 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.

Fire Prevention

8. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. Numbers shall be a minimum of 4 inches (102mm) high with minimum stroke width of 0.5 inches (12.7 mm).

Plan Commission

9. 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. Shade trees and evergreen hedges along the perimeter to screen the property;

   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;

   c. The location, height and materials for any fencing to be installed and maintained. Barbed wire or other similar material may not be used on the property when it is adjacent to residential property per the requirements of TMC 1105.0303;

   d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); illumination of parking facilities shall be arranged so as not to reflect direct rays of light into any adjacent residential area. In no case shall direct and indirect illumination from the source of light exceed an illumination level maximum of one/half foot candle when measured at the nearest point of the lot line in a residential area. Illumination of all parking lots shall be required; and

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

10. If any right-of-way or utility improvements are undertaken and the landscaping is removed the owner will be responsible for replacing the landscaping or relocating the fence to accommodate the frontage greenbelt.

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.

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-4004-13
DATE: June 13, 2013
TIME: 2:00 p.m.

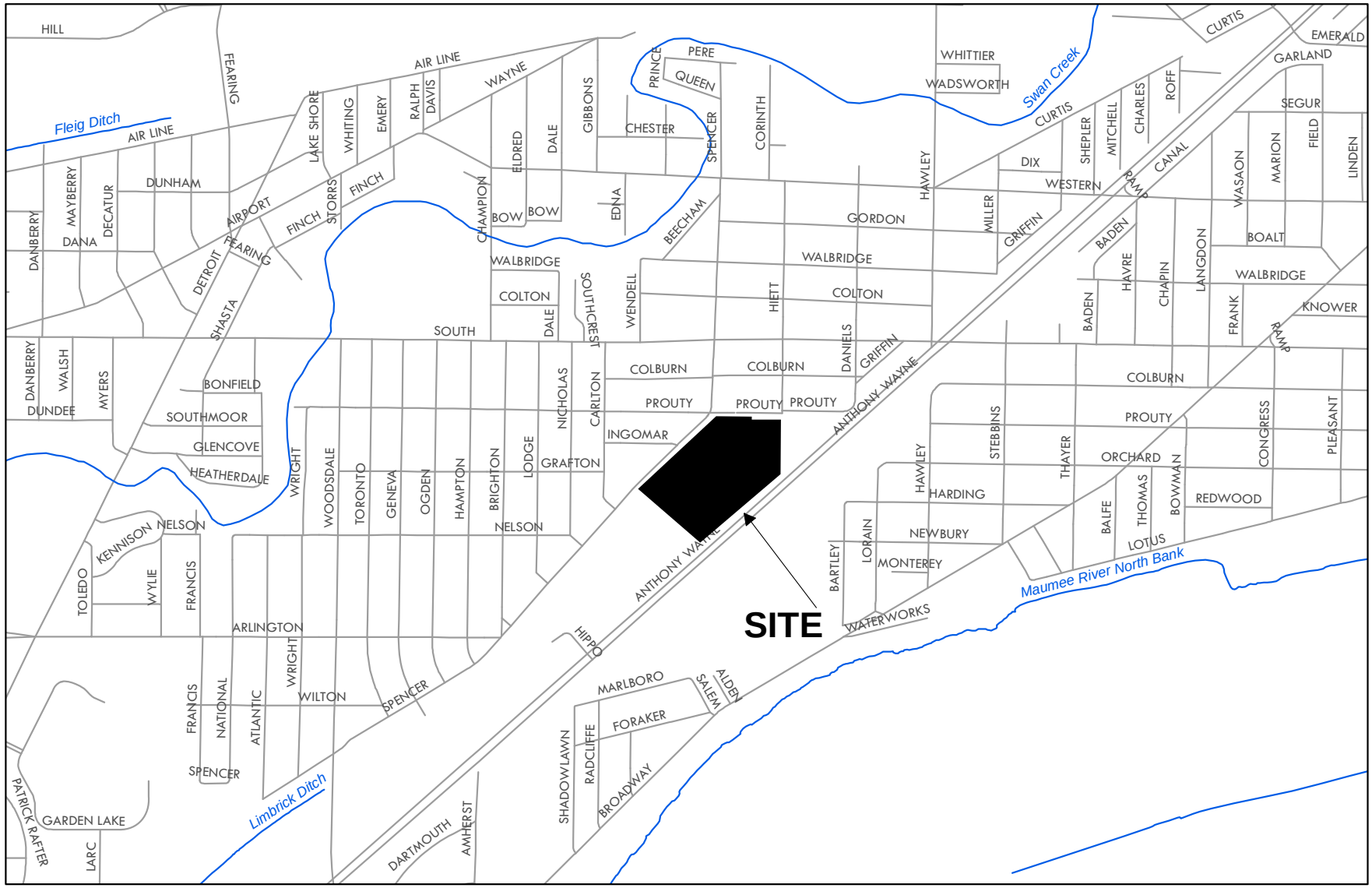
CITY COUNCIL PLANNING
AND ZONING COMMITTEE
DATE: July 17, 2013
TIME: 4:00 p.m.

TCG/ks
Three (3) sketches to follow

GENERAL LOCATION

SUP-4004-13
ID 20

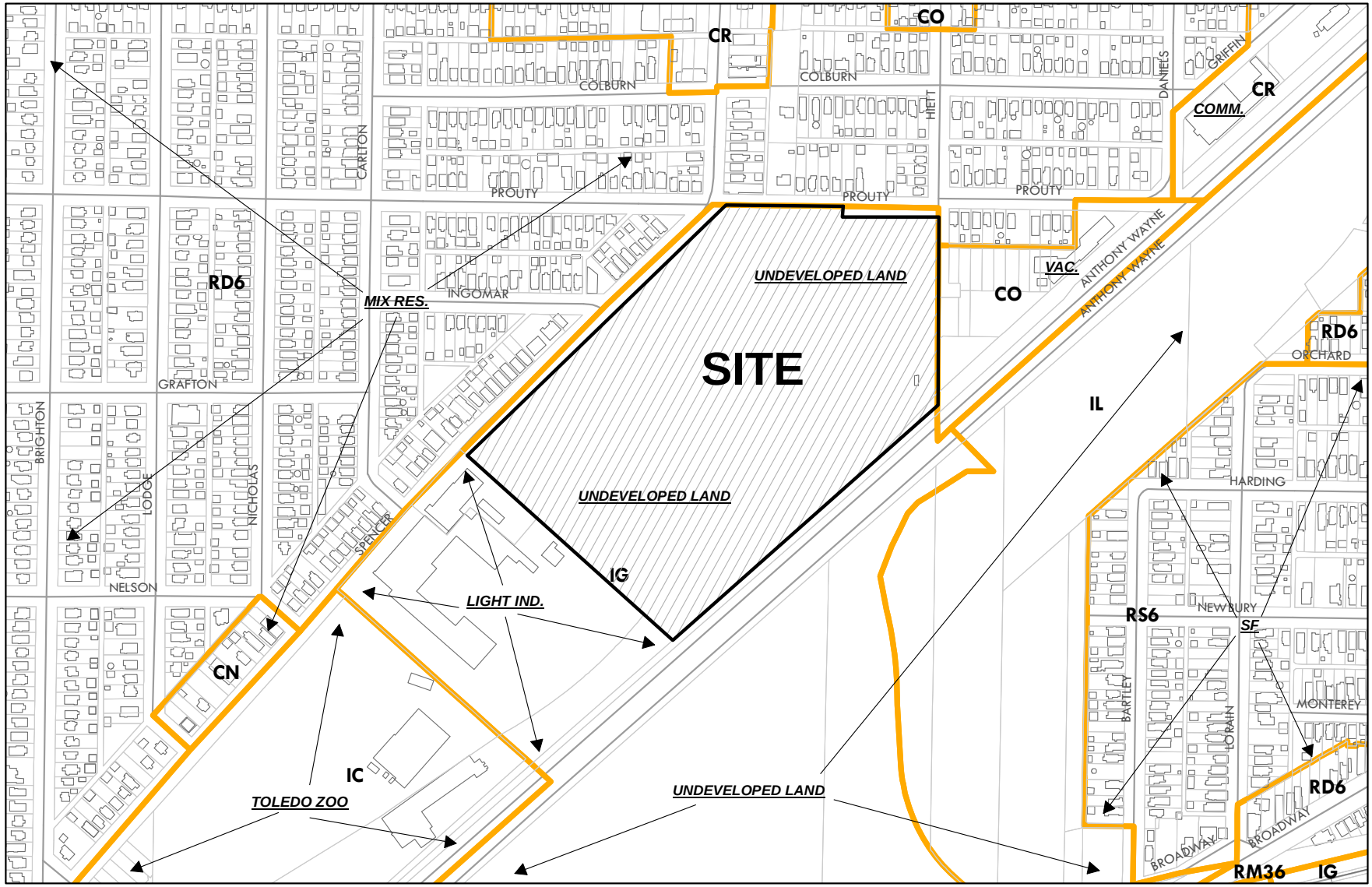
N



ZONING & LAND USE

SUP-4004-13
ID 20

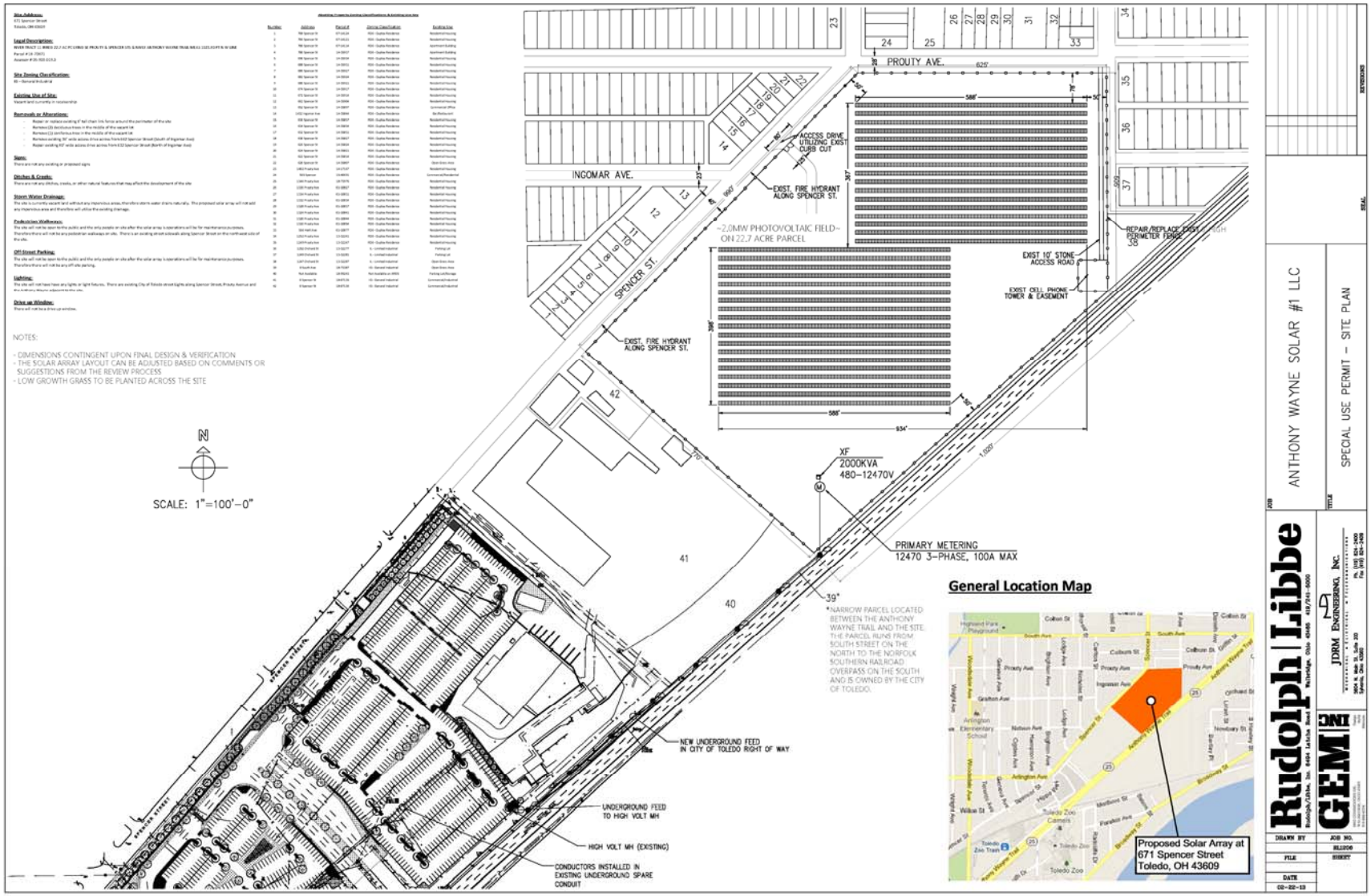
N



SITE PLAN

SUP-4004-13
ID 20

N



REF: V-246-13
DATE: June 13, 2013

GENERAL INFORMATION

Subject

Request	-	Vacation of an alley running east-west along lots 1-6 of Meredith Place and lot 71 of Meredith Place
Applicant	-	Jerry Hidalgo 4239 Monroe Street Toledo, OH 43606
Consultant	-	Dean R. Frederick, P.S. Frederick and Assoc. 5109 N. Summit Street Toledo, OH 43611

Site Description

Zoning	-	RD6, CR / Residential Duplex District, Regional Commercial
Area	-	±0.06 acres
Dimensions	-	15’ X 162’
Existing Use	-	Alley

Area Description

North	-	Office Building / CR
South	-	Single Family Residential / RS6
East	-	Office Building / CR
West	-	Office Building / 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 vacation of the alley running east-west along Lots 1-6 of Meredith Place and Lot 71 of Meredith Place. The alley is approximately 15 feet wide and 162 feet long, is situated in the rear of commercial office buildings, and runs parallel to Monroe Street. The alley is split-zoned between regional commercial to the north and single family residential to the south. It serves as vehicular access to parking spaces that are utilized by the commercial properties adjacent to the site.

The proposal to vacate the alley comes at the request of the owner of the commercial property located at 4239 Monroe Street, which abuts the northern edge of the alley. The applicant stated that he will soon own all the properties abutting the northern edge of the alley. The southern edge of the alley abuts a parcel that is owned by the applicant and contains parking spaces that serve the businesses. The applicant is requesting the vacation to facilitate the development of a more cohesive site. There no plans to alter the site in question and the applicant intends on maintaining the alley as vehicular ingress and egress for the businesses that abut the alley.

The Toledo 20/20 Comprehensive Plan targets this neighborhood for a commercial corridor along Monroe Street and single family and multi-family districts beyond the corridor. The proposed street vacation is compatible with the surrounding land uses and it conforms to the Toledo 20/20 Comprehensive Plan by supporting an existing business's effort to consolidate its site. Staff recommends approval of the subject vacation because it conforms to the 20/20 Plan and will not negatively affect properties within the vicinity of the subject property.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of V-246-13, the request to vacate a 15 foot wide and 162 foot long alley running east-west along lots 1 through 6 of Meredith Place and lot 71 of Meredith Place, to Toledo City Council, subject to the following two (2) reasons:

1. It conforms to the Toledo 20/20 Comprehensive Plan; and

2. The alley vacation will not negatively affect properties within the vicinity of the subject property.

The staff recommends that the Toledo City Plan Commission recommend approval of the request to vacate a 15 foot wide and 162 foot long alley running east-west along lots 1 through 6 of Meredith Place and lot 71 of Meredith Place, to Toledo City Council, subject to eight (8) 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.

STAFF RECOMMENDATION (cont'd)

Engineering Services

1. Eliminate access of the alley off of Wendover Drive by removing the asphalt to the edge of the right-of-way and restoring the area to match the adjacent landscape.

2. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, for the One Stop Shop, ph (419) 245-1220.

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

4. No objections to the proposed vacation, however, Peterson Ditch is at the rear of the parcel in the form of a 72" pipe.

5. The City of Toledo shall retain a permanent easement, with rights of ingress and egress, over Peterson Ditch and a portion of the vacated alley for the purpose of operating and maintaining the 72" pipe located within the easement.

Division of Transportation

6. If all adjacent property owners agree to the vacation, then the Division of Transportation has no objections to this vacation.

7. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claim, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept tin the permanent file of the Clerk of Council.

Fire Prevention

No comments or objections to this vacation.

Division of Streets, Bridges, and Harbors

No comments or objections.

Columbia Gas Company

No comments or objections to this vacation.

STAFF RECOMMENDATION (cont'd)

AT&T (Ohio)

Comments not received at this time.

Toledo Edison Company

8. Toledo Edison has poles with single phase electrical distribution in this area being vacated. Toledo Edison needs to stay to serve customers and need to have line truck access to maintain equipment.

Buckeye Cablevision

No comments or objections to this vacation.

TARTA

No comments or objections to this vacation.

Lucas County Solid Waste

Comments not received at this time.

Republic Services

Comments not received at this time.

Plan Commission

No comments or objections to this vacation.

STREET VACATION
TOLEDO CITY PLAN COMMISSION
REF: V-246-13
DATE: June 13, 2013
TIME: 2:00 P.M.

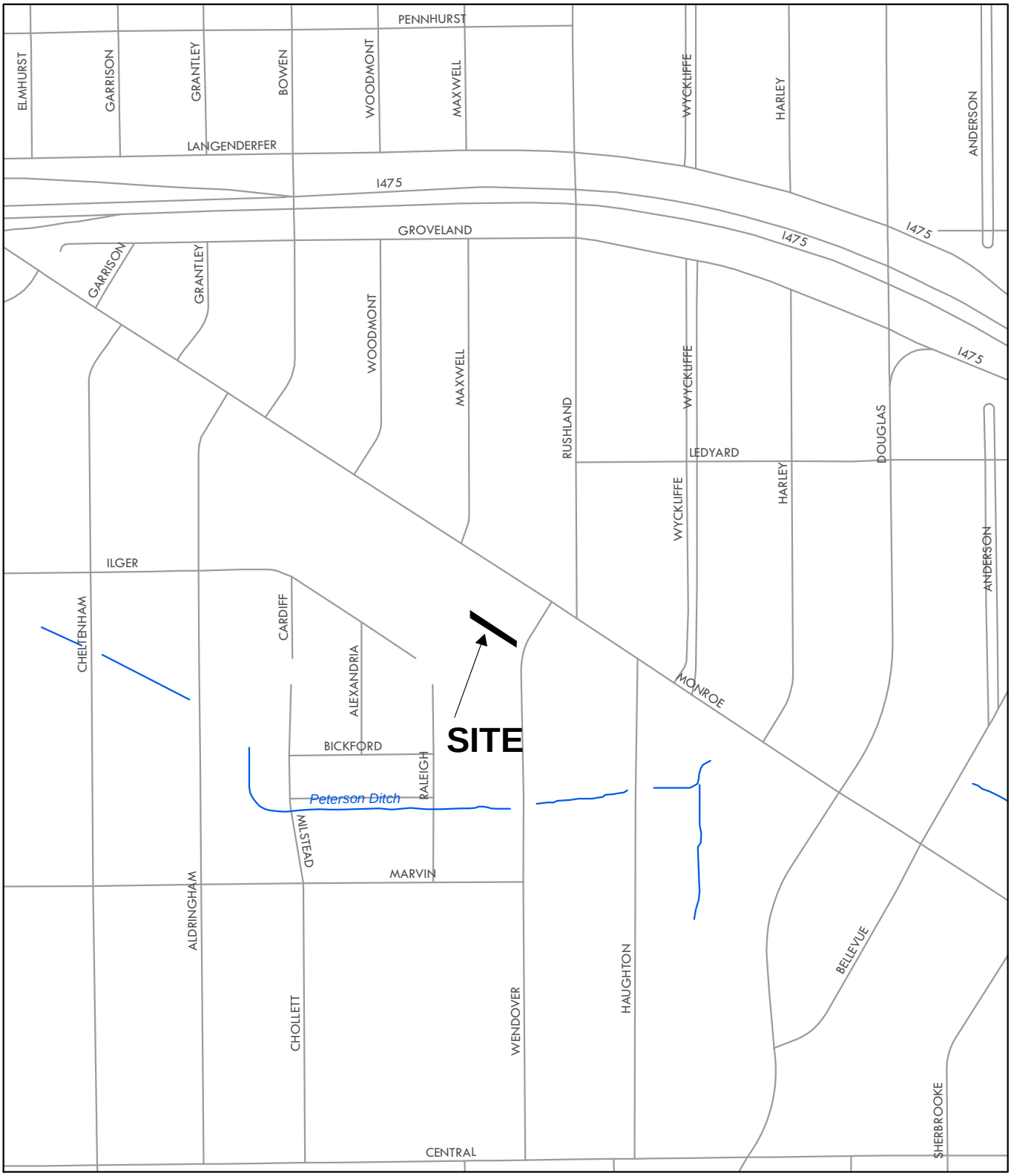
CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: July 17, 2013
TIME: 4:00 P.M.

GP/ks
Three (3) sketches follow

GENERAL LOCATION

V-246-13
ID 46

N



ZONING AND LAND USE

V-246-13
ID 46

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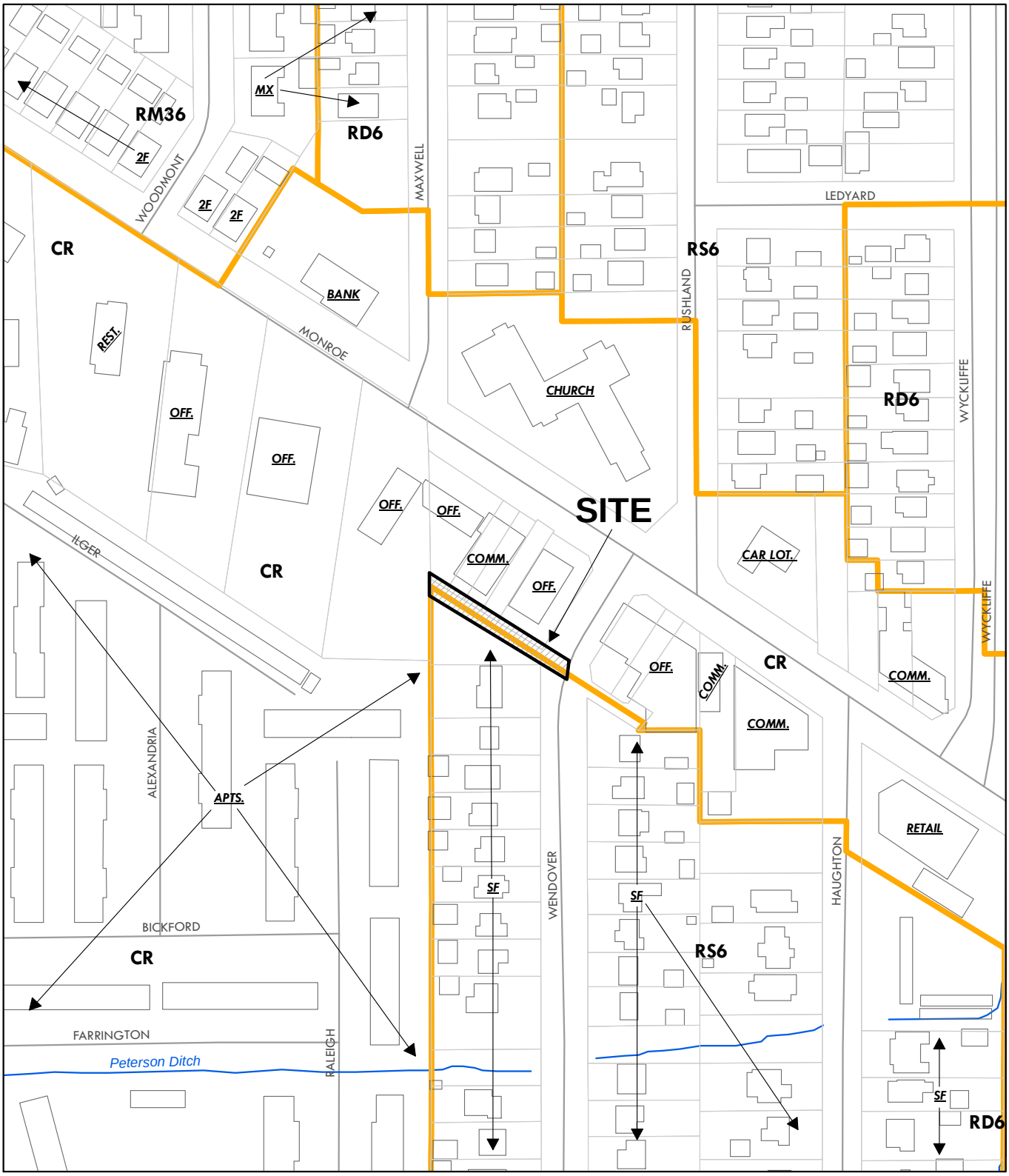

SITE PLAN AS SUBMITTED

V-246-13
ID 46

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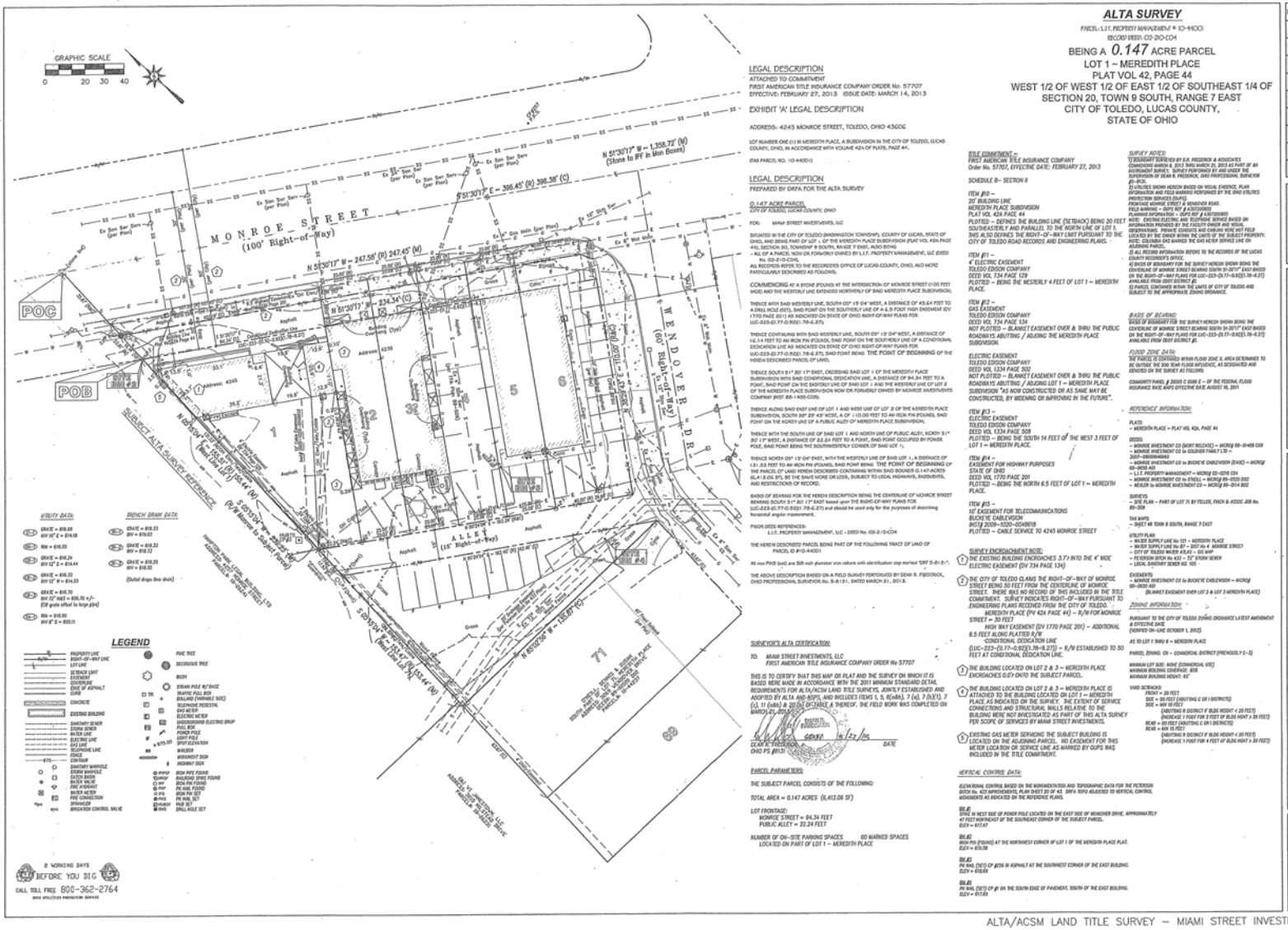

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REF: SUP-4005-13
DATE: June 13, 2013

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for the operation of a kindergarten through 8th grade school
Location	-	4234 Monroe Street
Applicant	-	Hampton Park Christian Church of Toledo Bonnie DeNucci 4234 Monroe Street Toledo, OH 43606
Contact	-	Dan LaValley 5800 Monroe Street, Bldg F Sylvania, OH 43560
Architect	-	Vetter Design Group Architects Joe Vetter 33 S. Michigan Street, Suite 203 Toledo, OH 43604

Site Description

Zoning	-	CR Regional Commercial & RS6 Single-Dwelling Residential
Area	-	± 1.45 Acres
Frontage	-	± 337' along Monroe Street, ± 305' along Rushland Avenue and ± 117' along Maxwell Road
Existing Use	-	Church
Proposed Use	-	K-8 School

Area Description

North	-	Single- dwelling Residential / RS6 & RD6
South	-	Commercial and Office / CR
East	-	Single-dwelling Residential & Used Car Sales / RS6 & CR
West	-	Bank / CR

GENERAL INFORMATION (cont'd)

Parcel History

No parcel history on file.

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 for the operation of a kindergarten through 8th grade school located at 4234 Monroe Street. The overall site is 1.45-acres and is bordered on three sides by Rushland Avenue, Monroe Street and Maxwell Road. The site is the former Hampton Park Christian Church of Toledo and currently houses the "End Time Christian Fellowship". According to the applicant, the school will lease the 3-story building while the Christian Fellowship will remain in the 1-story leased building. The site is split zoned CR Regional Commercial and RS6 Single-dwelling Residential. A school is a permitted use in both districts, subject to special use approval.

No changes to the exterior of the existing building are anticipated at this time. Minor interior renovations are anticipated to accommodate the school. The proposed school will be a kindergarten through 8th grade learning academy with an approximate student population of 100 students and 18 staff/faculty members, operated by Hope Learning Academy.

The site plan as submitted indicates that 45 total parking spaces currently exist. An elementary/middle school of 100 students, 9 faculty and 9 staff members has a parking requirement of 14 automobile and 35 bicycle spaces. The applicant has made no indication that the parking lot will be modified. However, the Department of Transportation expressed concerns about the 90° parking located at the West end of the parking lot and no bicycle parking was indicated. A solid wooden fence currently exists to shield the parking area from the residential uses to the North.

Surrounding land uses include a single-family neighborhood to the North, a used car lot in front of single-family uses to the East, office and commercial uses to the South and a bank in front of single-family uses to the West.

STAFF ANALYSIS (cont'd)

The Toledo 20/20 Comprehensive Plan targets this area for neighborhood commercial land uses. The neighborhood commercial district was established for predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may be included. The SUP conforms to the 20/20 plan because the majority of the site is zoned commercial and a school is a permitted use in the commercial zoning. Based on the current and future land use designations, 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-4005-13, a special use permit for a Kindergarten through 8th grade Elementary and Middle School located at 4234 Monroe Street, to Toledo City Council for the following two (2) reasons:

1. The proposed use is consistent with the Toledo 20/20 Comprehensive Plan;

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-4005-13, a request for a Special Use Permit for a Kindergarten through 8th grade Elementary and Middle School located at 4234 Monroe Street, to the Toledo City Council, subject to the following seventeen (17) conditions:

<u>Engineering Services</u>

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 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**.

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.

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

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

4. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.

5. Plans for a new water service or modifications to existing water service shall be submitted to the Division of Engineering Services for review and approval.

6. If a fire line is required by the City of Toledo Fire Prevention Bureau, plans shall be submitted to the Division of Engineering Services for review and approval.

Sewer & Drainage Services

No comments or objections.

Fire Prevention

7. Facility identification and building address is required and shall be visible from the street.

Transportation

8. The 90-degree parking located on the southwestern-most portion of the parking lot conflicts with the one-way traffic pattern depicted by the site plan.

9. "One-Way" and "Do Not Enter" signage and/or pavement markings shall be installed where appropriate.

10. Parking reserved for peoples with disabilities shall meet the dimensional standards required by the Toledo Municipal Code. Car and van accessible parking spaces must have 5' and 8' abutting aisles, respectively.

Building Inspection

11. The property has been used as a church which is an A (assembly) use and will need to secure an E (educational) use necessitating a change of use of the buildings on the property and a new certificate of occupancy. Stamped drawings of the building 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 county, 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 the associated mechanical, electrical and fire codes.

STAFF RECOMMENDATION (cont'd)

Plan Commission

12. Future expansions of any educational services may require amendments to this Special Use Permit.

13. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscape areas.

14. 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.

15. A minimum of 35 bicycle spaces shall be provided per Toledo Municipal Code Section 1107.0900.

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 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-4005-13
DATE: June 13, 2013
TIME: 2:00 P.M.

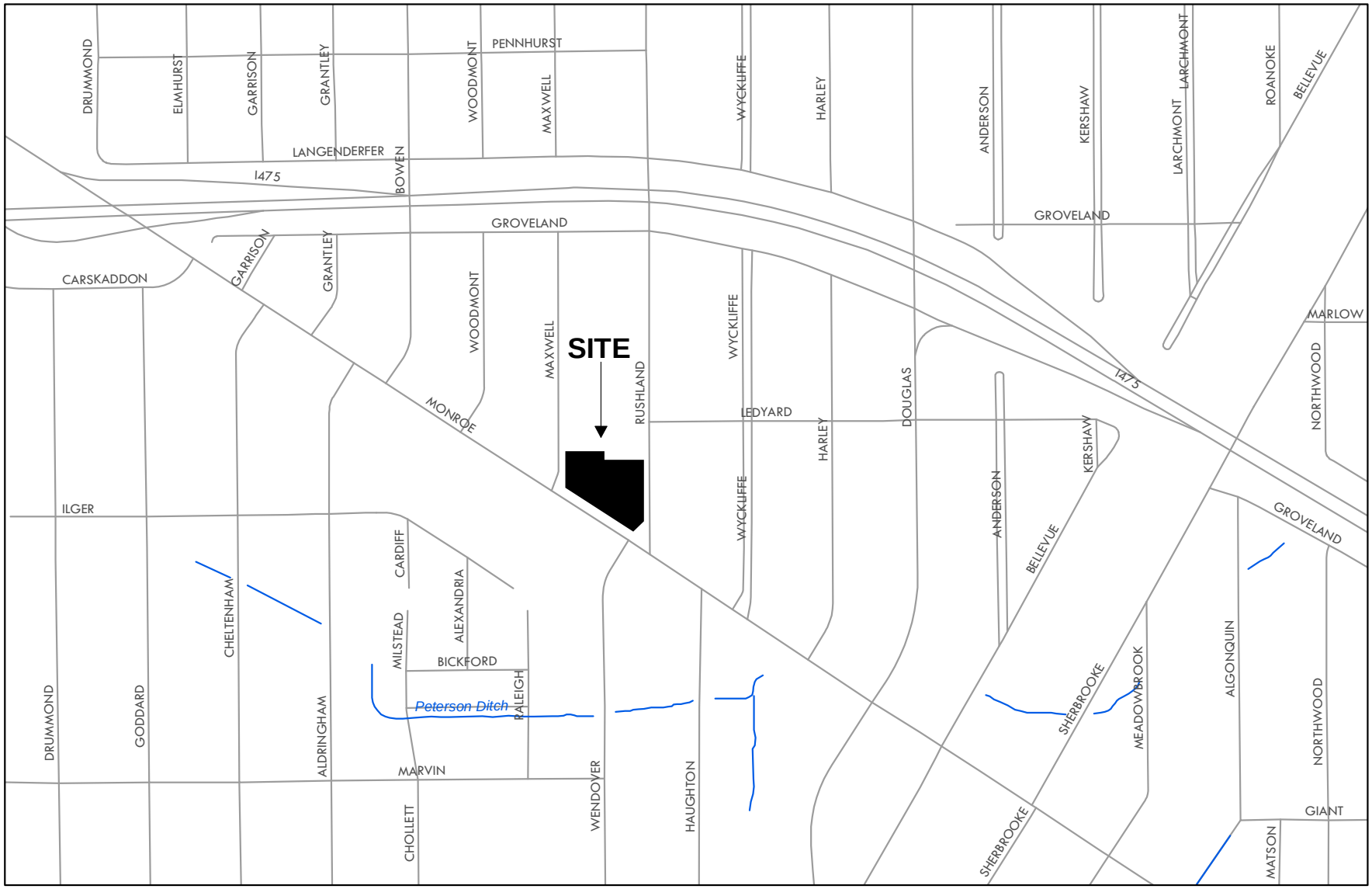
CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: July 17, 2013
TIME: 4:00 P.M.

BH/ks
Three (3) sketches follow

GENERAL LOCATION

SUP-4005-13
ID 46

N



ZONING & LAND USE

SUP-4005-13
ID 46

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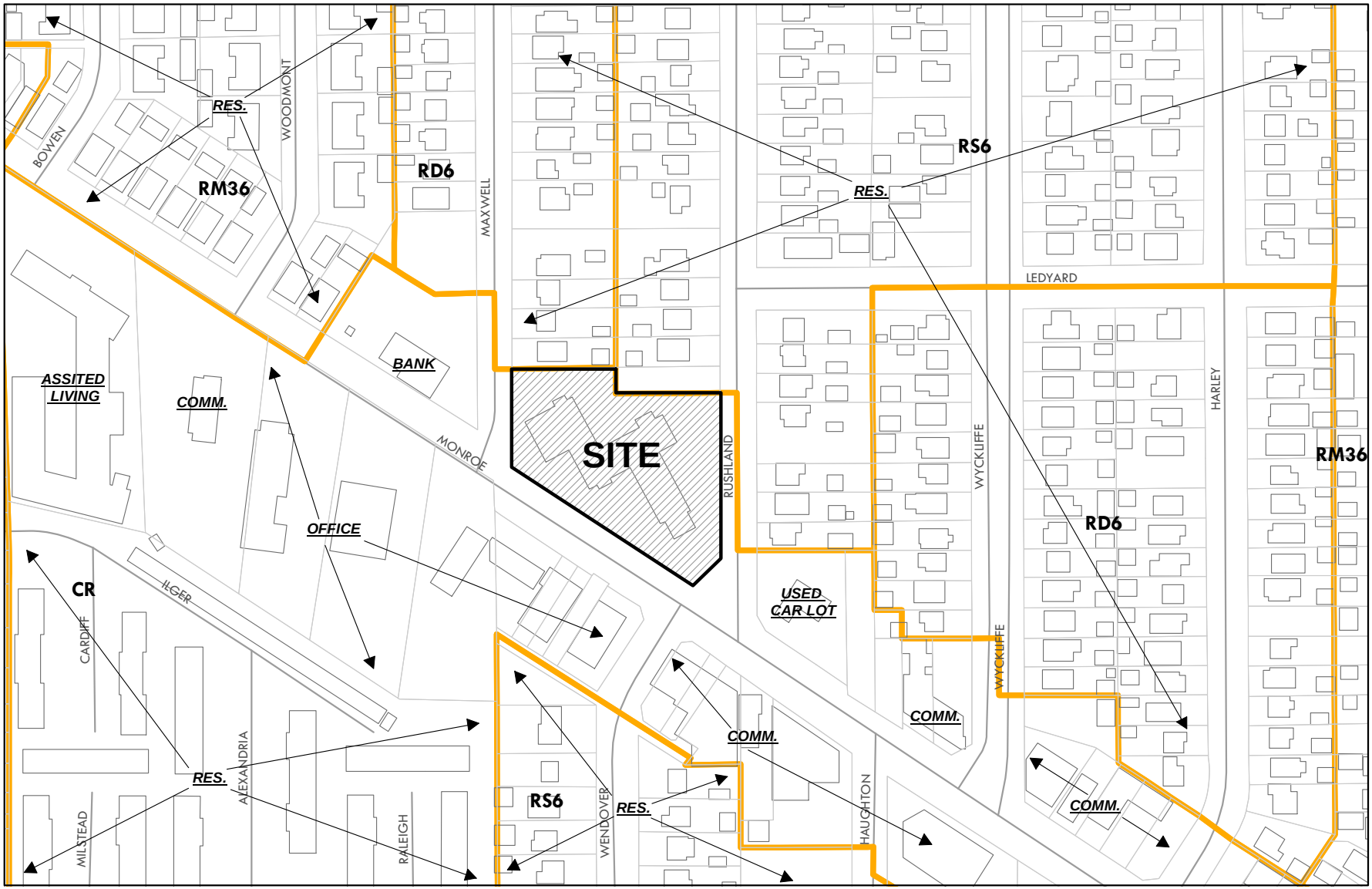

SITE PLAN

SUP-4005-13
ID 46

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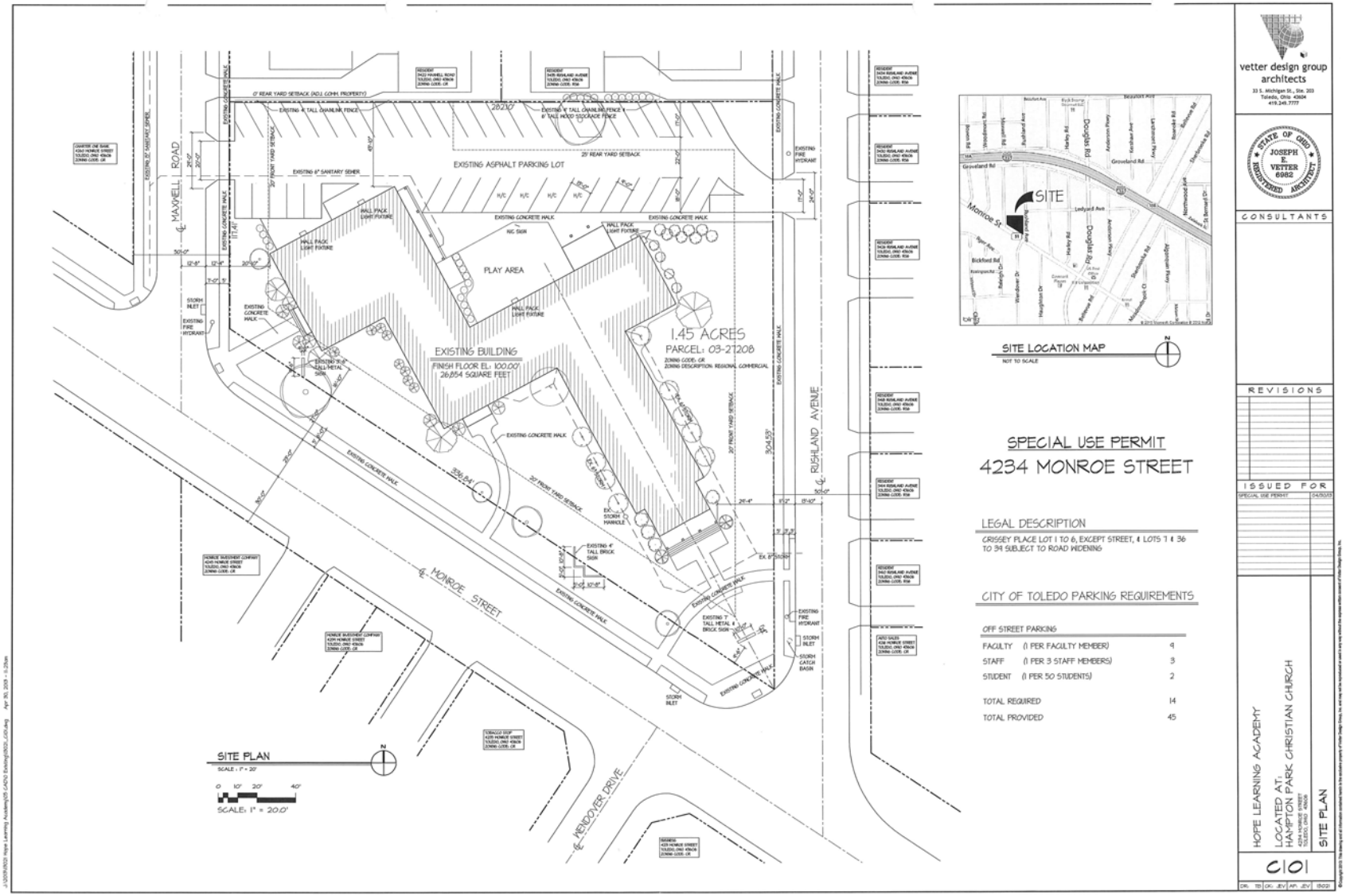

SITE LOCATION MAP
NOT TO SCALE

SPECIAL USE PERMIT
4234 MONROE STREET

LEGAL DESCRIPTION

GRISSEY PLACE LOT 1 TO 6, EXCEPT STREET, & LOTS 7 & 36 TO 34 SUBJECT TO ROAD WIDENING

CITY OF TOLEDO PARKING REQUIREMENTS

OFF STREET PARKING

FACULTY	(1 PER FACULTY MEMBER)	9
STAFF	(1 PER 3 STAFF MEMBERS)	3
STUDENT	(1 PER 50 STUDENTS)	2
TOTAL REQUIRED		14
TOTAL PROVIDED		45

vetter design group
architects
33 S. Michigan St., Ste. 203
Toledo, Ohio 43604
419.249.7777

STATE OF OHIO
JOSEPH E. VETTER
6982
REGISTERED ARCHITECT

CONSULTANTS

REVISIONS

ISSUED FOR
SPECIAL USE PERMIT 04/30/13

HOPE LEARNING ACADEMY
LOCATED AT:
HAMPTON PARK CHRISTIAN CHURCH
4234 MONROE STREET
TOLEDO, OHIO 43606

SITE PLAN

C101

DR. TB CK. JEV AP. JEV 13021

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REF: SPR-18-13
DATE: June 13, 2013

GENERAL INFORMATION

Subject

Request	-	Major site plan review for additional signage in the CR-SO District
Location	-	3008 Monroe Street
Applicant	-	McDonald's Real Estate 1 McDonald's Plaza Oak Brook, IL 60523
Contact	-	GPD Group Amanda Bonetti 520 S Main Street, Suite 2531 Akron, OH 44311

Site Description

Zoning	-	CR-SO Regional Commercial – Shopping Center Sign Overlay
Area	-	± 0.91 Acres
Frontage	-	± 200' along Monroe Street and ± 200' along Detroit Avenue
Existing Use	-	Fast-food restaurant with drive-through services
Proposed Use	-	Fast-food restaurant with drive-through services

Area Description

North	-	Shopping Center / CR-SO
South	-	Commercial / CR
East	-	Boy and Girls Club / CR
West	-	Commercial, Religious and Bank / IL & CO

Parcel History

D-1-93	-	Restaurant with Drive-through Services
Z-2028-93	-	Amendment to Approved C-4 Site Plan (PC approved 4/1/93, Ord. 353-93, 5/24/93)
M-1-03	-	Monroe Street Corridor Design & Livability Plan (PC approved 3/24/03, Ord. 368-03, 4/29/03)
SPR-18-13	-	Site Plan Review to Reconstruct Restaurant (Companion Review)

GENERAL INFORMATION (cont'd)

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a major site plan review for a site located at 3008 Monroe Street to allow for additional signage in a CR-SO Shopping Center Sign Overlay District (-SO). The site consists of a ±0.91 acre parcel that is currently occupied by a McDonald's restaurant that is situated on the southeast corner of the shopping center site. The existing building is to be razed and reconstructed with a building consisting of the new corporate arcade design and building orientation. The site is part of the Swayne Field Shopping Center that is comprised of a Save-a-Lot grocery store, Huntington Bank and other various commercial stores.

The –SO district is intended to regulate the number, type, and location of signs on shopping center sites and other properties within the boundaries of the designated overlay district. The regulations are also intended to encourage unified sign plans for multi-tenant shopping center sites. The restaurant currently has two (2) wordmark signs, located respectively on the northeast and southwest façades, two (2) pylon signs (approved as part of Z-2028-93) and one (1) logo sign on the northeast entrance façade. The requested waiver is to allow for "Golden Arch" logo signs to be located on all four (4) façades. The applicant has indicated that the logos are part of the new corporate arcade design.

The -SO District allows one (1) low profile and one (1) fascia, or two (2) fascia signs for any "out lot" development in a shopping center. The applicant had originally proposed two (2) wordmark signs in addition to the four (4) golden arch logo signs as part of this application. Staff met with the applicant regarding concerns that an application of that nature would be inconsistent with the intent of the –SO overlay and set a precedent for the remaining –SO districts and tenants in the City of Toledo. The applicant agreed to remove the two (2) wordmark signs and wished to retain the four (4) approximate 16 square foot golden arch logo signs. Staff supports this compromise because the four (4) logo signs are comparatively small & unobtrusive. Furthermore, the logo signs are incorporated into a stone façade element that would be removed if the logo were removed. Staff prefers to retain the stone element on the façade of the new building.

The site is also located within the Monroe Street Corridor UNO District. Per TMC §1103.0913 the Monroe Street Corridor UNO District provides standards pertaining to signage within the district. The property signage is consistent with the standards and intent of the section.

STAFF ANALYSIS (cont'd)

The Toledo 20/20 Comprehensive Plan targets this site for regional commercial land uses. This zoning category is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. Based on the site location, corporate architecture design and existing commercial conditions in the immediate area, a waiver in allowable signage would be suitable for this location.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve the Major Site Plan Review for addition signage in the CR-SO Shopping Center Sign Overlay District and a waiver of TMC 1103.0707.D Fascia & Wall Signs, to allow four (4) logo signs for a site at 3008 Monroe Street for the following two (2) reasons:

1. The four (4) logo signs are unobtrusive & allow for a preferred design element to remain;

2. The proposed signage would be consistent with other commercial signage in the immediate area.

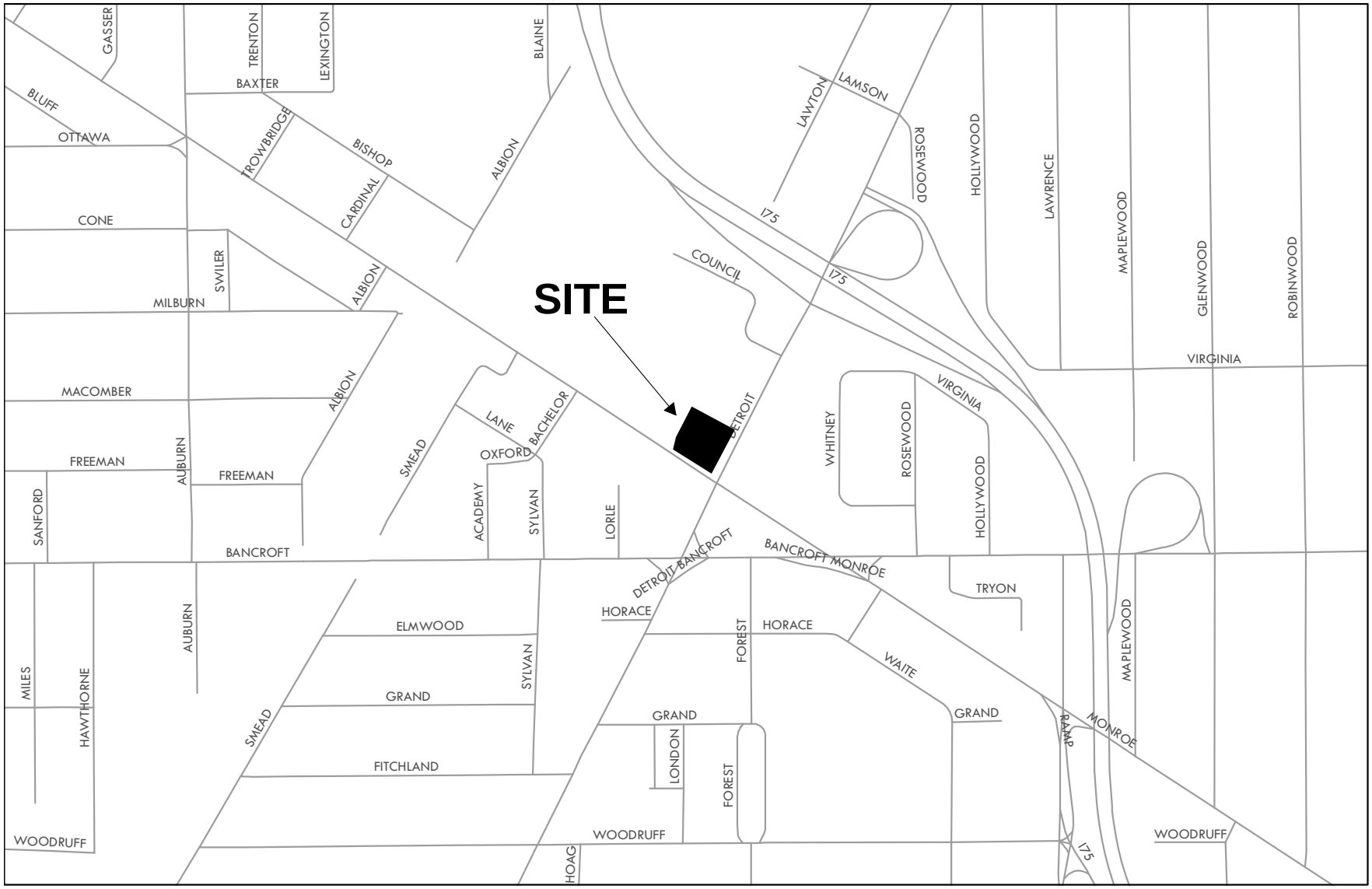
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SPR-18-13
DATE: June 13, 2013
TIME: 2:00 P.M.

BH/ks
Four (4) sketches follow

GENERAL LOCATION

SPR-18-13
ID 17

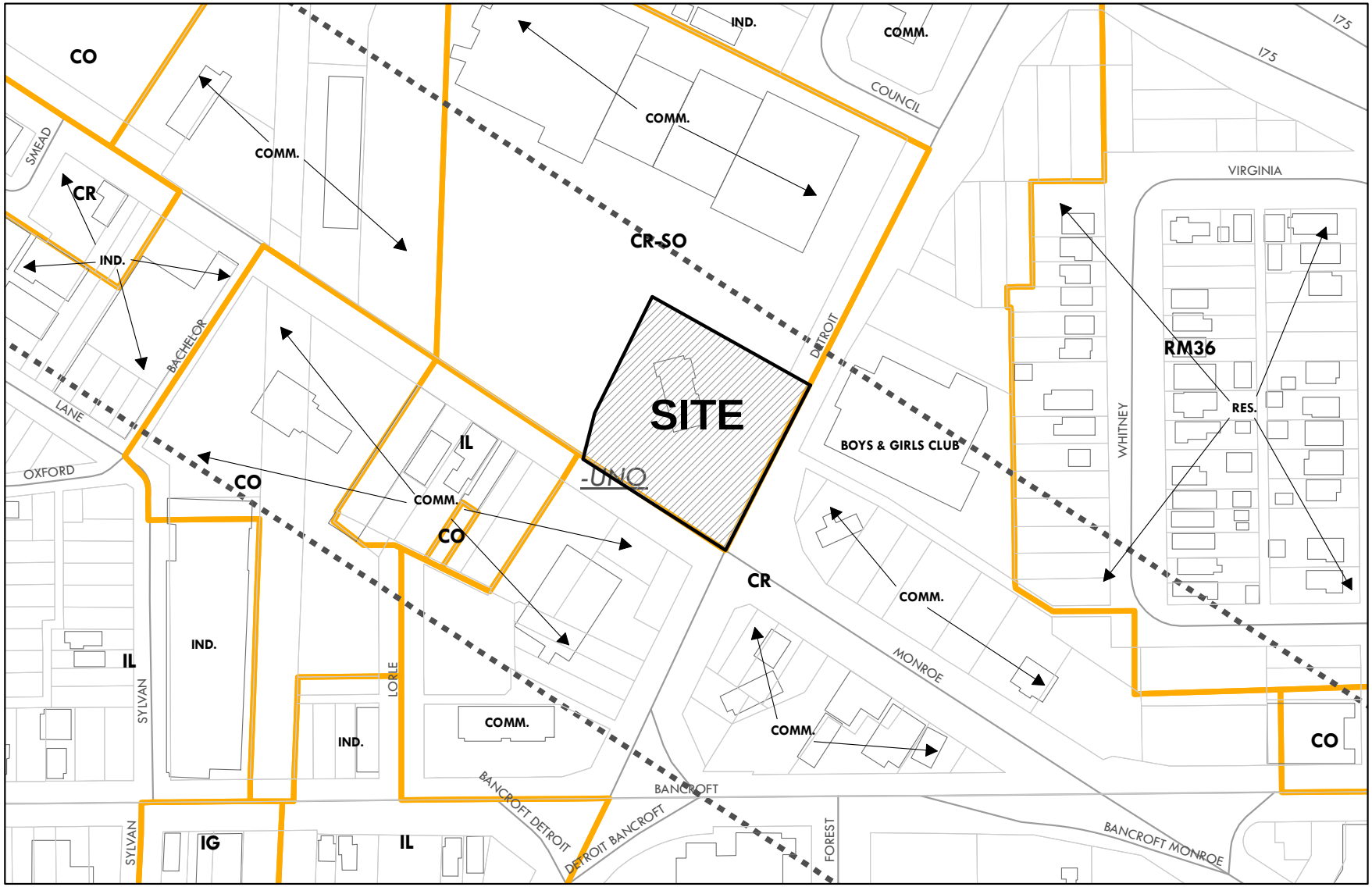
N



ZONING & LAND USE

SPR-18-13
ID 17

N



ELEVATION

SPR-18-13
ID 17

ELEVATION TWO

SPR-18-13
ID 17

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REF: OWE-44-12
DATE: June 13, 2013

GENERAL INFORMATION

Subject

Request	-	Appeal of a Certificate of Appropriateness (COA) for the removal of a portion of existing servant's walk, restore a portion of service sandstone walk near the north entrance and install a curb along existing drive.
Location	-	2040 Scottwood Avenue
Owners	-	Joe and Pamela Minnich 2040 Scottwood Avenue Toledo, OH 43620
Appellant	-	Scott and Tammy Michalak 2056 Scottwood Avenue Toledo, OH 43620

Site Description

Zoning	-	RD6/Duplex Residence
Frontage	-	80'
Parcel Depth	-	222'
Use	-	Single family dwelling
Year Built	-	1892

Parcel History

OWE-76-87	-	Facia repair (OWEHDC Approved 11/3/87)
OWE-19-93	-	Remove slate roof (OWEHDC 4/12/93 & extended on 6/17/96)
OWE-43-96	-	Change overhang & gutter system (OWEHDC Approved 7/8/96)
OWE-8-97	-	Front steps (Admin. approved in 1997)
OWE-35-01	-	New leaded glass windows & double hung replacement windows (OWEHDC Approved 7/9/01)
OWE-15-12	-	Installation of decorative fence (Admin. approved 4/27/12 & extended for one year to expire on 4/28/14)
OWE-37-12	-	Sidewalk (Admin. approved 8/15/12)

GENERAL INFORMATION (cont'd)

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 May 13, 2013. The site is located at 2040 Scottwood Avenue and is occupied by a single-family home built in 1892. The appellant is the property owner of 2048 Scottwood.

The COA that was approved for this request is to remove a portion of existing servant's walk, restore portion of service sandstone walk near north entrance and install a curb along the north side of the property and up against an existing drive.

Prior to the OWEHDC meeting in May, the case was deferred in September 2012, in October and in January of 2013. The case was before the OWEHDC in April but was deferred for another 30 days due to lack of representation by the applicant.

The applicant of OWE-44-12 submitted a request for sidewalk changes for access and for removal. The applicant requested to increase the length of the service walk by the north entrance and remove the service walk in front of the house that leads up to the public sidewalk. The applicant did not state the exact length that would be removed or installed, however, it was based on how the curb would be installed.

The appeal that was received at the Plan Commissions office on May 20th, 2013 was for two items approved via the COA and are listed below as they were received from the appellant:

1. ***Install a retaining wall/curb along the North property line, and***
2. ***Remove approximately 70 feet of the servant's sidewalk and replace approximately 20 feet of the servant's sidewalk outside of the North entrance.***

The appeal that was received from the property owners of 2048 Scottwood is shown as submitted in "Exhibit A." The appellant has listed concerns for each item that was appealed and is as follows:

STAFF ANALYSIS (cont'd)

***Curb*:**

The appellant raised a concern at the OWEHDEC meeting and in their appeal that the curb should be classified as a structure. According to the TMC 116.0250 a structure is required to have a setback. The OWEHDC discussed the issue along with staff and with the Building Inspections representative at the meeting. The final motion made by the OWEHDC was "if the curb is deemed a structure then the applicant shall go to the Board of Zoning Appeals for a variance."

The Director of the Department of Inspection has determined that the curb is not a structure under the building code or zoning code. Therefore a setback is not required. Another issue that was raised by the appellant at the meeting and in the appeal is the concern that the curb could crumble onto their property based on the freeze-thaw cycles since the design for the curb only takes it below grade by 12".

During the delays in the case, two different grading plans with curb details were submitted. The original submittal to the OWEHDC in August 2012 did not include a grading plan for the curb. A site grading plan was added as a condition of approval in September of 2012, along with a curb detail and a survey.

The first grading plan presented in October shows the curb starting at the front of house at the sidewalk and running parallel to the property line and finishing in the rear yard. The second grading plan presented in April shows the curb starting at the same point but stopping approximately 23 feet short of the first plan.

After comparing the curb detail and location of the curb from the two submittals, staff recommends keeping the second grading plan. The staff further recommends that the curb only be installed the length of the house on the applicant's property so as to prevent any drainage concerns and to allow for soil retention for the sandstone sidewalk. Also, the staff would like to recommend that the curb be installed at least 36" below grade to ensure there is no thawing, freezing or cracking of the curb to prevent any further issues.

***Servant's walk*:**

The appellant has stated a concern that the removal of 70' of the servant's walk would fail to comply with the U.S. Secretary of Interior's Standards as it pertains to section "site." The appellant is asking that the servant sidewalk not be removed and be completely restored in order to adhere to the U.S. Secretary of Interior's Standards. Removal of the feature would be in violation of the Standards of Rehabilitation.

STAFF ANALYSIS (cont'd)

The approval was to remove only the damaged section of the walk and allow the applicant to restore the remaining portions of the walk. The applicant has indicated that the portion to be removed will be replaced with in kind sandstone.

The existing servant's walk that was to be removed and restored was not discussed at the OWEHDC meeting. The applicant stated on the record that the servant's walk is a historical piece and should be retained if possible.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission uphold the decision of the Old West End Historic District Commission to approve OWE-44-12, a request to remove a portion of existing servant's walk, restore a portion of the service walk near the north entrance and install a curb along existing drive located at 2040 Scottwood Avenue for the following reason:

1. The proposed changes are within keeping U.S. Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings for maintaining a service walk.

The approved curb and sidewalk are subject to the following four (4) conditions:

1. A site-grading plan must be submitted to the City of Toledo Building Inspections.

2. Utilizing the second drawing submitted, the curb detail must be designed to the Type A curb design that is 6" above grade with the exception of 36" below grade.

3. The length of curb to start stop with the front and rear of the house as it appears on the grading plan.

4. Restore the servant's sidewalk and only remove small sections of the sidewalk that are interfering with the curb installation.

APPEAL OF OWEHDC DECISION
TOLEDO CITY PLAN COMMISSION
REF: OWE-44-12
DATE: JUNE 13, 2013
TIME: 2:00 P.M.

MLM/ks
Attachments Follow

ZONING & LAND USE

2040 SCOTTWOOD AVE.

OWE-44-12

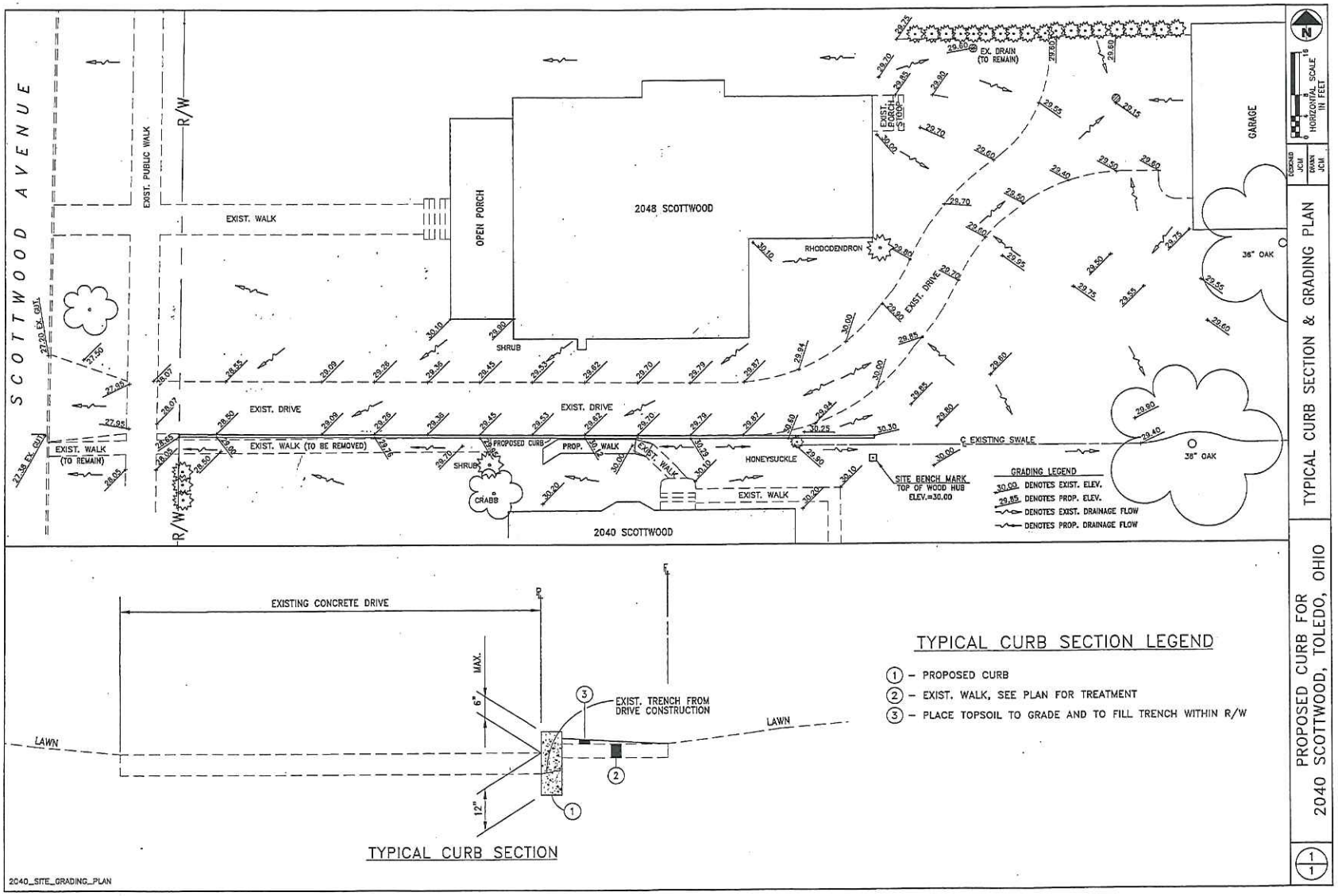
ID 14

N

GRADING PLAN
2040 SCOTTWOOD AVE.

OWE-14-13
ID 14

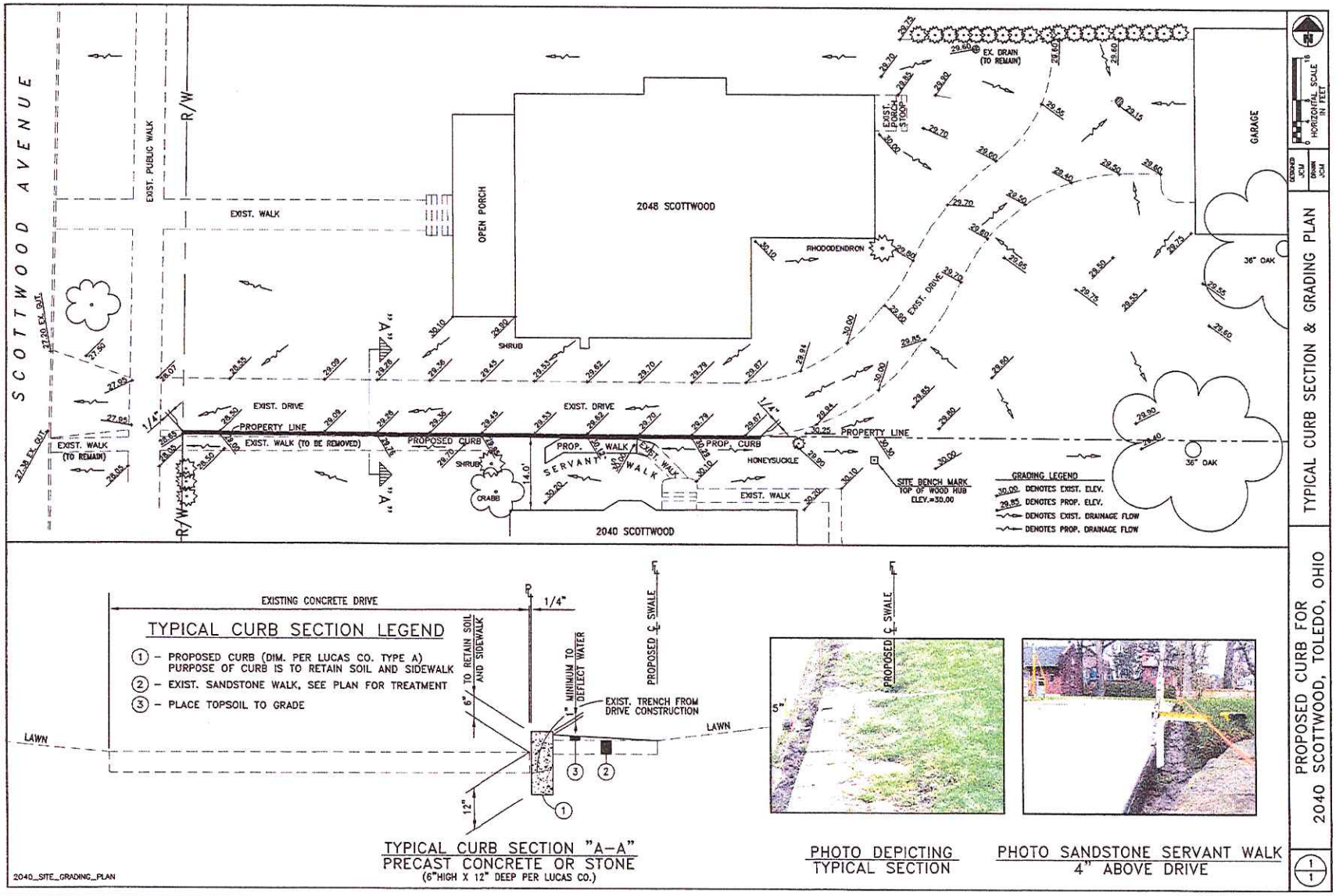
First Grading Plan Submitted



GRADING PLAN
2040 SCOTTWOOD AVE.

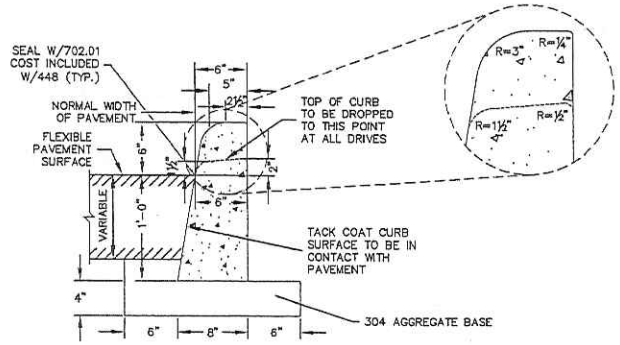
OWE-14-13
ID 14

Second Grading Plan Submitted

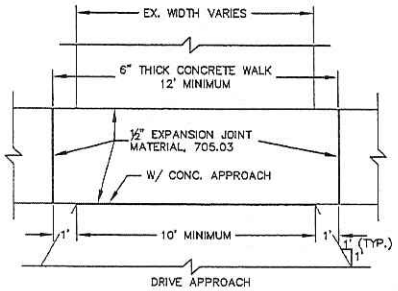


CURB DETAIL
2040 SCOTTWOOD AVE.

OWE-14-13
ID 14



ITEM 609 CURB, TYPE A



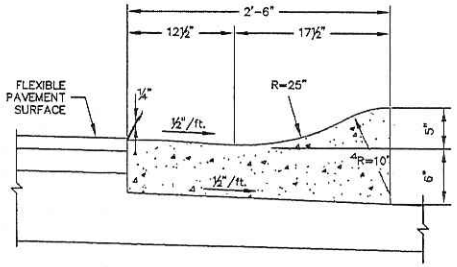
NOTES
GENERAL: THE DESIGN DETAILS SHOWN HEREON SHALL GOVERN THE CONSTRUCTION OF DRIVEWAYS UNLESS OTHERWISE SHOWN IN THE PROJECT PLANS.

JOINTS: IN ADDITION TO THE JOINTS SHOWN HEREON, IMPRESSED JOINTS SHALL BE PLACED IN PORTLAND CEMENT CONCRETE DRIVEWAYS AT INTERVALS NOT TO EXCEED 10' IN THE PORTION OF THE DRIVEWAY BACK OF THE APPROACH. FOR ASPHALT DRIVEWAYS, OMIT 1" EXPANSION JOINT AND IMPRESSED JOINTS.

THICKNESS: MINIMUM RESIDENTIAL THICKNESS REQUIRED SHALL BE 6" FOR PORTLAND CEMENT CONCRETE DRIVEWAYS OR 2" OF ASPHALT ON 6" OF AGGREGATE BASE FOR ASPHALT DRIVEWAYS.

*IMPRESSED JOINTS FOR PORTLAND CEMENT CONCRETE DRIVEWAYS SHALL BE ¼" MINIMUM WIDTH BY 2" DEPTH.

SIDEWALK THROUGH DRIVEWAY DETAIL

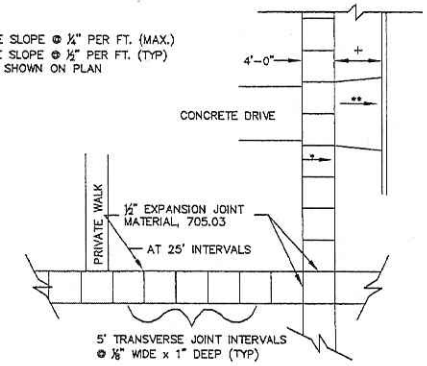


NOTES
CURB, TYPE F SHALL BE CONSTRUCTED ACCORDING TO ITEM 609.04 OF THE 2005 STATE OF OHIO DEPARTMENT OF TRANSPORTATION CONSTRUCTION AND MATERIAL SPECIFICATIONS, EXCEPT FOR THE FOLLOWING:

CONSTRUCT ¼" WIDE CONTRACTION JOINTS AT EIGHT FOOT (8') INTERVALS TO A DEPTH OF TWO INCHES (2").

ITEM 609 CURB, TYPE F

* TRANSVERSE SLOPE @ ¼" PER FT. (MAX.)
**TRANSVERSE SLOPE @ ½" PER FT. (TYP)
\+ OFFSET AS SHOWN ON PLAN



SIDEWALK DETAIL

03/06
04/17/07

CONCRETE CURB & WALK DETAILS

LUCAS COUNTY STANDARD CONSTRUCTION DRAWINGS

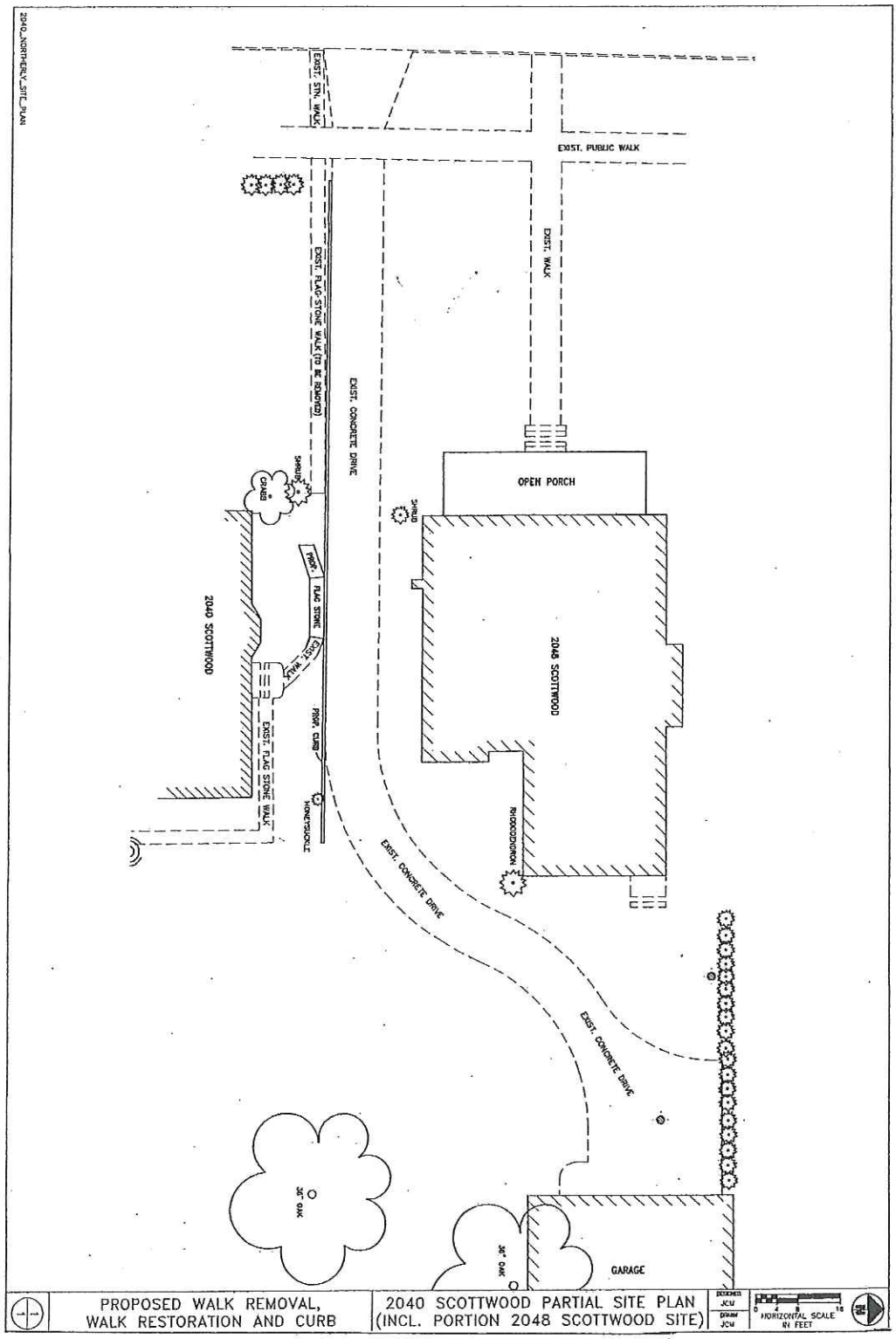
RP-3

5 | 27

PROPOSED WALK REMOVAL
2040 SCOTTWOOD AVE.

OWE-44-12
ID 14

N



View of 2040 Scottwood Showing Grade Differ
and Trench along South Side of 2048 Drive

PHOTO DEPICTING TYPICAL SECTION "A-A"
WHITE RULER SHOWS PROPOSED GROUND LINE

SANDSTONE SERVANT'S WALK
SHOWING DRIVE 4" BELOW WALK

Servant's Sandstone Sidewalk to be
Restored and Preserved

May 19, 2013

Mr. Thomas Lemon, AICP
Director
Toledo Plan Commission
One Government Center
Suite 1620
Toledo, OH 43604

RE: OWE Case 44-12 Appeal

Dear Mr. Lemon,

Please accept this letter as our formal appeal of the May 13, 2013 approval of OWE Case 44-12, by the members of Toledo's Old West End Historic District Commission (OWEHDC) to:

1) Install a retaining wall/curb along the North property line, and

2) Remove approximately 70 feet of the servant's sidewalk and replace approximately 20 feet of the servant's sidewalk outside of the North entrance.

We believe the OWEHDC erred in its decision based upon the following:

A. **Definition of "structure" and applicability of TMC 1106.0250 – Setback ignored**

We believe the proposed retaining wall/ curb meets the definition of a "structure" under TMC 1103.0302 and TMC 1116.0191 and should be subject to TMC 1106.0250 - Setback Standards for Residential Districts.

It is our understanding the definition of "structure" was added to Historic District Ordinance to alleviate past problems with the Division of Building Inspection's prior interpretations of what a wall was, (i.e., building, structure, both, or neither). This definition came into play during the early 2000s when a request was made to demolish the stone wall around/near the area bounded by Scottwood, Woodruff, Jefferson, and Monroe. At that time, "structure" was not a defined term in Toledo Municipal Code (TMC) or the Historic District Ordinance.

As a result, the definition of "structure" was added to TMC for purposes of interpreting and administering the landmark provisions of the Zoning Code. The definition found in TMC 1103.0302- Definitions (historic district and landmark provisions) reads as follows:

- **TMC 1103.0302 (R) - Structure** - means any building including houses, stores, warehouses, places of religious assembly, schools, garages, barns, carriage houses, tool sheds, or similar buildings, and also fences, **walls**, light fixtures, steps, signs, works of art, or other like fixtures or appurtenances thereto, or any significant landscaping.

"Structure" was also added to TMC Chapter 11 - Zoning Code under 1116 – Terminology pursuant to Ordinance 170-04 (enacted 03/23/2004). This definition applies to all sections of the Zoning Code (including TMC 1106.0250 – Setbacks). "Structure", as defined in TMC 1116 – Terminology reads as follows:

- **TMC 1116.0191 - Structure.** - Anything constructed, erected or placed on the land, the use of which requires a more or less permanent location on the land, or attached to something having a permanent location on the land.

In our opinion, the proposed retaining wall/curb clearly meets both definitions of a "structure" under TMC since a) the proposed feature is a "wall" which meets the definition of TMC 1103.0302(R) and b) the proposed feature will be placed on the land and require a more or less permanent location on the land (TMC 1116.0191).

As a result of meeting the definition of TMC 1116.0191, we believe the retaining wall/curb should also be subject to TMC 1106.0250 – Setbacks.

"Setback" is also a defined term in TMC 1116 – Terminology and is defined as follows:

- **1116.0182 Setback** - The unobstructed open area required by this Zoning Code to exist between the furthermost projection of a **structure** and the property line of the lot on which the **structure** is located.

TMC 1106.0205 Setbacks – Paragraph A. Measurement states:

- "Setbacks must be unobstructed from the ground to the sky except as otherwise expressly allowed in this subsection. Some exceptions are allowed. (See Section 1106.0205E)".

TMC 1106.0250E provides for certain permitted exceptions to the Setback Standards found in Residential Districts as follows:

- **E. Permitted Exceptions to Setback Standards.**

  The following features may project in required setbacks to the extent indicated:

  1. Sills, belt courses, cornices, eaves and ornamental features not to exceed 12 inches;
  2. Satellite dishes are allowed within rear setbacks, subject to the standards of Section 1105.0700;

3. Terraces, uncovered porches, and ornamental features that do not extend more than 3 feet above the ground, provided they are set back at least 2 feet from side lot lines;
4. Enclosed balconies, enclosed fire escapes, unenclosed porches or metal awnings may project into a front or rear setback by up to 10 feet, or into a side setback for up to 3 feet, provided that a porch with jalousies or windows will be considered an enclosed porch (see Section 1111.1801D, for enclosure of front porches); and Enclosed vestibules containing not more than 40 square feet may project into a front setback by up to 4 feet.
5. Air conditioner condensing units may be placed within the required side yard setback but must be setback at least one (1) foot from the side lot line.
6. Whenever a lot abuts upon or adjoins an alley, one half of the alley width may be considered as a portion of the required rear yard setback.

When reviewing the above exceptions, we concluded the proposed retaining wall/curb should be subject to a 2 foot setback from the side lot line pursuant to TMC 1106.0250(E)(3). We believe this to be an accurate interpretation of TMC given the proposed retaining wall would be considered an ornamental feature extending no more than 3 feet above the ground.

At the May 13, 2013 meeting we raised this question and the need for a setback as a condition for approval of the retaining wall/curb. A setback is necessary to i) comply with TMC 1106.0250 – Setbacks, and ii) ensure the proposed retaining wall/ curb remains strictly on the applicant's property.

The proposed retaining wall/curb, will be constructed of salvaged sandstone curb. It will be placed to sit 6 inches above ground and will be submerged no further than 12 inches below ground. The retaining wall/curb will be free-floating and will not be secured below the existing freeze line (3 feet below grade). As a result, the retaining wall/curb will move and heave over time as a result of the freeze-thaw cycles experienced in Toledo, Ohio. The pressure from the soil will eventually "push" the sandstone retaining wall/curb resulting in encroachment onto our property located at 2048 Scottwood Ave.

We have enclosed 3 sample pictures of existing concrete and sandstone curbs located within the Old West End to illustrate the impact of the freeze-thaw cycle and movement in the curbs which necessitate some form of setback.

B. **Failure to apply Secretary of Interior's Recommendations for Replacement**

We believe the application, as requested, and approved, does not comply with the U.S. Secretary of Interior's Standards for Rehabilitation, as required in TMC 1103.0306.

TMC 1103.0306 Certificates of Appropriateness provides the following:

No contractor, owner or other person may make any environmental changes to any landmark property or property within a designated historic district unless a valid written Certificate of

Appropriateness has been issued by the respective Historic District Commission. See the Certificate of Appropriateness procedures of Sec. 1111.1100.

A. Standards for Rehabilitation

The U.S. Secretary of the Interior's "Standards for Rehabilitation" ("Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings;" W Brown Morton et al.; U.S. Department of the Interior, National Park Service, Cultural Resources Preservation Assistance Division; Washington D.C., reprinted 1997) have been adopted pursuant to Sec. 1112.019. Compliance with these standards is required for all historic landmarks and districts.

In its Staff Analysis and Report, the Commission Staff sighted The U.S. Secretary of Interior's "Standards for Rehabilitation" as Applicable Guidance for the review of this application.

The Staff Analysis states:

- *"The applicant would like to increase a portion of the service walk near the North entrance and remove the portion of the service walk in front of the house that leads up to the public sidewalk."*

The Staff recommended the OWEHDC approve the request based on the following reason:

- *"The proposed changes are in keeping with the U.S. Secretary of Interior's Standards for Rehabilitation for maintaining a service walk."*

Additionally, the Staff Analysis indicated the use of a retaining wall/curb in the front and side yards was not common, but did not address in any way how or if it was in keeping with the Standards for Rehabilitation.

The members of the OWEHDC approved the request based upon an incomplete and inaccurate Staff recommendation. While the Staff indicated the proposed changes were in keeping with the U.S. Secretary of Interior's Standards, it failed to explain how. Additionally, the Staff report failed to address the U.S. Secretary of Interior's recommendations with respect to removing an unrepairable feature and not replacing it.

The U.S. Secretary of the Interior's "Standards for Rehabilitation" ("Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings;" W Brown Morton et al.; U.S. Department of the Interior, National Park Service, Cultural Resources Preservation Assistance Division; Washington D.C., reprinted 1997) defines the "Site" as:

- *"The landscape surrounding a historic building and contained within an individual parcel of land is considered the site. The site, including its associated features, contributes to the overall character of the historic property. As a result, the relationship between the buildings and landscape features within the site's boundaries should be considered in the overall planning for rehabilitation project work."*

The "Standards" provide the following recommendations for replacement of "site" features:

- **Recommended**
  Replacing in kind an entire feature of the building or site that is too deteriorated to repair if the overall form and detailing are still evident. Physical evidence from the deteriorated feature should be used as a model to guide the new work. This could include an entrance or porch, walkway, or fountain. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

  Replacing deteriorated or damaged landscape features in kind.

- **Not Recommended**
  Removing a feature of the building or site that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The applicant has proposed replacing approximately 20 feet of a total 90 foot servant's walk. 70 feet of the existing unrepairable sidewalk will be removed and not replaced. This is not in keeping with the Secretary of Interior Standards. Removing the 70 foot section located between the public sidewalk, and the front of the house, (or more than the 75% of the original feature) will not convey the same visual appearance as the existing original servant's walk.

The applicants, during the May 13, 2013 meeting indicated the significance of the servant's sidewalk and the importance in conveying the history of the home and lifestyle of the servants. Based on this historical significance, we do not believe it is appropriate to remove the 70 foot section until such time as it will be replaced. Removing the feature prematurely without replacement is not in keeping with the Standards for Rehabilitation and may result in the complete loss of the feature and will convey an inconsistent visual appearance.

Tom, we appreciate your inclusion of the enclosed into the official record of the appeal. Should you, or any of the members of the Plan Commission have any questions, you may contact us directly at 419-389-2349.

Sincerely,

Scott & Tammy Michalak

Scott and Tammy Michalak

cc: w/encl. Ms. Lisa Cottrell, Administrator
Mr. Thomas Gibbons, Planner
Ms. Molly Maguire, Planner

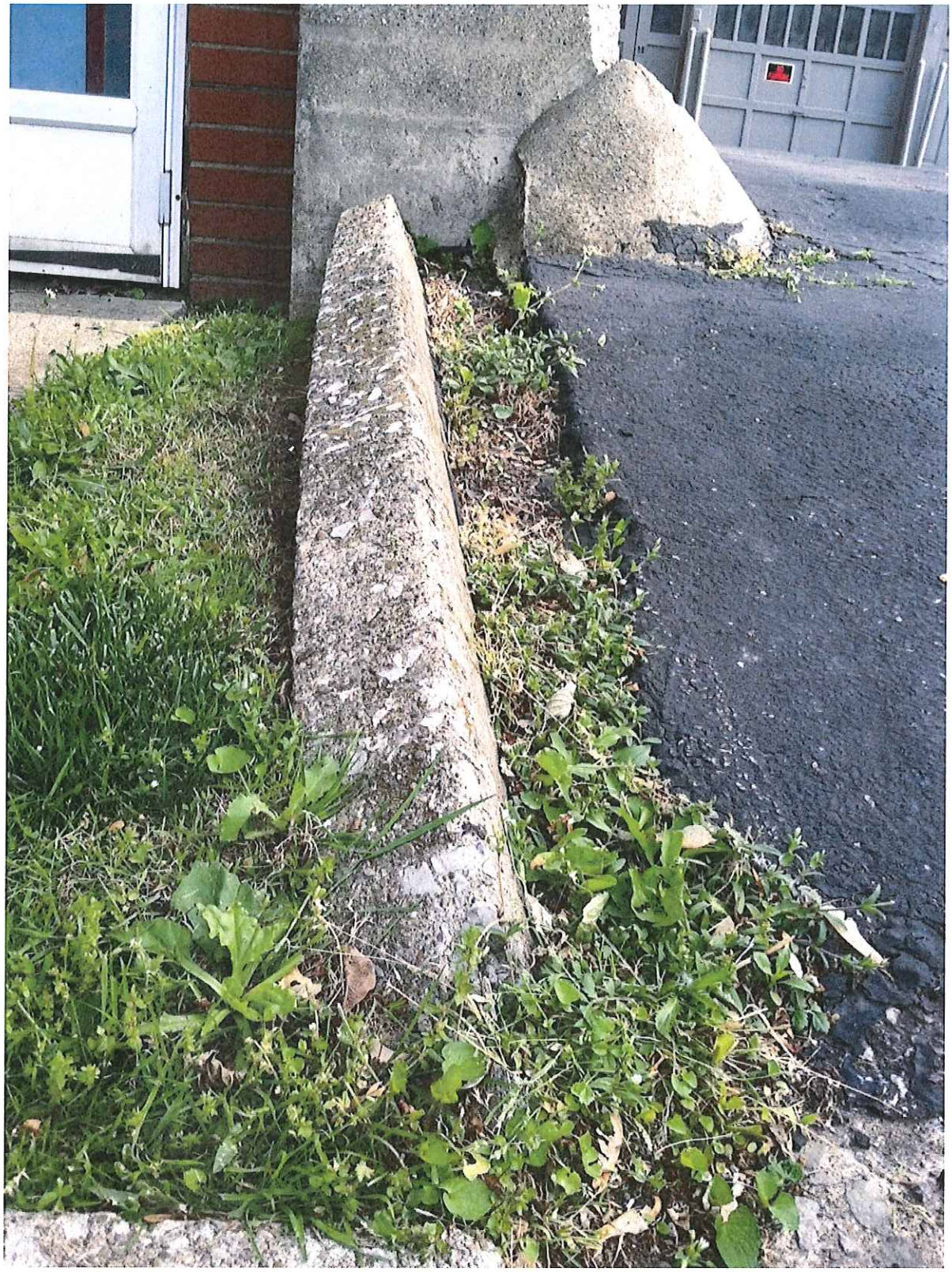
EXAMPLE A
CONCRETE RETAING WALL
/ CURB & HEAVING

EXAMPLE B
SANDSTONE CURB &
WALK WAY & HEAVING

EXAMPLE C

HEAVING SANDSTONE CURB

EXAMPLE OF CURB MOVING FROM THE ELEMENTS 2040 PARKWOOD AVE.	OWE-44-12 ID 14	



Maguire, Molly

From: Lemon, Thomas
Sent: Thursday, May 30, 2013 2:53 PM
To: Maguire, Molly; Cottrell, Lisa
Subject: FW: OWE-44-12

From: Joseph Minnich [mailto:jpmin@bex.net]
Sent: Wednesday, May 22, 2013 11:55 PM
To: Gibbons, Thomas
Cc: Lemon, Thomas; Maguire, Molly; Cottrell, Lisa; Hicks-Hudson, Paula; lorinzaner@accesstoledo.com; rick_kramer2002@yahoo.com; Madigan, John
Subject: RE: OWE-44-12

Tom,

We have received the copy of the letter appealing the OWEHDC's approval of OWE-44-12. Please include the following as our reply to the concerns Mr. & Mrs. Michalak have expressed in their letter of appeal and make it available to the Planning Commission for their reference. Also attached is a photograph taken from the north entrance of our home showing the existing adverse grading and drainage condition along the edge of the Michalak driveway and the OWE-44-12 "Grading Plan and Typical Curb Section". If possible we would like to have these attachments projected for the Planning Commission's view during our opportunity to speak for OWE-44-12.

A) Install a retaining curb along the North Property Line

- The appellants claim that the proposed curb requires a two (2) foot setback. We have inquired about the necessity of a setback for the proposed curb and have received a reply from the COT Director of the Department of Inspection, Chris Zervos. Mr. Zervos states that:
  " What you are proposing [curb] is a "structure" by the dictionary definition; however, it falls outside the building code. Building Inspection will consider it a curb or a raised attachment of the lead walk. If it becomes a retaining wall of 6' or greater it will require drawings and a building permit. <u>It does not require a set back from the property line</u>."

- Furthermore, we are prepared to comply with the condition of approval as set forth by the OWEHDC that: "If the curb is deemed to be a structure then the applicant shall go to the Board of Zoning Appeals for a variance"

- The appellants also claim that that frost will heave the curb and cause it to encroach upon their property. While a few examples can be sited of curb that has been displaced, many more may be sited of properly installed curb that has remained stable. Earth pressures may cause curb displacement as is shown in the appellants' example "A". Example "A" differs from the proposed curb which has a maximum of 5" of soil backfill, thereby minimizing earth pressures which <u>may</u> act to displace the curb. Examples "B" & "C" appear to be original sandstone street curb that have been displaced very little in perhaps 100 years of service.

- We also feel that proposed curb and associated grading plan is consistent with the TMC 1367 Property Maintenance Code IPMC-302.2, TMC 1107.1906 (C) and TMC 1107.1907 (A) as noted below:

IPMC-302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, The grading of existing structures shall be maintained so that rain water shall not be directed to adjacent neighboring properties but to drainage swales, ditches, creeks, and public storm sewers used for the removal of rain water; or to retention areas, reservoirs or landscaped areas designed to retard excess storm water flow before entering the public storm sewer system.

TMC 1107.1906 (C) Concrete curbs may also be required as part of the overall drainage design for all or part of the park lot or driveway perimeter.

TMC 1107.1907 (A) Whenever a parking lot extends to a property line, sidewalk, planting strip, or building a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping.

B) We concur with the appellants that the sandstone walk should be restored in its entirety to preserve the "overall character of the historic property". OWE-44-12 proposes the initial steps necessary to restore the sandstone walk complete as follows:

1) Install a curb to retain and stabilize the soil
2) Restore a portion of the walk where, (with the proposed curb in place) the soil is stable enough to support the walk
3) Remove the unrepairable portion of the walk, fill the resulting cavity and Backfill the curb as shown on the "Grading Plan and Typical Curb Section"
4) Allow the fill and backfill soil to consolidate over time until stable enough to support the walk
5) Install the remaining segments of Sandstone to complete the walk

These necessary steps were explained to the OWEHDC during their review of OWE-44-12. Our commitment to this purpose was also expressed to the OWEHDC. We have already restored the Sandstone walk in the tree lawn so that its original location there has been preserved. The Sandstone walk's original location has also been retained at the north entrance to our home. The portion of the Sandstone walk that OWE-44-12 proposes to remove is unrepairable. It will however be replaced in kind with Sandstone as is recommended by the U.S. Secretary of the Interior's "Standards for Rehabilitation".

Please contact us should there be any questions.

Sincerely,

Joe & Pam Minnich

From: Gibbons, Thomas [mailto:Thomas.Gibbons@toledo.oh.gov]
Sent: Tuesday, May 21, 2013 8:40 AM
To: 'jpmin@bex.net'
Cc: Lemon, Thomas; Maguire, Molly; Cottrell, Lisa

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

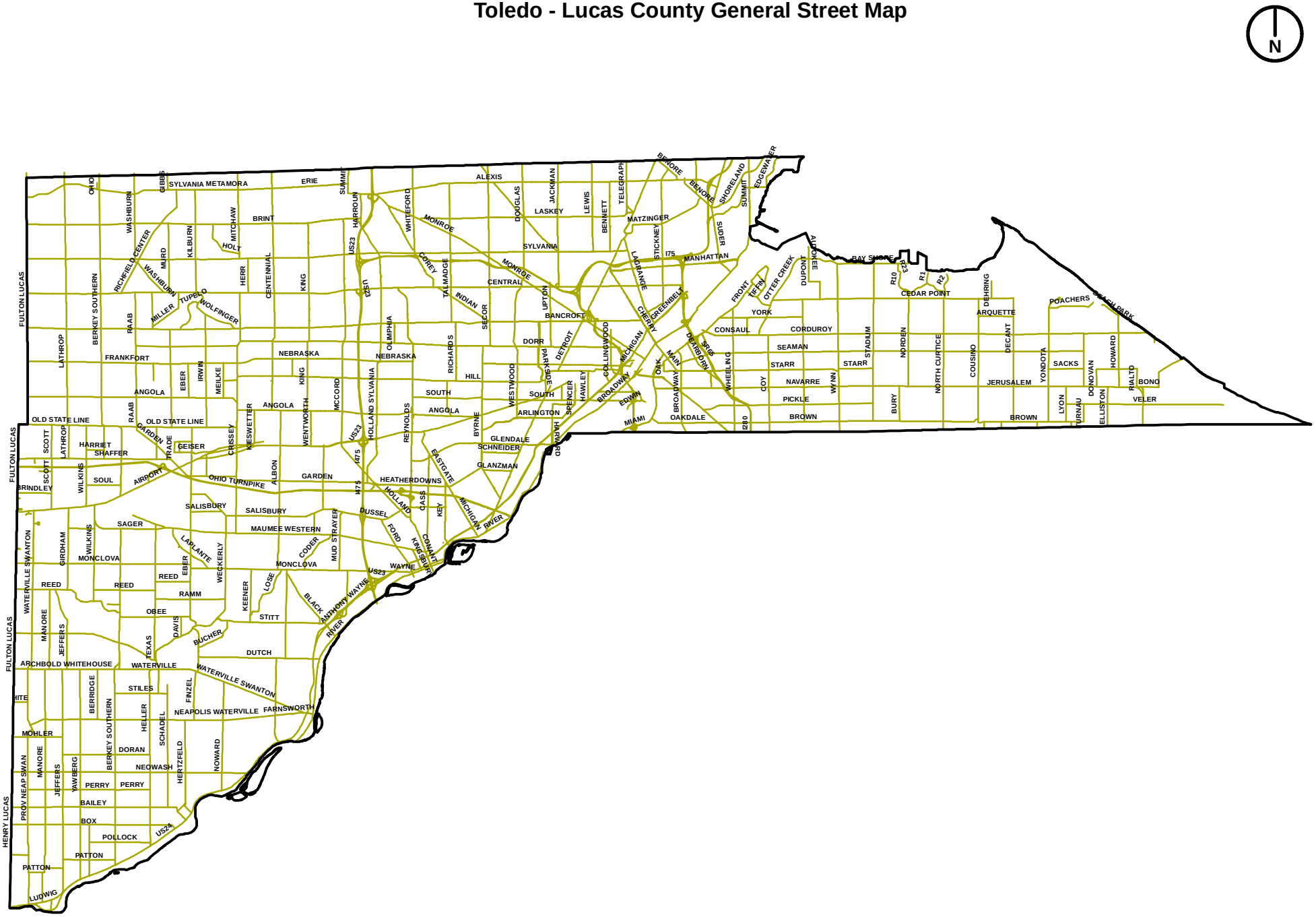
LUCAS SOIL AND
CONSERVATION DISTRICT
JEFF GRABARKIEWICZ
138 W. DUDLEY
MAUMEE, OH 43537
419-893-1966

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

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

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

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

CENTURYLINK
TIM R. TAYLOR
375 E RIVERVIEW AVE
NAPOLEON, OH 43502

Toledo - Lucas County General Street Map