

*TOLEDO CITY
PLAN COMMISSION
REPORT*

September 10, 2015

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-LUCAS COUNTY PLAN COMMISSIONS
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING
SCHEDULE - 2015**

APPLICATION DEADLINE*	AGENDA SET	STAFF REPORT DISTRIBUTED	HEARING DATE
CITY PLAN COMMISSION (<i>HEARINGS BEGIN AT 2PM</i>)			
November 24	December 22	December 26	January 8
December 30	January 26	January 30	February 12
January 27	February 23	February 27	March 12
February 24	March 23	March 27	April 9
March 31	April 27	May 1	May 14
April 28	May 25	May 29	June 11
May 26	June 22	June 26	July 9
June 30	July 27	July 31	August 13
July 28	August 24	August 28	September 10
August 25	September 21	September 25	October 8
September 22	October 19	October 23	November 5**
October 20	November 16	November 20	December 3**
COUNTY PLANNING COMMISSION (<i>HEARINGS BEGIN AT 9AM</i>)			
December 15	January 12	January 16	January 28
January 12	February 9	February 13	February 25
February 9	March 9	March 13	March 25
March 9	April 6	April 10	April 22
April 13	May 11	May 15	May 27
May 11	June 8	June 12	June 24
June 8	July 6	July 10	July 22
July 13	August 10	August 14	August 26
August 10	September 7	September 11	September 23
September 14	October 12	October 12	October 28
October 5	November 2	November 6	November 18**
November 2	November 30	December 4	December 16**

* County deadlines are for Preliminary Drawings

** Date shifts are due to holidays

**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

September 10, 2015

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

DIRECTOR'S REPORT

CHAIRMAN'S REPORT

**ITEM
NO.**

CASE DESCRIPTION

- | | |
|-----------------|--|
| 1. S-14-15: | Preliminary Drawing review of HEATHER COVE, a replat of FOUNDATION PARK LOT 6, located at 3322 Schneider Road (bh) |
| 2. Z-7001-15: | Zone Change from CR to RD6 at 887, 889, 891 and 893 South Avenue (rs) |
| 3. Z-7003-15: | Zone Change from CS to RD6 at 822 Prouty Avenue (gp) |
| 4. V-408-15: | Vacation of Regent Street, running east from Corinth Street along Lot 9 of SPENCER'S ADDITION (bh) |
| 5. M-9-15: | Establish Uptown District Urban Neighborhood Overlay (bh) |
| 6. SPR-30-15: | Minor Site Plan Review for new medical office and parking lot at 4248 Secor Road (gp) |
| 7. SUP-7006-15: | Special Use Permit for used auto sales facility at 832, 834, and 836 Woodville Road (rs) |

8. V-367-15: Vacation of a portion of a 14' alley running north-west south-east between Walnut Street and Mark Street (rs)
9. SPR-37-15: Major Site Plan Review for new truck sales/repair facility at 5022-5825 Suder Avenue (bh)
10. V-366-16: Vacation of a portion of a 16' alley running north-south between Champion Wayne alley and Western Wayne alley (bh)
11. Z-7005-15: Zone Change from CO to RM36 at 123 22nd Street (gp)
12. SUP-7004-15: Special Use Permit for drug and alcohol facility at 123 22nd Street (gp)
13. OWE-49-15: Appeal of approval of Certificate of Appropriateness for a new fence at 2048 Scottwood Avenue (mm)
14. SUP-2005-15: Special Use Permit for used auto sales facility at 2800-2808 Tremainsville Road (gp)

ADJOURNMENT

GENERAL INFORMATION

Subject

- Request - Preliminary Drawing for Heather Cove, a replat of Foundation Park Lot 6.
- Location - 3322 Schneider Road
- Applicant - Lance Fuller
JLJ Development
9535 Old State Line Road
Holland, OH 43528
- Engineer - Don Feller
Feller Finch & Associates, Inc
1683 Woodlands Drive
Maumee, OH 43537

Site Description

- Zoning - RM12 Multi-Dwelling Residential
- Area - +/- 4.06 acres
- Frontage - +/- 522' along Schneider Road
- Existing Use - Undeveloped
- Proposed Use - 28-Unit Planned Unit Development

Area Description

- North - Nursing Home / CO
- East - Multi Family Residential / RD6
- South - Single Family Residential / RS6
- West - Commercial Retail / CN

Parcel History

- Z-60-77 - Zone Change from R-2 to C-2 (PC recommended approval 6/16/77, CC approved 7/5/77, Ord. 469-77)
- S-1-77 - Preliminary Drawing for Foundation Park Subdivision (PC approved 6/16/77)

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- T-121-95 - Lot Split of a 6 acre parcel into a 2 acre parcel and a 4 acre parcel (Administratively approved 8/2/95)
- CUP-5014-06 - Community Unit Plan for an independent living care facility (PC recommended approval 7/8/4, CC approved 8/24/04, Ord. 585-04)
- SUP-5015-04 - Special Use Permit for an independent living facility (PC recommended approval 7/8/4, CC approved 8/24/04, Ord. 584-04)
- Z-6009-15 - Zone Change from CO to RM12 at 3322 Schneider Road (PC recommended approval 8/13/15, awaiting CC review)
- PUD-6010-15 - Planned Unit Development for a 28 lot residential development (PC recommended approval 8/13/15, awaiting CC review)

Applicable Regulations

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

Project Description

Number of Lots - 28 lots
Maximum Density - 32 lots
Average Lot Size – 38' x 53'
Roadway - 27 ft. private drive
Open Space - 0.82 acre common lot (20% of total acreage)
Private Utilities - Sanitary sewer, water lines, gas, and storm sewer

STAFF ANALYSIS

The request is a Preliminary Drawing for Heather Cove, a replat of Foundation Park Lot 6 located at 3322 Schneider Road. The applicant submitted a Preliminary Drawing in order to develop a twenty-eight (28) lot attached house Planned Unit Development. Pursuant to TMC 1103.1010 all Planned Unit Developments shall be platted according to the subdivision rules and regulations. Adjacent land uses include a nursing home to the north, a multifamily residential development to the east, single family residential use to the south and commercial retail to the west. A Planned Unit Development and a Zone Change application was reviewed at the August 13, 2015 Plan Commission hearing and recommended as approval to City Council.

Layout

The applicant is proposing to access the site via a private street from Schneider Road. Pursuant to the City of Toledo Subdivision Regulations, private streets are generally discouraged in all subdivisions because of the long term maintenance liability and the various concerns with private ownership. However, recognizing unique development issues with smaller parcels and innovative subdivision designs, the Toledo City Plan Commission may at their discretion allow private streets. Staff has determined that due to the configuration and the small size of development, unique circumstances exist and supports the use of a private street. In addition, a two foot (2') anti vehicular buffer exists on the plat and will need to be removed prior to final approval.

The applicant is proposing that each of the twenty-eight lots will be thirty-eight feet (38') by fifty-three feet (53') totaling 2,014 square feet of area per parcel. Each lot will be developed with an attached house and the units are anticipated to be owner occupied. Planned Unit Developments do not have a required minimum lot size, width or setback standard, except for open space perimeter requirements as outlined in TMC 1103.1007E. Each lot will have a twelve foot six inch (12'6") access easement to provide access to attached garages. In addition, the applicant proposed a waiver of the forty percent (40%) coverage limit to permit site coverage of fifty percent (50%). The Plan Commission recommended approval of this waiver to City Council at their August 13, 2015 meeting.

Density

The site is 4.06 net acres in total area and is zoned RM12 Multi Dwelling Residential (subject to companion Zone Change). The maximum allowed number of dwelling units in the RM12 Multi Dwelling Residential zoning district with a PUD is ten (10) units per gross acre. Gross parcel acreage is defined as eighty percent (80%) of the net parcel acreage. As a result, the maximum density allowed on this site is thirty-two (32) units.

STAFF ANALYSIS (cont'd)

Open Space & Coverage

A Planned Unit Development (PUD) in the City of Toledo is limited to forty percent (40%) building and pavement coverage and required to provide fifteen percent (15%) of gross site acreage for usable, accessible and consolidated open space. One third (1/3) of this consolidated open space area may be used for detention/retention purposes. The applicant provided percentages of both the open space (23% of gross parcel acreage) and detention pond (19% of consolidated open space) within the open space, both of which are compliant. In addition, the applicant is proposing site coverage of fifty percent (50%) impervious coverage and is requesting a waiver of this provision. The Plan Commission recommended approval of this waiver to City Council as precedent exists for coverage limits of fifty percent (50%).

A residential PUD that is abutting residential zoning is required to offer a perimeter open space area that is equivalent to the rear yard setback of the underlying zoning district. The eastern property line abuts a RD6 zoning district and is therefore required to have a twenty-five foot (25') perimeter open space area. The applicant is proposing a setback of ten feet (10') and requested a waiver of this provision. The Plan Commission recommended approval of this waiver to City Council as existing ornamental fencing and mature vegetation currently buffers this site from the multi-dwelling residential uses to the east.

When a residential area of a PUD abuts a commercial or industrial district, an open space perimeter shall be provided that has a minimum depth of fifty feet (50') or thirty feet (30') with fencing or screening. The northern and western property lines abut commercial zoning. The applicant has provided a thirty foot (30') setback with mounding. Plan Commission determined that the provided mounding will serve as adequate screening.

Recommendation

The Toledo 20/20 Comprehensive Plan targets this area and for Office Commercial uses. Although the 20/20 Plan targets the area for Office Commercial uses, a companion Zone Change to RM12 and a PUD is pending City Council approval. PUD's allow for flexibility in terms of lot size and design. As a result, the proposed subdivision meets the requirements of the City of Toledo Subdivision Regulations.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve S-14-15 a Preliminary Drawing for Heather Cove, a replat of Foundation Park Lot 6 for the following two (2) reasons:

STAFF RECOMMENDATION (cont'd)

1. The proposed development is consistent with the Toledo 20/20 Comprehensive Plan; and
2. The proposed plat meets the requirements for the City of Toledo's Subdivision Regulations.

The staff recommends approve S-14-15 a Preliminary Drawing for Heather Cove, a replat of Foundation Park Lot 6, subject to the following forty-seven (47) 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 standard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and 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 and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.** Existing drive approaches, including the curb drop that will no longer be utilized, shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Contact the City of Toledo Fire Prevention Bureau to determine the fire protection requirements for this site.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

7. Contact the Division of Water Distribution to determine the backflow prevention requirements for this site.
8. Plans for water services 4-inches in diameter and larger shall be submitted to the Division of Engineering Services for review and approval.
9. Maintain 10 feet of horizontal clearance between proposed water service and sanitary or storm sewers. Maintain 4 feet of horizontal clearance between proposed water service and any other underground utility. Maintain 18 inches of vertical clearance between proposed water service and sanitary or storm sewers. Maintain 12 inches of vertical clearance between proposed water service and any underground utility.
10. New fire, domestic, and irrigation taps will be installed by City of Toledo at the developer's expense.
11. Plans for the water service shall be submitted to and approved by the Ohio EPA prior to starting construction of the water service.
12. A flow test is recommended to ensure that the available water flow and pressure in the area meet the anticipated demands of the facility.
13. Contact the Division of Transportation for maintenance of traffic requirements for work in Schneider Road.
14. Plans show a connection to a private storm sewer on the west side of the property. The City of Toledo cannot approve plans or give permission to use this storm line without a written agreement and maintenance plan between the two property owners. Suggest connecting into an existing structure or installing a new structure on the existing public storm sewer that runs parallel to the property along Schneider Road.
15. Plans submitted indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Storm Water Pollution Prevention Plan, and plans for storm-water service for this project shall be submitted to the Division of Engineering Services for storm-water review & approval.

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 <http://toledo.oh.gov/services/public-utilities/div-engineering-services/plan-review-process/>, including the requirements for storm-water detention and post-construction storm water Best Management Practices (BMPs).
17. Plans are also 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 Toledo-Lucas County Plan Commissions; City of Toledo Infrastructure Design and Construction requirements; and "The Comprehensive Ditch Plan."
18. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs). All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.
19. 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 may be eligible for a percent reduction in the property's storm-water utility fee through the Storm Water Credit Program.
20. A site-specific Storm Water Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Storm Water NPDES permit.
21. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
22. No construction work, including any earth disturbing work, will be permitted without approved plans and inspection.
23. A pre-submittal meeting is not required; however, one may be requested. Contact Information is as follows:

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

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

Storm Water Drainage: Lorie Haslinger, ph. 419-245-3221; Andy Stepnick 419-245-1338

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

Roadway: Tim Grosjean, ph. 419-245-1344

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

24. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
25. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
26. Developer shall be responsible for meeting the requirements of the Ohio EPA anti-degradation policy. Requirements shall be met before any taps are made into the sanitary sewer system.

Chief Surveyor

27. Need to show current owners name on Preliminary Drawing. The applicant will need to follow all current platting rules and regulations..

Sewer & Drainage Services

28. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
29. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.
30. For operation and maintenance purposes, 20 foot wide sewer and drain easements (centered on the pipe), for City use, shall be retained along the existing public sewers and drains located within the proposed work area. City access to the easement area shall not be denied by fences, walls, or other barriers. The easement shall state that no temporary or permanent structure (excluding parking lot pavement), including barriers denying access, may be constructed within the easement area.

Fire Prevention

31. Approved address number for facility is required. Address shall be plainly legible from the street fronting the property. Numbers are required to be 4" x 1/2" minimum.

STAFF RECOMMENDATION (cont'd)

Division of Building Inspection

32. The construction of attached multi-family housing units will be governed by the regulations found in the Ohio Building Code. This will require construction documents stamped by a documents stamped by a design professional to be submitted to the Division of Building Inspection for review and approval. Construction documents must show that the new structure, addition or alterations will be built in compliance with the building, mechanical and fire codes of the City of Toledo, and by referenced authority, those of the State of Ohio. Construction must also comply with federal ADA requirements.
33. Any signs on the property, will require a separate plan review and permit(s) in accordance with the City of Toledo's sign codes (TMC §1377-§1397).
34. Any fence screening will require a Certificate of Zoning Compliance, issued by the Division of Building Inspection.

Division of Transportation

35. Where the roadway makes a 90 degree turn the two outside curb lines should have a radius similar to the inside radius. This helps eliminate the collection of debris in the corner.
36. The City would prefer that sidewalks adjacent to the roadway be a minimum of 5 foot.

Plan Commission

37. 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.
38. Proposed private streets shall adhere to the criteria of Section 5, Part 516 *Private Streets*, of the City of Toledo Subdivision Rules and Regulations.
39. Per Section 517 of the City of Toledo Subdivision Regulations, sidewalks shall be required along all streets.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

40. A statement on the Final Plat shall indicate: In the event the agency established to own and maintain the common open space or any successor agency shall at any time after establishment of the Planned Unit Development fail to fulfill any obligation imposed on such agency as a condition of approval of the Planned Unit Development, the City may serve written notice upon such agency or upon the residents and owners of the Planned Unit Development, setting forth the manner in which the agency has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the City, in order to preserve the taxable values of the properties within the Planned Unit Development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the City in carrying out the obligations of the agency shall be assessed against the properties within the Planned Unit Development and shall become a tax lien on the properties.
41. A statement on the Final Plat shall indicate: The owner of each lot shall provide four (4') foot wide sidewalks along all street frontage within the subdivision where required. The sidewalks will be four (4") inches in depth except at drives where six (6") inch depth will be provided for the full width of the drive. It is the duty of each lot owner, at his/her expense, to keep and maintain the sidewalks adjacent to his/her lot in a good and sufficient manner and to clear the aforesaid sidewalk of snow, ice, dirt and any other debris within twenty-four (24) hours after such deposit, and the owner shall indemnify and hold the City of Toledo harmless from any liability to any person for his/her neglect, failure or refusal in performing such duty.
42. A statement on the Final Plat shall indicate: All open space and/or detention areas within this plat and future plats of Heather Cove shall be the responsibility of a homeowners' association whose membership includes the owners of all lots within this plat and future plats of Heather Cove. The homeowners' association shall be responsible for the maintenance and property tax liability. In the event a homeowners 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 equally shared and assessed to each individual lot owner within the plat and future plats of Heather Cove.
43. A ten foot (10') perimeter open space area is required along the eastern property line. This perimeter open space requirement is subject to approval of the waiver included as part of the PUD-6010-15 application; otherwise a twenty-five foot (25') area will be required.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

44. A thirty foot (30') perimeter open space area is required along the northern and western property lines.
45. A Final Plat shall not be approved unless the pending Zone Change to RM12 and PUD are approved by the City of Toledo.
46. 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.
47. The Preliminary Drawing shall be valid for a three (3) year period from the date of approval by the Planning Commission.

PRELIMINARY PLAT
TOLEDO CITY PLAN COMMISSION
REF: S-14-15
DATE: September 10, 2015
TIME: 2:00 P.M.

BH

Three (3) sketches follow

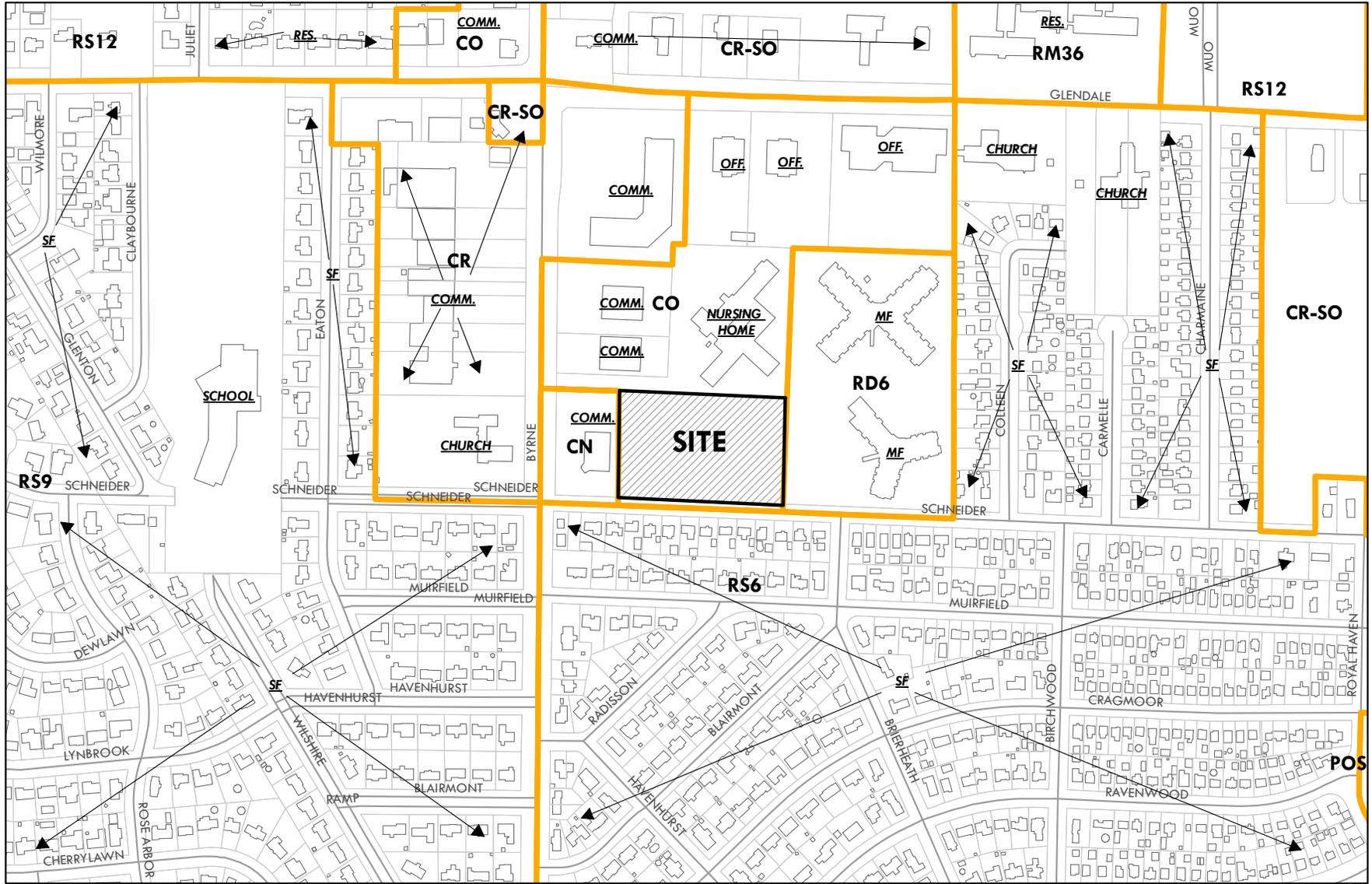
GENERAL LOCATION

S-14-15
ID 54



ZONING & LAND USE

S-14-15
ID 54



SITE PLAN

S-14-15
ID 54



PRELIMINARY DRAWING
OF
Heather Cove
A PLANNED UNIT DEVELOPMENT
CITY OF TOLEDO, LUCAS COUNTY, OHIO

FOUNDATION PARK PART OF LOT 7
Owner: THE UNIVERSITY OF TOLEDO FOUNDATION
Address: 1521 S. BYRNE RD.
TOLEDO OH 43514
TWP 05-00718
EX. ZONING: CD



VICINITY MAP

LEGAL DESCRIPTION

FOUNDATION PARK LOT 6, EXC. WEST 200 FT.
ON SOUTH LINE BY 211.24 FT. ON NORTH LINE.

FOUNDATION PARK LOT 5
Owner: MICHAELMAS MANOR
Address: 3250 SCHNEIDER RD
TOLEDO OH 43514
TWP 05-00714
EX. ZONING: RP-5

SITE ANALYSIS

- NUMBER OF UNITS = 28
- 27' PRIVATE ROAD
- SANITARY SEWERS
- STORM SEWERS
- WATERLINES
- NATURAL GAS
- 10' UTILITY EASEMENTS
- UNDERGROUND ELECTRIC,
PHONE AND CABLE

EXISTING ZONING: CO

PROPOSED ZONING: RM12 W/PUD

ACREAGE: 4.06± OR 176,854 SQ. FT.
COMMON OPEN SPACE = 35,625 SQ. FT. OR 20%

LOT COVERAGE = 90,276 SQ. FT. = 50%

DEVELOPED BY:
JLJ DEVELOPMENT, INC.
9535 OLD STATE LINE
HOLLAND, OHIO 43528
419-466-3406

PREPARED BY:

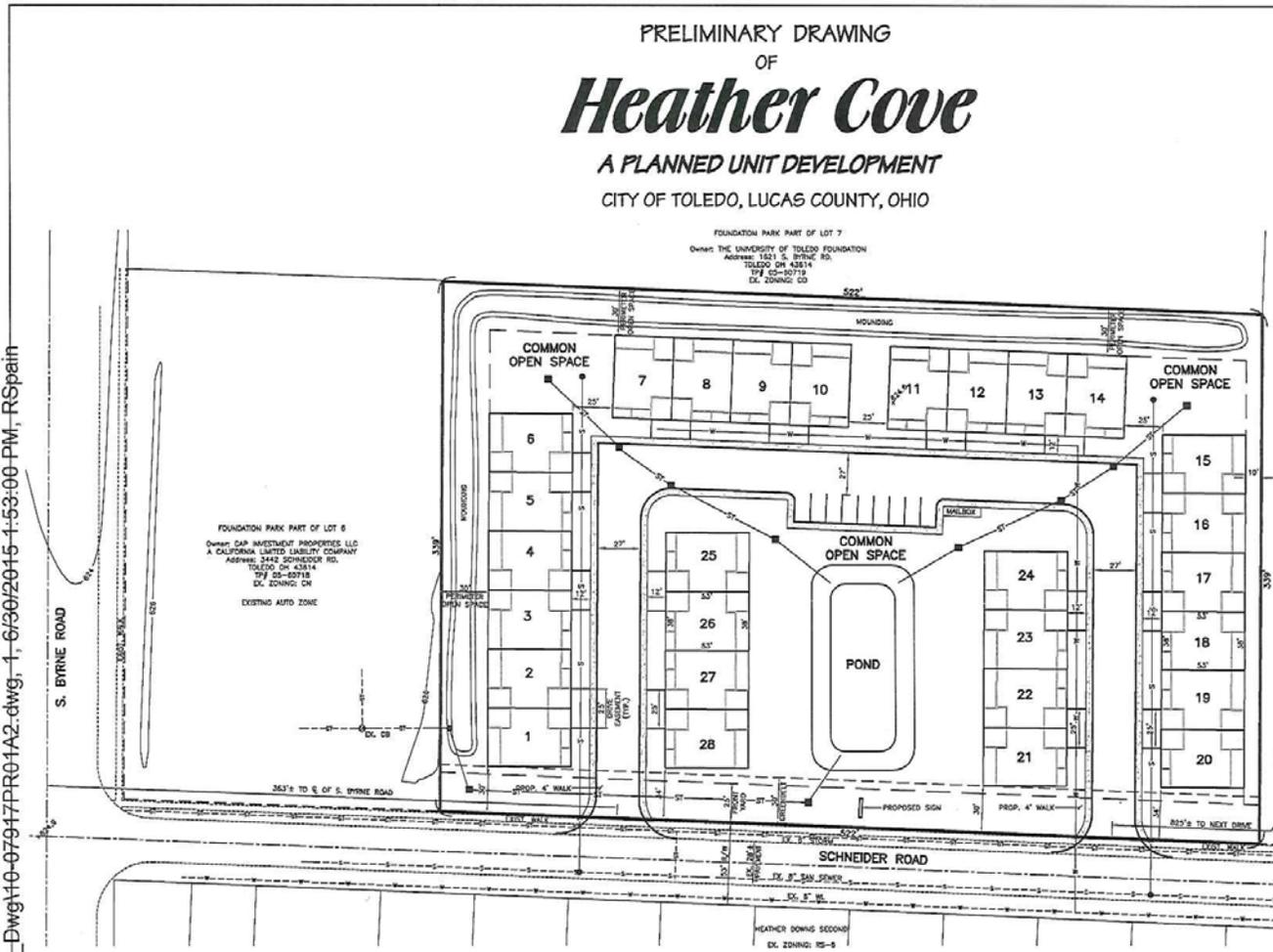
FellerFinch
ASSOCIATES, INC.

1883 Woodlands Drive, Maumee, Ohio 43537
Phone: (419) 862-2682
Fax: (419) 862-2682
www.fellerfinch.com

PROJECT No: 10027917 DWG: 10-07917PR01A2 DATE: 6-30-15



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GENERAL INFORMATION

Subject

- Request - Zone Change from CR Regional Commercial to RD6 Duplex Residential
- Location - 887 & 891 South Avenue
- Applicant - Ayman Awwad
3944 Secor Road
Toledo, OH 43623
- Attorney - Cherrefe A. Kadri
1109 Adams Street, Suite 202
Toledo, Ohio 43604

Site Description

- Zoning - CR / Regional Commercial
- Area - ± 0.27 acres
- Frontage - ± 80' along South Avenue
- Existing Use - Duplex Residence
- Proposed Use - Duplex Residence

Area Description

- North - Regional Commercial / CR
- South - Duplex Residential / RD6
- East - Gas Station / CR
- West - Bowling Alley / 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 Zone Change from CR Regional Commercial to RD6 Duplex Residential for a site located at 887 and 891 South Avenue. The ±0.27 acre site is zoned Regional Commercial and is occupied by two residential duplex homes. Duplex residential dwellings are not a permitted use in the CR Regional Commercial zoning district. The existing duplex residential homes are legal non-conforming.

The applicant is requesting the Zone Change for refinancing purposes. Lending institutions have become increasingly uncomfortable with legal non-conforming land uses. In this case, the loan will have at least twice the interest rate without a change in zoning classification.

Surrounding land uses include duplex residential to the north across South Avenue; regional commercial to the east of the property; duplex residential to the south and regional commercial to the west.

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial land uses. However, the site sits at the edge of a large mixed residential neighborhood. Staff recommends approval of the Zone Change for this location because it is compatible with the zoning and land uses in the immediate area. Additionally, RD6 zoning is established to the immediate area south of the site.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommends approval of Z-7001-15, a request for a Zone Change from CR Regional Commercial to RD6 Duplex Residential, for a site located at 887 and 891 South Avenue, to the Toledo City Council, for the following two (2) reasons:

1. The request is similar to existing land uses within the general vicinity of the subject property (TMC§1111.0606(B) Review and Decision Making Criteria).
2. The proposed RD6 Duplex Residential District zoning is compatible with the zoning districts within the general vicinity of the site (TMC§1111.0606(C) Review and Decision Making Criteria).

REF: Z-7001-15 . . . September 10, 2015

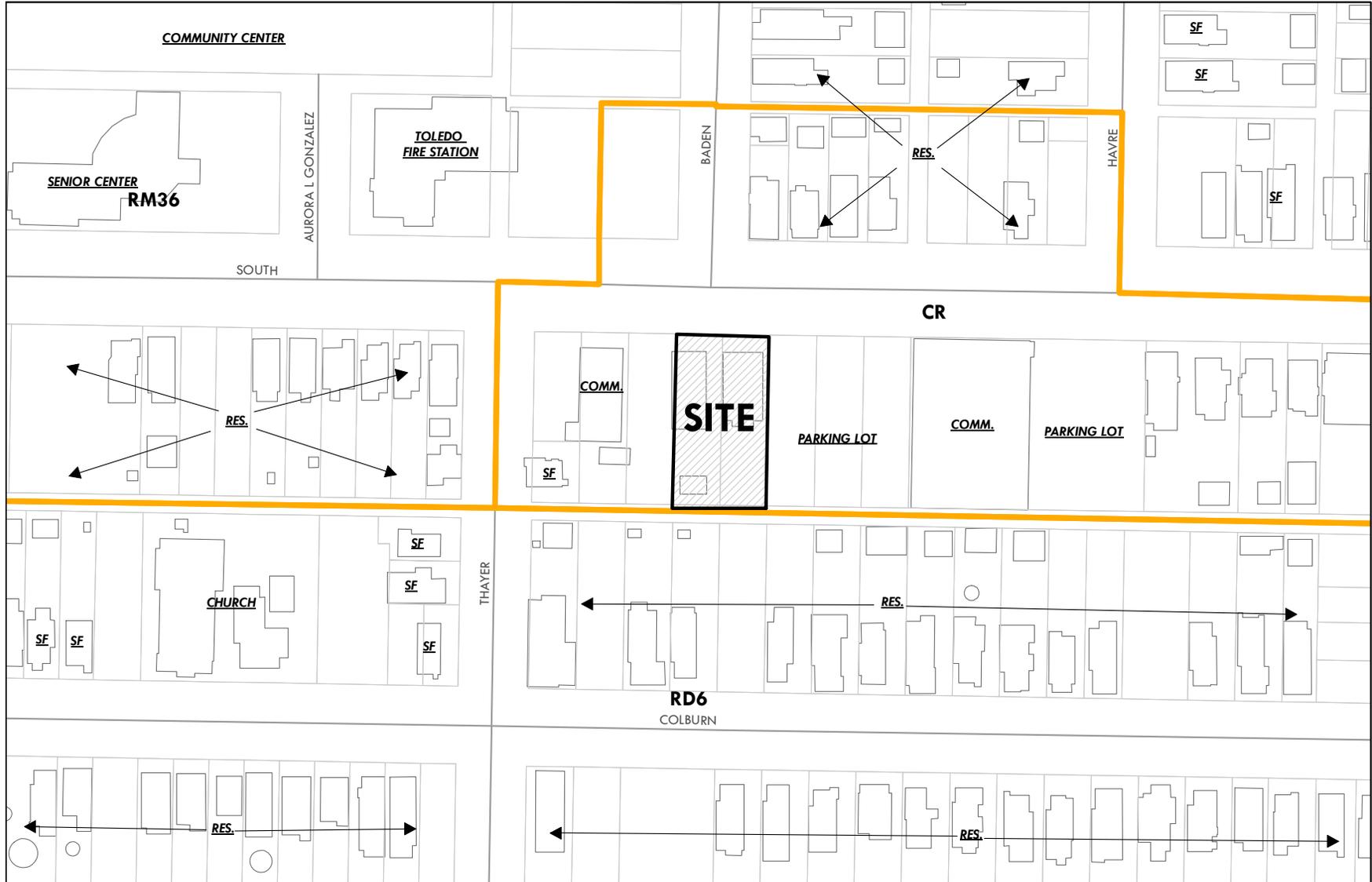
ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-7001-15
DATE: September 10, 2015
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: October 14, 2015
TIME: 4:00 P.M.

RS
Two (2) sketches follow

ZONING & LAND USE

Z-7001-15
ID 12



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GENERAL INFORMATION

Subject

- Request - Request a for Zone Change from CS Storefront Commercial to RD6 Duplex Residential
- Location - 822 Prouty Avenue
- Applicant - Arnold E. Howell
822 Prouty Avenue
Toledo, OH 43609

Site Description

- Zoning - CS / Storefront Commercial
- Area - ± 0.21 acres
- Frontage - ±124' along Prouty Avenue
- Existing Use - Single Family Dwelling
- Proposed Use - Single Family Dwelling

Area Description

- North - Single Family Dwelling / RD6
- South - Keystone Press Printing / CS
- East - Library Parking Lot / CS
- West - Commercial Warehouse / CS

Parcel History

- Z-123-83 - Request for Zone Change from R-3 Duplex Residential, R-4 Multi-Family Residential, C-2 Office Commercial, C-3 Regional Commercial, and M-1 Limited Industrial to C-6 Storefront Commercial. Plan Commission recommended approval on 8/4/83, approved by City Council 8/10/83, Ord. 749-83.

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

Z-245-83 - Request for Zone Change from R-3 Duplex Residential, R-4 Multi-Family Residential, C-2 Office Commercial, C-3 Regional Commercial, and M-1 Limited Industrial to C-6 Storefront Commercial. Plan Commission recommended approval on 8/4/83, finalized by City Council 1/25/84, Ord. 64-84.

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Zone Change from CS Storefront Commercial to RD6 Duplex Residential for a site located at 822 Prouty Avenue. The ±0.21 acre site is occupied by a single family dwelling that was built in 1901. The residential home is between a commercial warehouse to the west and the South Branch Library to the east. The site is located in the Broadway Corridor Neighborhood Business District.

The applicant is requesting a Zone Change to RD6 Duplex Residential to facilitate the refinancing of a residential dwelling he has lived in for over forty (40) years. The current zoning, CS Commercial Storefront, does not permit single family dwellings as an acceptable land use. The home is deemed legal non-conforming and will not be able to be rebuilt if destroyed more than 75% of its fair market value. Banks are reluctant to lend money or refinance loans for properties that do not strictly adhere to its underlying zoning. In 1983 a request to rezone portions of Broadway Street between Interstate 75 and Danny Thomas Park was petitioned for and granted. Due to the proximity to the intersection of Broadway Street and Prouty Avenue, the applicant's home was rezoned.

The 1983 proposed zoning change was initiated as part of a rezoning study in order to clearly define and revitalize the neighborhood business district along Broadway Street. The rezoning efforts were intended to produce a business district that would adequately serve the customer needs of the surrounding residential community, and create an area that is more appealing for shopping and investing while potentially increasing the tax base for the district. Once known as the Heritage South Business District, new efforts were started in 2015 to achieve and build upon the goals set forth in 1983 for the now Old South End Business District.

STAFF ANALYSIS (cont'd)

Surrounding land uses include the parking lot for the South Branch Library to the east of the site. To the south of the property across Prouty Avenue is a small printing/copy commercial building and to the north of the site is a residential neighborhood. To the west is a commercial warehouse building.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Urban Village land uses. The Urban Village district is intended to foster mixed commercial-residential uses and accommodate pedestrian-oriented development. The development district is to protect, maintain and re-establish the physical character of older commercial corridors that are characterized by pedestrian-oriented development patterns, promote development that features retail display windows, rear parking lots and other pedestrian friendly design features. Staff recommends approval of the Zone Change because RD6 Duplex Residential is compatible with the intent of the Urban Village district. Furthermore, the Zone Change is suitable for this location and is compatible with adjacent zoning districts and existing land uses in the area. Finally, the Zone Change will not negatively impact the adjacent neighborhood or the commercial land uses that currently reside in the immediate area.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-7003-15, a request for a Zone Change from CS Storefront Commercial to RD6 Duplex Residential for the site located at 822 Prouty Avenue, to the Toledo City Council, for the following three (3) reasons:

1. The request is consistent with The Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) Review and Decision Making Criteria);
2. The requested RD6 Duplex Residential zoning is compatible with zoning classifications of properties within the general vicinity (TMC§1111.0606(C) Review and Decision Making Criteria); and
3. The request will not have a negative impact on the residential properties adjacent to the subject site (TMC§1111.0606(E) Review and Decision Making Criteria).

REF: Z-7003-15. . .September 10, 2015

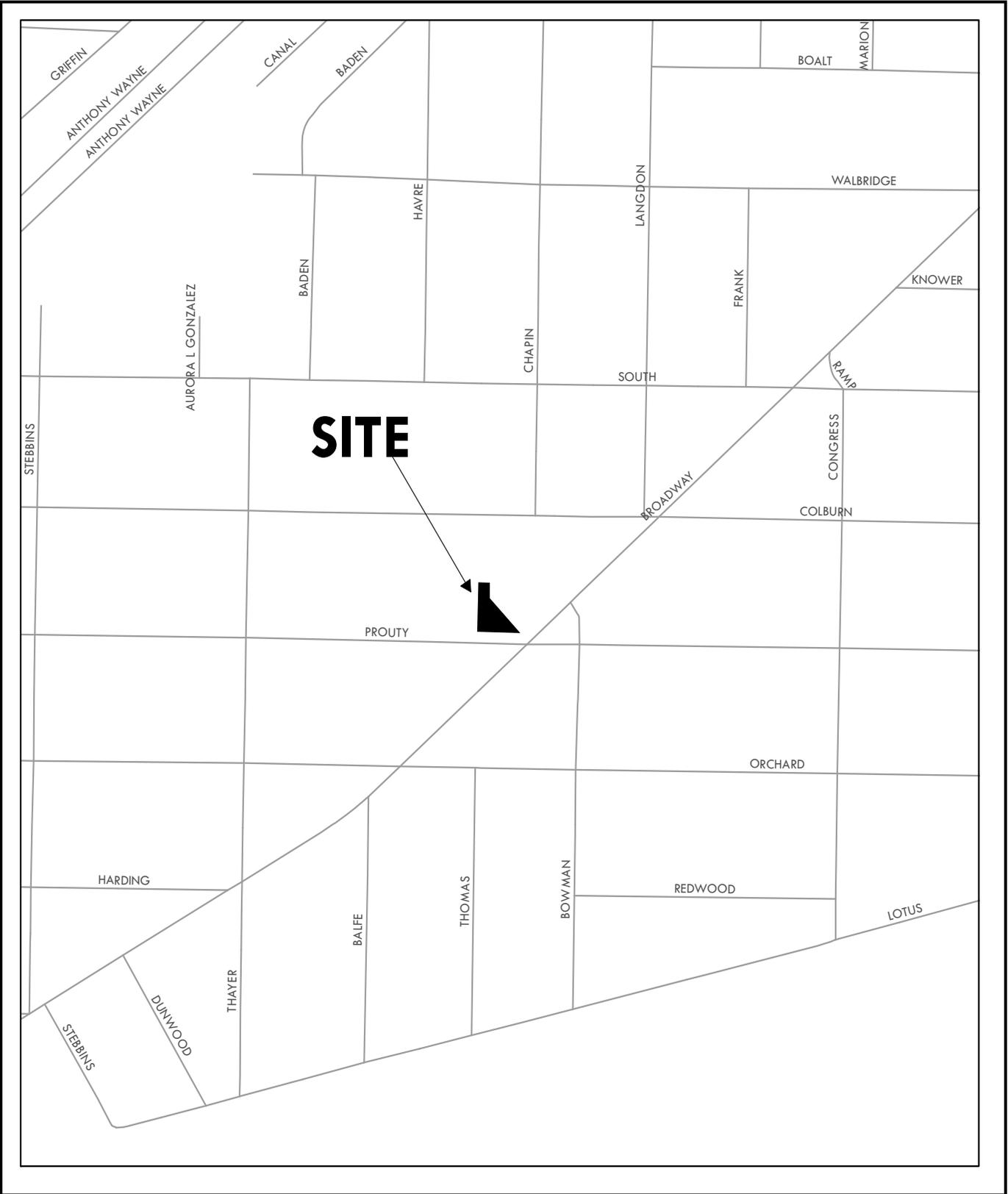
ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-7003-15
DATE: September 10, 2015
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: October 14, 2015
TIME: 4:00 P.M.

GP/
Two (2) sketches follow

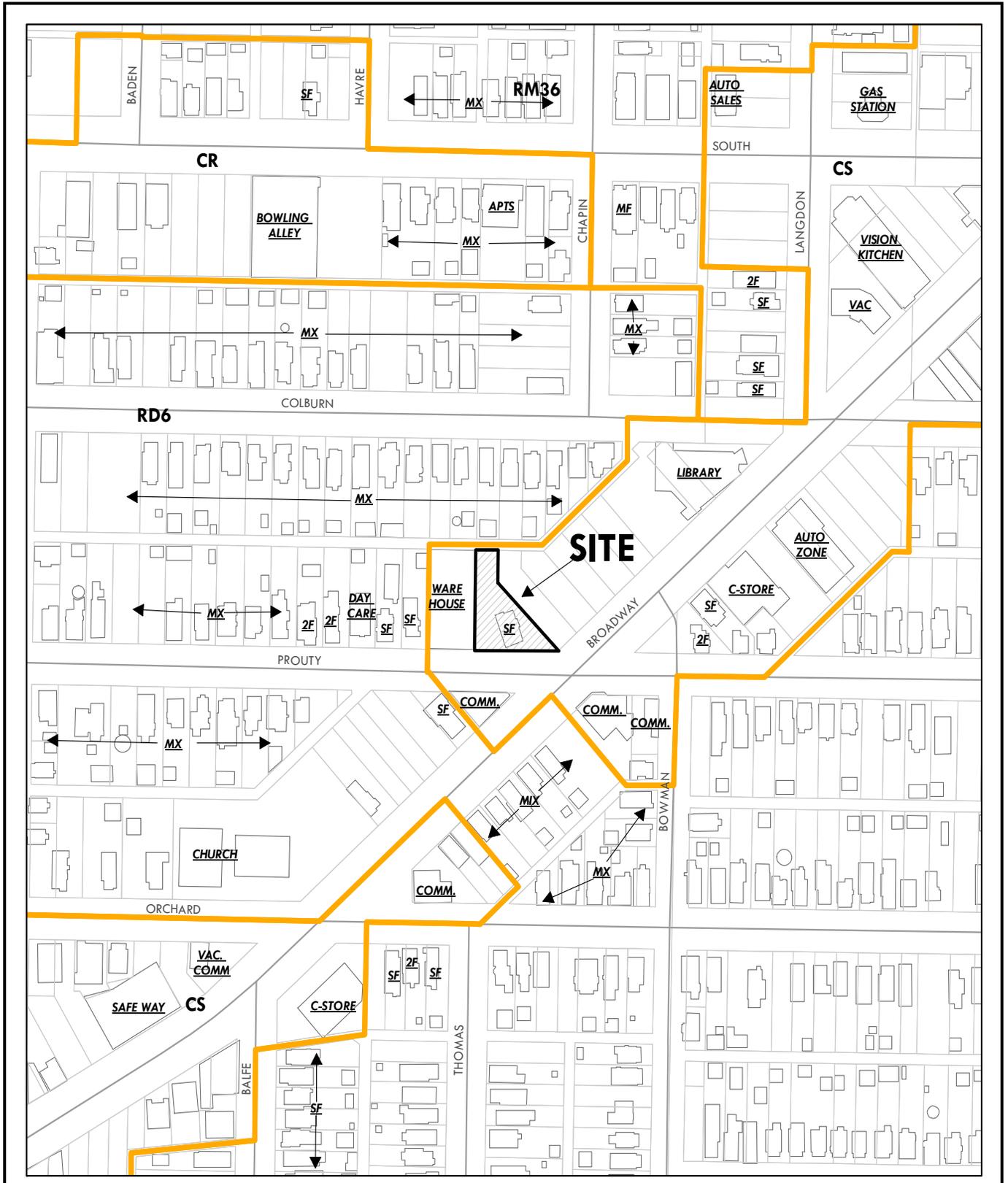
GENERAL LOCATION

Z-7003-15
ID 12



ZONING & LAND USE

Z-7003-15
ID 12



GENERAL INFORMATION

Subject

- Request - Vacation of Regent Street running east from Corinth Street along Lot 9 of Spencers Addition.
- Applicant - Daryl Lewis
179 Corinth Street
Toledo, OH 43609

Site Description

- Zoning - RD6 Duplex Residential
- Area - ± 0.165 acres
- Existing Use - Access to former school
- Proposed Use - Residential Lawn

Area Description

- North - Residential / RD6
- South - Residential / RD6
- East - Former Libby High School / RD6
- West - Residential / RD6

Parcel History

No Parcel History on File.

Applicable Regulations

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

STAFF ANALYSIS

This is a request to vacate Regent Street between the former Libby High School site and Corinth Street. The applicant is requesting the Vacation in order to incorporate the right-of-way into the contiguous residential property. In the event the Vacation is granted, the applicant has indicated that he will also acquire the land bank owned property located at 203 Corinth Street.

STAFF ANALYSIS (cont'd)

The subject right-of-way is sixty feet (60') wide by one hundred twenty feet (120) long and is approximately .165 acres in size. It was previously used as an access point to the former Libby High School. Corinth Street is a dead-end street. Once the school was razed, Regent Street no longer served a purpose and became an unmaintained turnaround for the neighborhood. The Division of Transportation has objected to the vacation, however, staff has found that this vacation will not affect future redevelopment of former Libbey High School site.

The Toledo 20/20 Comprehensive Plan designates this site for Single-Family uses. The Single-Family designation is intended to accommodate the development of single dwelling units on individual lots. In addition, 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. Based on the nature of the proposed use and its location, the proposal is in compliance with this plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of V-408-15, the request to vacate Regent Street running east from Corinth Street along Lot 9 of Spencers Addition to Toledo City Council for the following two (2) reasons:

1. The vacated area will be incorporated with the residential properties to the north and south;
2. The proposed vacation will allow the application to acquire the land bank property located at 203 Corinth Street that may otherwise remain vacant and detrimental to the neighborhood;
3. The proposed vacation conforms to the Toledo 20/20 Comprehensive Plan.

The staff recommends that the Toledo City Plan Commission recommend approval of V-408-15, the request to vacate Regent Street running east from Corinth Street along Lot 9 of Spencers Addition to Toledo City Council, subject to the following four (4) conditions:

The following conditions as 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. Eliminate access to Regent Street by installing new curb, sidewalk, and tree lawn through existing right-of-way. The curb height should match the existing curb on Corinth Street.

STAFF RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

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

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

Fire Prevention

Comment not received at this time.

Building Inspection

No objection to vacation.

Division of Transportation

3. Regent St. accesses the former Edmund Drummond Libbey High School site. Public right-of-way should be maintained to support future development plans for this site.

Sewer & Drainage Services

4. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Division of Streets, Bridges and Harbor

No objection to vacation.

Planning Commission

No objection to vacation.

REF: V-408-15 . . . September 10, 2015

RIGHT-OF-WAY VACATION
TOLEDO CITY PLAN COMMISSION

REF: V-408-15

DATE: September 10, 2015

TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE

DATE: October 14, 2015

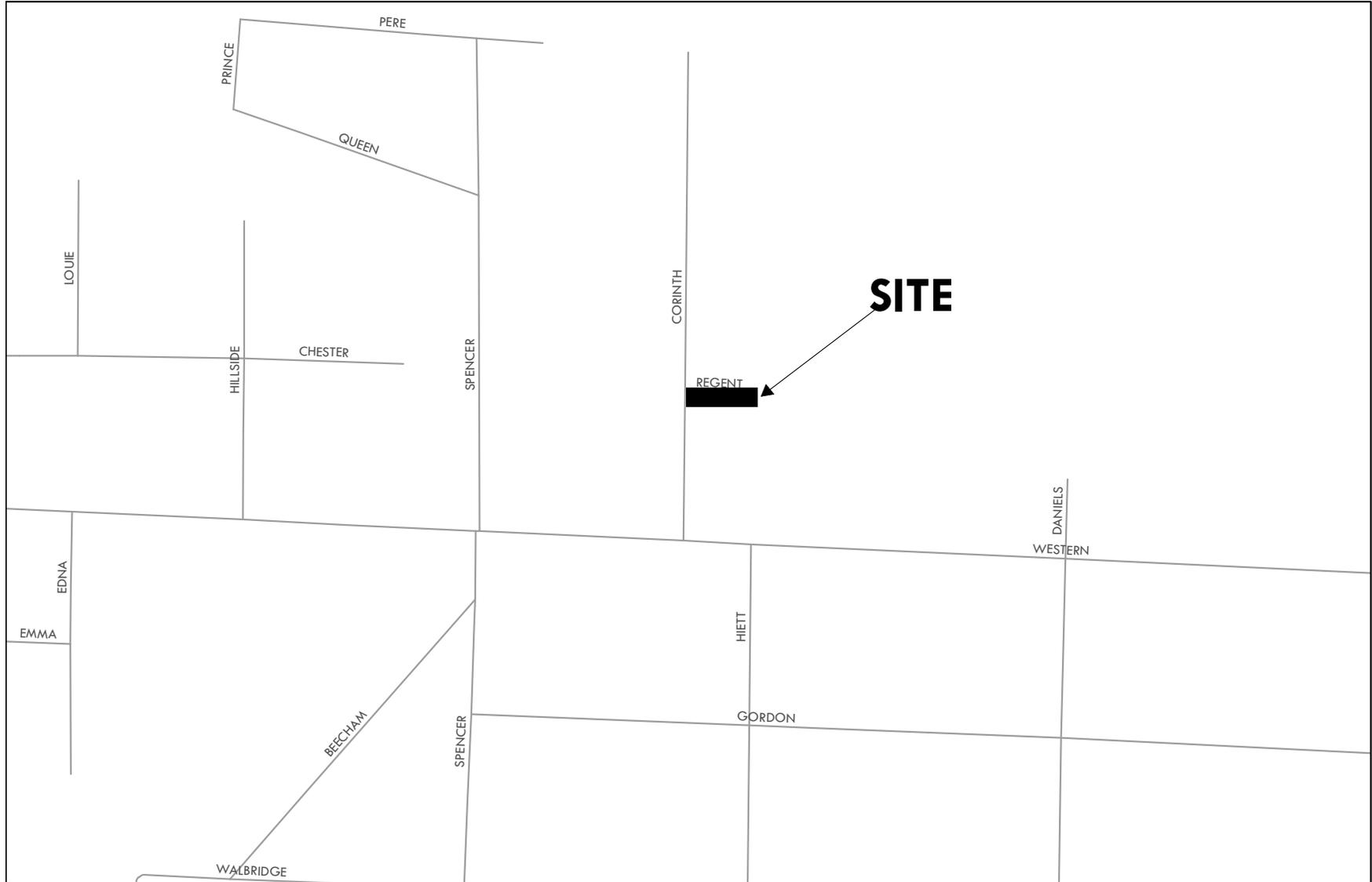
TIME: 4:00 P.M.

BH

Two (2) sketches follow

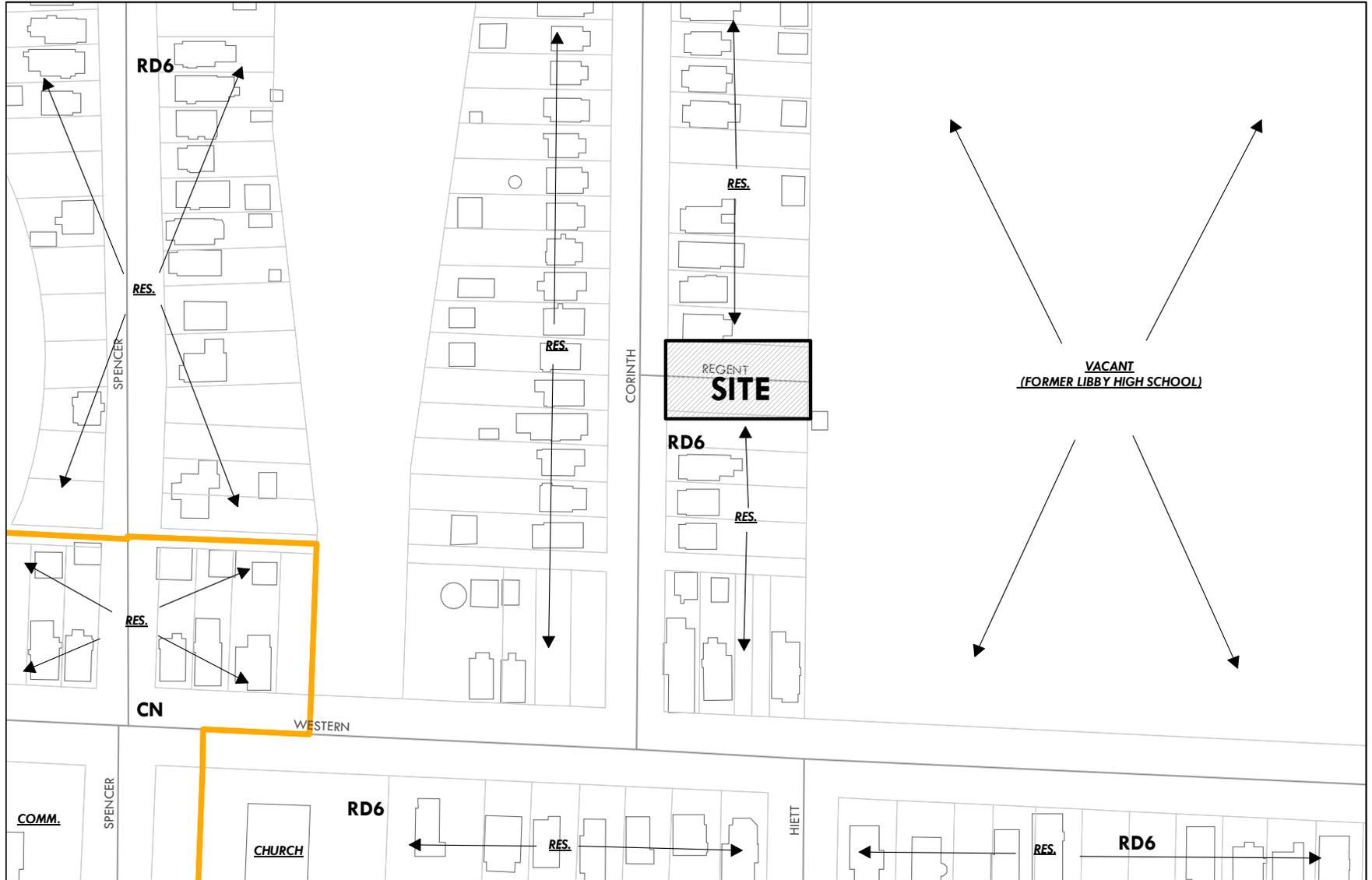
GENERAL LOCATION

V-408-15
ID 20



ZONING & LAND USE

V-408-15
ID 20



GENERAL INFORMATION

Subject

- Request - Review of amendment to Chapter 1103 of the City of Toledo Planning and Zoning Code to establish the UpTown Urban Neighborhood Overlay (UNO) District.
- Applicant - UpTown Association
241 16th Street
Toledo, Ohio 43604

Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Chapter 1103, Overlay Zoning Districts
- Toledo UpTown Plan
- Toledo 20/20 Comprehensive Plan

UpTown District History

- M-4-12 - Review of the UpTown District Neighborhood Plan (PC approved 12/5/13, Ord 19-14, 1/14/14)

STAFF ANALYSIS

The request is for an amendment to Chapter 1103 of the Zoning Code to establish the UpTown Urban Neighborhood Overlay (UNO) District. The establishment of this overlay district was requested by the UpTown Association and establishes a set of requirements that will carry out the vision of the Toledo UpTown Plan, adopted by Toledo City Council in January of 2014. A neighborhood meeting was held on June 30, 2015 to present the plan to the members of the District. As a result, changes were made to the plan and a second neighborhood meeting was held on August 11, 2015.

In order to ensure the realization of the vision and objectives of the UpTown Plan the UpTown Associations implementation strategy included the implementation of an Urban Overlay District, which will create an Architectural Review Committee, establish a Demolition Review Process, and Design Standards.

STAFF ANALYSIS (cont'd)

The UNO District is a tool that provides a review process for proposed physical changes to structures and public space within the UpTown District. The overlay contains provisions for the rules and procedures of an Architectural Review Committee, demolition review process, design standards, and signage. The overlay will also assure appropriate building and parking setbacks that accommodate redevelopment that is compatible with historical building patterns. Finally, it will help promote development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.

The creation of the Architectural Review Committee is intended to give more control in regulating development and proposed demolitions. The Architectural Review Committee will be tasked with carrying out the vision of the UpTown District; in consultation with the Toledo City Plan Commission.

The demolition review process was requested to ensure that historic buildings throughout the district would be reviewed with criteria that ensure all avenues have been pursued prior to demolition. This process will establish a review by the UpTown District Architectural Review Committee (UDARC) to determine if there is merit for demolishing a structure.

The UNO district is intended to foster development and redevelopment that is compatible with the scale and physical character of original buildings in an area through the use of development and design standards specific to the area. Areas eligible for UNO designation must meet three criteria in accordance with TMC 1103.0500:

1. The area must possess environmental characteristics that create an identifiable setting, character and association.

The area is a neighborhood adjacent to downtown, which contains a Nationally Registered Historic District and contains a significant portion of structures built prior to 1940. The historic character of the UpTown District is centered primarily on large two and three mixed commercial/residential structures, however, larger building such as the Hillcrest and Mercy College anchor the District.

2. The area must be covered by a neighborhood or area plan approved as an amendment to the Comprehensive Plan.

The area is covered by the Toledo UpTown Plan, which was adopted as an amendment to the 20/20 Plan by Ordinance 19-14 on January 14, 2014.

3. The designated area must be a contiguous area of at least 5 acres.

The overlay boundaries encompass approximately 235 acres.

STAFF ANALYSIS (cont'd)

The UpTown District meets the eligibility requirements. The planning and zoning implications related to the UNO designation, district-specific development and design standards, and map showing the proposed boundaries that are required for the establishment of an UNO district are attached.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of the proposed UpTown Urban Neighborhood Overlay (UNO) District as shown in Exhibit "A" to the Toledo City Council for the following two (2) reasons:

1. The Uptown District meets the eligibility criteria in accordance with TMC 1103.0500.
2. The overlay will ensure that development and redevelopment is compatible with the scale and physical character of buildings in a unique neighborhood.

UPTOWN UNO DISTRICT
TOLEDO CITY PLAN COMMISSION
REF: M-9-15
DATE: September 10, 2015
TIME: 2:00 p.m.

CITY COUNCIL PLANNING
AND ZONING COMMITTEE
DATE: October 14, 2015
TIME: 4:00 p.m.

BH/RS
Exhibit "A" follows

Exhibit “A”

1103.1600|UpTown UNO District

1103.1601 Purpose

The UpTown District Urban Overlay District is intended to:

- A.** Provide a review process for proposed physical changes to structures and public space within the UpTown District;
- B.** Implement appropriate building and parking setbacks that accommodate redevelopment that are compatible with historical building patterns; and
- C.** Promote development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features.
- D.** Encourage Public Art & Green Infrastructure.

1103.1602 Effect of Designation

The UpTown UNO District is an overlay zoning classification to be established as an Urban Neighborhood Overlay (UNO) District under the provisions of Sec. 1103.0500. The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. In the event of conflict between the UpTown District Urban Overlay District regulations and the regulations of the underlying base zoning district, the UNO regulations govern. In all cases, the most restrictive provision of the UpTown District Urban Overlay District or the underlying zoning regulations govern.

1103.1603 UNO District Classification

Those areas classified in the UpTown UNO District shall be shown on the Official Zoning Map

1103.1604 UpTown UNO District Boundaries

The boundaries of the District are hereby established as shown on the City of Toledo zoning maps. The District boundaries are defined via the map attached hereto and legally described in this section, both of which are incorporated herein by reference. The overlay district regulations apply to the entirety of parcels, as existing at the time of adoption, lying wholly or partially within this boundary.

The UpTown UNO District boundary is as follows: Washington Street to the south, Collingwood Boulevard to the west, Woodruff Avenue, Putnam Street, alley south of Woodruff between Putnam and Warren Street, Warren Street, alley south of Woodruff between Warren Street and Franklin Avenue, Southard Avenue, Vermont Avenue, and Jackson Boulevard to the north, 10th Street, Adams Street, Michigan Avenue, Madison Avenue, and 10th Street to the east. Properties located within the Monroe Street Corridor UNO District shall be excluded from UpTown UNO (see TMC1103.0900 for boundary).

Exhibit “A” (cont’d)

1103.1605 Review and Approval Procedures

The site plan review shall be as specified in Sec. 1111.0800. Building elevation drawings (with colors and materials indicated) showing the front, rear and side views shall be submitted along with the site plan.

- A. The standards of the UpTown UNO District apply to physical changes to the appearance of any building or building addition which is viewable from the right-of-way and the total cost would be greater than or equal to 10% of the appraised value of the building, as listed by the County Auditor. For the purpose of the UpTown overlay provisions “physical change” means any work such as alteration, remodeling, new construction or renovation of the exterior of a structure. All new off-street parking spaces, driveways, fencing and signage shall be subject to review under the provisions of the UpTown UNO District and are not subject to cost restrictions as stated above.
- B. Industrial zoned properties shall be exempt from the provisions of the UpTown UNO District but still comply with the design standards of TMC 1109.000.
- C. Building alterations that conflict with these standards or that otherwise increase the degree of non-compliance with these standards are prohibited.
- D. A copy of new development, redevelopment and existing building rehabilitation plans, including landscaping, shall be submitted by the developer or building owner to the UpTown District Architectural Review Committee for their review prior to any work or any permits being issued by any city department.
- E. The UpTown District Architectural Review Committee shall be responsible for the review of plans as required by the UpTown UNO District. They shall review and make recommendations to the Director of the Plan Commission within forty-five (45) calendar days of receipt of the plans by the UpTown District Association.
- F. In the event that UpTown District Architectural Review Committee is no longer an official active organization for the UpTown District then the development plans shall be subject to the Site Plan Review procedures of TMC 1111.0800.

1103.1606 Design Criteria Used to Evaluate Site Plans and Projects

In addition to the design standards contained in Chapter 1109, Design Standards, the following criteria apply.

- A. Relationship of Buildings to Site
 - 1. The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.
 - 2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, or other innovative means so as to screen parking areas from view from public ways.
 - 3. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

Exhibit “A” (cont’d)

4. Newly installed utility services, and service revisions necessitated by exterior alterations, should be underground.
 5. Sidewalks located in the public right-of-way shall be appropriate widths consistent with those of adjacent properties.
 6. Newly proposed sidewalks within the public right-of-way shall be a minimum of five feet (5') in width.
- B. Building Setback and Height
1. The maximum allowed front setback shall be twenty (20) feet unless a public-private setback zone is provided.
 2. Buildings on corner lots must comply with maximum building setback standards along all lot frontages.
 3. The minimum side yard and rear yard setbacks shall be as specified in the underlying zoning district.
 4. The maximum building height shall be as specified in the underlying zoning district.
- C. Building Design
1. Building facades facing a Principal Street (as described below) must incorporate a main entrance door on the principal street. Principal Streets located in the UpTown District shall consist of the Streets named after the Presidents, Collingwood Blvd, 11th, 14th & 17th Streets.
 2. Building frontages that face Principal Streets and exceed a width of 50 feet must include vertical visual elements to break the plane of the building frontage. Such vertical elements must be spaced at regularly spaced intervals to provide visual interest along the entire building frontage.
 3. The use of public artwork is encouraged and should be incorporated whenever possible.
 4. Grade level mechanical equipment shall be screened from public view and all public right-of-ways. All utilities shall be underground wherever possible.
 5. Roof-mounted mechanical equipment must be screened from public view. The screening must be of a sufficient height to prevent persons located at the street level from viewing the screened items and a sight line analysis from at least 200 feet away must be submitted for review and approval. The design, colors and materials used in screening must be consistent with the architectural design of the building.
 6. Dumpsters and trash receptacles must be screened in accordance with Sec. 1108.0304(B), and located to the rear of the property.

Exhibit “A” (cont’d)

7. For commercially used property at least 60 percent of each building façade along a Principal Street, between the height of 2 feet and 10 feet above the nearest sidewalk grade, must consist of clear, non-tinted, non-mirrored, and uncovered window glass permitting views of the building’s interior to a depth of at least 4 feet. For building frontages other than those on Principal Streets, the window glass shall continue for a minimum of 10 feet from the Principal Street building corner. No exterior security bars or roll-down metal doors shall be allowed. This provision shall be reduced to at least 30 percent, of each building facade along a Principal Street, for the conversion of a residential building to a commercial use. This provision does not apply to buildings officially recognized as historic or those deemed eligible for listing in the National Register of Historic Places if the provision would result in a modification of the original historic appearance of the building.
8. New buildings, stand alone and in-fill buildings, may be designed in a contemporary style but must be in harmony and compatible with the context of neighboring properties.

D. Building Materials

Maintaining a consistent palette of materials is important to establishing continuity within the District and to improving the overall appearance of the District. Predominant building materials should be high quality. Exterior insulation and finish system (EIFS) materials and applications are prohibited, except where used to simulate an existing material and when eight (8) feet above grade and not within an entryway, and comprising less than 15% of the frontage facing the principal street & all public right-of-ways. The following are identified as acceptable for predominant exterior building materials:

1. Brick: Shall be standard modular brick (4” x 8”) with common tooled mortar joints (the UDARC may approve non-standard modular brick sizes and designs). Un-tooled joints, distressed brick, or irregular shaped brick are prohibited. Brick color and texture shall be compatible with original brick facades in the UpTown District, constructed prior to the 1940’s. Brick of this period was commonly blond, yellow-blond, beige, or dull red with very little color range. Textures varied from smooth or glazed to rough. Textures tended to be uniform.
2. Materials with a brick-like appearance (4” x 8”) such as “Founder’s Brick” or similar material (the UDARC may approve additional sizes and designs).
3. Wood; and it must be painted or stained/sealed.
4. Materials with a wood-like appearance such as “Textured Cementitious Board”, “Cement Board Siding”, or similar material.
5. Smooth finished or manufactured stone such as limestone or sandstone and terra cotta.

Exhibit "A" (cont'd)

6. Glass.
 7. Building materials other than those listed above may be approved by the Plan Director, in consultation with UDARC, in special cases such as building additions or building renovations, taking into consideration the predominant building materials existing on the building to be added to or renovated.
 8. Predominant exterior building materials shall not include the following:
 - a. smooth-faced concrete block
 - b. smooth-faced tilt-up concrete panels
 - c. pre-fabricated steel panels
 - d. vinyl siding
 9. The use of high-intensity colors, metallic colors, blacks or fluorescent colors is discouraged. Paint colors shall visually relate building elements to each other, as well as, individual facades to each other. The colors chosen for any façade shall relate to the neighboring facades and to the blockscape as a whole. The placement of colors should be based on the existing hierarchy of detail: base, major and minor trim colors. The color of the upper wall surface and the storefront piers is the base color.
- E. Alley Facades
1. On any building being considered for restoration or renovation, the exterior facades facing an alley shall also be improved. Any exterior fire escape that is still in use and approved by the Fire Prevention Division of the Department of Fire and Rescue Operations shall be repaired and painted. Unused fire escapes shall be removed completely. All unused sign brackets or mounting devices shall be removed. All existing doors, windows and security devices shall be repaired and painted or replaced. All masonry or other facade materials shall be cleaned and sealed or painted. New lighting and building identification signage or street addresses shall be installed. New lighting fixtures with downward directed lighting shall be installed above or near any point of entry into the building.
 2. The use of artwork is encouraged along alley facades.

Exhibit “A” (cont’d)

1103.1607 Architectural Review Requirements for Existing Buildings

Duplication of the exact historic design of the original building façade is not completely necessary in order to create a handsome and functional building, but the historical appearance should be the principal influence in façade rehabilitation.

A. Elements in restoring historical appearance:

1. Applied siding treatments, metal fascias and canopies should be removed wherever possible.
2. Repair damage from siding and fascia attachments and repair the upper facades hidden by such treatments. Metal fascias and other applied treatments often aid in preserving the façade and its materials.
3. Rehabilitate the existing facades in keeping with the original architecture of the building.
4. Maintain the original architectural elements and detail that remain.
5. Reconstruct non-original portions of the façade, as needed, in keeping with the original façade design.
6. Restore original elements and detail that have been lost, when feasible.

B. Traditional façade guidelines for façade rehabilitation:

1. Maintain the continuity of the blockscape. Do not recess the storefront or otherwise change the continuous plane of the facades.
2. Maintain the size and shape of the original façade openings: the storefront opening and the upper story windows. Do not fill-in or reduce the size of the original openings.
3. New windows should fit the size and shape of their openings.

1103.1608 Permitted or Prohibited or Special Uses

All uses that are permitted or prohibited or are special uses in the underlying zoning district(s) shall remain as permitted or prohibited or special uses in the UpTown UNO District.

1103.1609 Accessory Buildings and Uses

All accessory buildings and uses which are permitted or prohibited in the underlying zoning district(s) are permitted or prohibited within the UpTown UNO District, except that any detached accessory building on any lot shall have, on all sides, the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

Exhibit “A” (cont’d)

1103.1610 Landscape Review Requirements

Site plan review shall also include the review of landscape design elements and conformance with Sec. 1108.0300 | Urban Commercial Landscape Standards. All landscaping shall adhere to the crime prevention through environmental design (CPTED) standards. Applicants are strongly encouraged to contact the Toledo Police Department Community Services Division who can make recommendations to enhance the usage of CPTED principles, which include natural surveillance, natural access control, and territorial reinforcement. Landscapes must allow clear and unobstructed views of the surrounding areas. All landscaping will be at ground level, three feet in height maximum, and any tree canopy base shall be six feet or higher to allow for natural surveillance and eliminate potential ambush points.

1103.1611 Off-Street Parking

Off-street parking requirements for properties within the UpTown UNO District shall comply with the requirements set forth in Chapter 1107, Parking, and the following provisions:

- A. Location of off-street parking facilities shall be on the same lot as the principal use or within three hundred (300) feet of the building (measured from the nearest point of the building or use to the nearest point of the parking) or an alternative access and parking plan may be submitted as provided for in Sec.1107.1400.
- B. Off-street parking facilities shall be located in the rear portion of the subject property and behind the principal building or use. The construction of new off street parking lots having frontage on a street is prohibited.
- C. If parking in the rear of the lot is not feasible because the lot is too shallow, or other unique circumstances approved by the Plan Commission, then parking may be allowed on the side of the building if a screening wall and landscape treatment are installed along the street frontage in conformance with the minimum parking lot standards for perimeter screening barriers.
 - 1. A landscape island or greenbelt, five (5') feet in width shall be installed behind the screen wall. This landscape island/greenbelt shall accommodate the installation of canopy trees, at least three (3") inches in caliper.
 - 2. If the parking lot is located adjacent to a building, a six (6') foot wide sidewalk shall be installed between the building and the parking area.
- D. Access to parking lots shall be provided off alleys whenever possible in order to minimize curb cuts across pedestrian sidewalks.

Exhibit “A” (cont’d)

- E. The required number of off-street loading spaces may be reduced or eliminated by the Planning Director in consultation with the Division of Transportation, with due consideration given to the following factors:
 - 1. Frequency and time of deliveries;
 - 2. Size and nature of vehicles accommodated by the loading spaces;
 - 3. The character of the neighborhood;
 - 4. Impact upon adjoining streets, places, or alleys; and
 - 5. Type of business.

1103.1612 Lighting Requirements

- A. In reviewing the lighting proposed for a lot to be developed in the District, factors to be considered include but are not limited to:
 - 1. Safety provided by the lighting.
 - 2. Security provided by the lighting.
 - 3. Light spillage or glare onto adjoining residential properties and/or streets is prohibited. All lumination shall be directed downwards
 - 4. Height and placement of lighting standards considering the use.
- B. Site Lighting for Small Parking Lots (Twenty-Five or Less Parking Spaces)
 - 1. Site lighting for small parking lots shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancement within the UpTown District. The City of Toledo will provide the model number for the light pole and luminaire, as well as detail product specifications. Similar fixtures and poles will be considered.
 - 2. The light source shall be metal halide or LED.
 - 3. The light intensity shall average a minimum of .5 foot-candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.
- C. Site Lighting for Large Parking Lots (Twenty-Six or More Parking Spaces)
 - 1. Site lighting for large parking lots shall utilize a Shoe Box Fixture and pole (maximum 25 feet height) for efficiency of lighting and neutrality of design. The City of Toledo will provide the model number for the lights or luminaires, as well as detailed product specifications. Similar fixtures and poles will be considered.
 - 2. The light source shall be metal halide or LED.

Exhibit "A" (cont'd)

3. Pedestrian style light fixture and pole, as indicated for small parking lots, shall be used along collective walks.
4. The light intensity shall average a minimum of .5 foot/candles, measured five (5') feet above grade for parking lots and 1 to 3 foot-candles measured five (5') feet above grade for pedestrian sidewalks.

1103.1613 Canopies/Awnings

- A. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. First floor awning sides are recommended to be open to increase sight lines towards storefronts along the street. Curved awnings matching the curve of the openings being covered are permitted. Other round-top, halfround, box, or other unusual awning shapes are prohibited unless approved in writing by the Plan Director. Internally illuminated awnings are also prohibited. Signage on awnings shall be allowed as long as it meets appropriate portions of the requirements of Section 1103.1613.
- B. Canopies shall be narrow in elevation, six (6") inches to twelve (12") inches, and flat. Typically such canopies would have internal drainage. Canopies shall be self-supporting or supported by tension rods. Canopy projections are limited to thirty-six (36") inches. Sloping, or unusually shaped canopies are prohibited.

1103.1614 Signage

Signage shall comply with Part 13, Title 9, Chapter 1387, Signs Permitted in Zoning Districts, and the following regulations:

- A. Building signs shall be located above the main entrance in the sign band area, on the upper facade wall. The sign shall be sized to allow the masonry to be fully exposed around the sign.
- B. No sign or part of a sign shall be located above the parapet of any facade. Roof mounted signs are prohibited.
- C. Building signs shall not exceed 75% of the width of the storefront opening.
- D. The shape of building signs shall be rectangular, or slight variations of rectangular forms, except business logos and/or corporate identity symbols are allowed.
- E. Projecting signs are allowed. The maximum projection is three and one-half (3½') feet and the minimum mounting height to the bottom of the sign shall be seven (7') feet.
- F. Window signs are allowed. However, no signage or advertisement shall block the view to the interior.
- G. Raceways, cabinets, box signs, moving, animated or intensely lighted signs, roof signs or signs that extend above a building roofline or parapet, and pole mounted signs are prohibited.
- H. Monument or ground signs are allowed.

Exhibit “A” (cont’d)

- I. Additional Off-Premise Signs (Billboards) are prohibited. Existing off-premise signs may remain subject to the regulations for legal non-conforming signs in Chapter 1395.
- J. Each building shall display a street address as per City of Toledo Municipal Code. The street address shall also appear on any alley building elevation.
- K. Public Art shall be approved by the UDARC prior to final approval from the Toledo Arts Commission.

1103.1615 Fencing

Fencing when visible from a public right-of-way shall be of an ornamental design, such as wrought iron or aluminum tube fencing. Alternative ornamental designs shall be subject to the review of the UDARC. Industrial zoned properties shall be exempt from UpTown UNO fencing requirements. However, industrial zoned properties shall be required to meet industrial fencing design standards as outlined in Section 1105.0300.

1103.1616 Architectural Review Committee Composition, Jurisdiction and Procedures

A. UpTown District Architectural Review Committee (UDARC) Authority

There is hereby established the UpTown District Architectural Review Committee (“UDARC”) which shall have the responsibility for reviewing all Development Plans and proposed demolitions for projects in the UpTown District, for compliance with the UpTown UNO District.

The UDARC shall recommend to the Plan Director to approve, approve with modifications, or disapprove submissions for projects in the UpTown District. The UDARC shall have full authority to approve, approve with modifications, or disapprove demolition submissions in the UpTown District. The applicant may appeal decisions on demolitions by the UpTown District Architectural Review Committee or any other interested person to the Plan Commission, in writing, within 7 days of the UpTown District Architectural Review Committee. The Plan Commission must hear such appeals within thirty (30) calendar days of the date of receipt of the appeal.

If the UDARC forwards the Submission to the Toledo Plan Commission, or the decision under these Declarations is appealed to the Toledo Plan Commission, the Toledo Plan Commission shall review the Submission in accordance with the Declarations, the Toledo Municipal Code, and its Rules, and render its decision in writing. The Toledo Plan Commission shall not arbitrarily or unreasonably withhold its approval of Submissions.

Exhibit “A” (cont’d)

B. UDARC Composition and Term

The UDARC shall consist of not more nor less than five (5) members. The UpTown District Association shall appoint the members of the UDARC. In the event that the UpTown District Association is no longer a functional entity then Toledo City Council shall appoint the members. The composition of the UDARC shall consist of those property owners (minimum of one), residents (minimum of one), business owners or employees under special circumstance (minimum of one) who are located within the boundaries of the UpTown District as defined in the Toledo UpTown Plan to comprise at least four of the members, and shall include one (1) professional architect, landscape architect or planner.

In the event that there is a vacant position on the UDARC that has not been filled by the process defined in these Declarations, the UDARC, by majority vote, may temporarily appoint a person to serve on the UDARC until a replacement is designated.

The UDARC members shall serve the terms as outlined below. To achieve staggered terms the initial terms of the appointees of the Professional Architect, Landscape Architect, or Planner shall be three (3) years.

- Property Owners shall serve a term of two (2) years;
- Business Owners or employees shall serve a term of two (2) years;
- Residents shall serve a term of two (2) years;

There are no term limitations.

C. UDARC Rules

The Chair shall be responsible for providing a non-voting Secretary for the UDARC who shall be responsible for maintaining the minutes and records of the UDARC. A quorum of the UDARC shall consist of three (3) members, one (1) of which must be the Chair or Vice Chair. Three (3) affirmative votes are necessary for all UDARC review action, unless stated otherwise in these Declarations. In the event of a tie vote, the Chair shall render a decision on behalf of the UDARC.

The UDARC shall adopt Rules of Procedure (“Rules”) to govern the operations of the UDARC. Such Rules must be adopted by, and shall be amended by, a vote of not less than four (4) members of the UDARC. Robert’s Rules of Order shall govern the actions of the UDARC unless otherwise expressly provided for in the Rules.

The UDARC shall adopt provisions to allow the Chair or Chair’s designee to administratively approve certain Submissions conforming to the Declarations without review by the UDARC.

Exhibit “A” (cont’d)

D. UDARC Procedures

An applicant shall forward Submissions to the UDARC for preliminary review in accordance with the Declarations before review of the Submission by the UDARC. The UDARC shall review the Submission for conformance with the Declarations and the Toledo Municipal Code, and shall respond in writing within forty-five (45) days of the filing of the Submission as to whether the Submission materially conforms to the Declarations and Toledo Municipal Code, or what modifications are needed to achieve conformance.

If the Submission materially conforms to the Declarations and the Toledo Municipal Code, the UDARC shall forward the Submission and all comments to the Director of the Plan Commissions for review as provided for in this Article.

E. UDARC Liability

The UDARC, as a City of Toledo entity, shall have the liability protections granted to such bodies under the laws of the State of Ohio.

F. Variance

The UDARC is authorized to recommend variances from any provision of the Declarations where such variances will assist in carrying out the intent and spirit of the development and where strict application of the provision would result in a particular hardship to the applicant.

G. Public Meetings

Regular and Special meetings of the UDARC shall be subject to the public meeting and notice requirements (commonly known as the “Sunshine Laws”) of the Ohio Revised Code and the Toledo Municipal Code.

1103.1617 Demolition Hearing Procedures (UpTown District)

- A. The UpTown District Architectural Review Committee (UDARC) has review and approval authority for demolition review under this section after seeking comment from the City Historic District Commission for review and comment.
- B. When application is made for demolishing a structure within the UpTown District, the UpTown District Architectural Review Committee (UDARC) must grant the application when one or both of the following conditions are found to exist:
 - 1. The structure for which demolition is sought contains no features of architectural or historic significance, and it does not contribute to maintaining the character of the UpTown District; or
 - 2. There is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals who wish to preserve the structure.

Exhibit “A” (cont’d)

C. Economic Hardship Standards and Criteria

The UpTown District Architectural Review Committee (UDARC), in making a determination of economic hardship, may consider any relevant information, including but not limited to the following standards and criteria:

1. Alternative uses and the economic return they will earn in relation to all the following:
 - A. estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the UpTown District Architectural Review Committee (UDARC) for changes necessary for the continued use of the building;
 - B. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures on the property and their suitability for rehabilitation, including any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical;
 - C. estimated market value of the property in its current condition, based on an independent MAI-certified appraiser; after completion of the proposed redevelopment, alteration, demolition or removal; and after changes recommended by the UpTown District Architectural Review Committee (UDARC) for the renovation of the existing property for continued use; and
 - D. testimony from a third party architect, developer, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property, taking into consideration any existing evidence that deterioration has progressed to the extent that rehabilitation is not practical.
2. The current economic return on the property in relation to all the following:
 - A. the amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased;
 - B. if the property is income-producing, the annual gross income from the property for the previous 2 years; itemized operating and maintenance expenses for the previous 2 years; and depreciation deduction and annual cash flow after debt service, if any, during the same period;
 - C. real estate taxes for the previous 2 years and assessed value of the property according to the most recent assessed valuation; and

Exhibit “A” (cont’d)

- D. all appraisals obtained within the previous 2 years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - 3. The property is not able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous 2 years, including testimony and relevant documents regarding:
 - A. any real estate broker or firm engaged to sell or lease the property;
 - B. reasonableness of the price or rent sought by the applicant; and
 - C. any advertisements placed for the sale or rent of the property.
 - 4. Economic incentives and/or funding available to the applicant through federal, state, city or private programs.
 - 5. Other information considered by the respective UpTown District Architectural Review Committee (UDARC) to be significant in determining whether the property does yield or may yield a reasonable return to the owner.
- D. Alternatives To Demolition Submitted By Others
- In deciding on the feasibility of an alternative to demolition, the UpTown District Architectural Review Committee must find that the alternative plan meets the following requirements:
- 1. It contains a credible short-term and long-term program for the protection and use of the building;
 - 2. It contains financial and architectural plans prepared by architects, engineers, real estate professionals, and other persons experienced in the rehabilitation and reuse of historic buildings; and
 - 3. It has been submitted to the applicant as a good faith proposal containing an offer to enter into a contract at a price that reflects the fair market value of the property based upon three independent MAI-certified appraisers.
- E. Additional Application Requirements
- An applicant must meet with the UpTown District Architectural Review Committee or the Plan Commission staff, and the applicant must then submit evidence on the following standards and criteria:
- 1. For a demolition application to be considered by the UpTown District Architectural Review Committee, the application must contain sufficient information so that the UpTown District Architectural Review Committee may adequately analyze the application in relation to its standards and criteria and then make a factual decision on the application.

Exhibit "A" (cont'd)

2. The application shall include photographs and a written description of the present condition of the structure for which demolition is sought. The applicant shall include information about any changes in the condition of the structure during the previous 2 years.
 3. At the initial meeting with the applicant, the UpTown District Architectural Review Committee or the staff must indicate the information the UpTown District Architectural Review Committee will need for a valid application.
 4. For applications based on a lack of reasonable economic return, the applicant has the burden of showing that the property in question is incapable of earning a reasonable economic return in the absence of the proposed demolition. The showing must be made in accordance with the standards and criteria set forth in Economic Hardship Standards and Criteria.
 5. The Planning Director must notify the applicant of any deficiencies in the documentation or other evidence provided.
 6. Failure of the applicant to submit the required documentation and/or evidence will be construed as a failure on the part of the applicant to meet that standard for which the documentation and/or evidence is lacking.
 7. After receipt of a completed application in which all required information is attached, the UpTown District Architectural Review Committee must make a determination on the applicant's submission in accordance with the time frames set forth herein.
- F. The Plan Commission staff must evaluate each application in accordance with the standards and criteria contained in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must provide a written evaluation and report. The report must be presented to the respective UpTown District Architectural Review Committee on or before the UpTown District Architectural Review Committee's initial hearing.
- G. The respective UpTown District Architectural Review Committee must hold an initial hearing on the application. The UpTown District Architectural Review Committee, at the initial hearing, may delay a determination on the application and may impose a waiting period of at least 30 days and not longer than 9 months upon a finding that the structure is of value to the UpTown District and that alternatives to demolition may be feasible and should be actively pursued by both the UpTown District Architectural Review Committee and the applicant. This finding may include written recommendations to the applicant.

Exhibit “A” (cont’d)

- H. Upon the imposition of a waiting period, the UpTown District Architectural Review Committee must undertake meaningful and continuing discussions during the waiting period in order to find a means of preserving the structure.
 - 1. The UpTown District Architectural Review Committee and applicant must investigate the feasibility of all means of preserving the structure. During this period the UpTown District Architectural Review Committee and the applicant must make every reasonable effort to find a demolition alternative for that structure.
 - 2. If the UpTown District Architectural Review Committee and applicant do not agree on a means of preserving the structure at the initial meeting, then they must continue to undertake meaningful and continuing discussions at least every 30 days after the initial meeting. During these meetings, the UpTown District Architectural Review Committee must give written notice to the applicant when the UpTown District Architectural Review Committee believes that the structure may be saved if the applicant agrees to a longer waiting period.
- I. The UpTown District Architectural Review Committee may develop its own information on the Economic Hardship Standards and Criteria, and this information must be made part of the record on the application.
- J. The UpTown District Architectural Review Committee must announce at the initial public hearing that further evidence or documentation from any interested party may be made part of the record by submitting such information to the Planning Director by a date certain. These materials may include one or more plans for an alternative to demolition prepared by concerned organizations or individuals. The Planning Director must transmit any such information received to the UpTown District Architectural Review Committee and the applicant.
- K. When the demolition application is first received, the UpTown District Architectural Review Committee must seek the help of neighborhood leaders and suggest that they and the UpTown District Association work together on developing an alternative to demolition. The UpTown District Architectural Review Committee shall arrange one or more meetings between the applicant and any organizations and individuals working on an alternative to demolition.
- L. The UpTown District Architectural Review Committee may cause to be established a three-person economic review panel. The review panel will be comprised of three real estate and redevelopment experts knowledgeable in the economics of renovation, redevelopment and other aspects of rehabilitation.
 - 1. The panel will consist of one person selected by the UpTown District Architectural Review Committee, one person selected by the applicant and one person selected by the first two appointments. If the first two appointments cannot agree on a third person, the third appointment will be selected by the Planning Director.

Exhibit “A” (cont’d)

2. Within 60 days after the economic review panel is established and before the end of the 6th month of the waiting period, the panel must review the evidence and complete an evaluation of the economic return issue, applying the standards and criteria set forth in the Economic Hardship Standards and Criteria. It must forward a written report on this evaluation to the UpTown District Architectural Review Committee.
- M. If, after reviewing all of the evidence, the UpTown District Architectural Review Committee finds as follows below, then the UpTown District Architectural Review Committee must approve the request, conditionally or otherwise. If the UpTown District Architectural Review Committee finds that the standards, criteria, and requirements are not satisfied, the request will be denied. The UpTown District Architectural Review Committee must find that:
1. The standards and criteria set forth in the Economic Hardship Standards and Criteria are satisfied;
 2. And there is no feasible alternative to demolition, per the requirements of paragraph C above.
- N. If the applicant or a representative fails to meet with the UpTown District Architectural Review Committee at the times specified, or to participate in a meeting arranged by the UpTown District Architectural Review Committee, then the UpTown District Architectural Review Committee may deny the request.
- O. During the waiting period, the owner of such structure must maintain or mothball the structure to prevent further deterioration. If the request for a demolition is denied, the applicant must develop a program for continuing maintenance for the structure to ensure that the deterioration of the structure is not caused by the neglect of the structure by its owner or by a tenant. Such program must address the condition of the structure, the money currently available for repairs and maintenance, and any funds or in-kind assistance that may be available from interested third parties.
- P. After holding good faith meetings pursuant to paragraph G above for 6 months into the waiting period specified by the UpTown District Architectural Review Committee, or any time thereafter, the applicant may appeal to the Plan Commission for a determination pursuant to Section B through Section F.
- Q. After each demolition of a landmarked structure or within a historic district, the UpTown District Architectural Review Committee must prepare a brief report on that structure giving the reasons why the demolition took place. The report must be given to the Plan Commission and interested neighborhood organizations. At the end of each year the UpTown District Architectural Review Committee must prepare a report summarizing the demolitions that year and the reasons for these demolitions. These summaries must be given to the Mayor, City Council, the Plan Commission and interested neighborhood organizations.

Exhibit “A” (cont’d)

1103.1618 Demolition Appeals

- A. Decisions concerning demolitions by the UpTown District Architectural Review Committee may be appealed by the applicant or any other interested person to the Plan Commission, in writing, within 7 days of the UpTown District Architectural Review Committee hearing provided for in Initial Hearing Procedures.
- B. The Plan Commission will consider an appeal filed pursuant to this Section within 30 days of receipt of notice of appeal, and must utilize the written findings of that UpTown District Architectural Review Committee to review economic, historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its cultural importance to the City. A majority vote of the Plan Commission is required to overturn a decision of the UpTown District Architectural Review Committee.
- C. In cases involving denial of an application for demolition pursuant to Demolition Hearing Procedures, the UpTown District Architectural Review Committee and the applicant must present such evidence as will be relevant to the conditions set forth in Demolition Hearing Procedures and Economic Hardship Standards and Criteria and must further present evidence upon the efforts made, if any, to find a feasible and prudent alternative to demolition during the pendency of the appeal.
 - 1. In such cases, the Plan Commission may, in its discretion, and to facilitate the production of the evidence contemplated herein, defer its final decision to a date no later than 9 months from the initial UpTown District Architectural Review Committee hearing.
 - 2. The Plan Commission may direct the applicant and the UpTown District Architectural Review Committee to continue discussions as provided for in Demolition Hearing Procedures (G) for the balance of the waiting period.
- D. Decisions by the Plan Commission will be deemed final administrative orders for appellate purposes and will be thereafter regulated by Revised Code Chapter 2506.
- E. No building permit, or other permit necessary for the activity applied for, including environmental changes, may be issued, or if issued will be valid, during the appeal time provided in Section A, during the pendency of a timely-filed appeal before the Plan Commission, or during the time prescribed in Revised Code Chapter 2506 for an appeal of a decision of the Plan Commission

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GENERAL INFORMATION

Subject

- Request - Minor Site Plan Review for a new medical office building and parking lot
- Location - 4248 Secor Road
- Applicant - Secor Reality, LLC
C/O: Binod Thakur, M.D.
9308 Tranquil Breeze Lane
Sylvania, OH 43560
- Architect - Hales Architecture and Planning
C/O: Walter J. Hales, AIA
3601 West Alexis Road, Suite 200
Toledo, OH 43623
- Attorney - Gressley, Kaplin and Parker
C/O: Jerome R. Parker, Esq
One Seagate Center #1645
Toledo, OH 43604

Site Description

- Zoning - RS6, CR / Single Family Residential, Regional Commercial
- Area - ± 1.18 acres
- Frontage - ± 123' along Secor Road
- Existing Use - Undeveloped Lot
- Proposed use - Medical Office Building

Area Description

- North - Knights of Columbus / CR, RS6
- South - Commercial Building, Single Family Dwellings / CR, RS6
- East - Elmhurst Park / POS
- West - Toledo Clinic / CO

GENERAL INFORMATION (cont'd)

Parcel History

- Z-3005-15 - Request for a Zone Change from CR Regional Commercial and RS6 Single Family Residential to CO Office Commercial, Plan Commission recommended approval subject to the approval of a site plan on 8/14/15.
- S-13-00 - Preliminary Plat subdividing the parcel into five (5) residential lots, disapproved by Plan Commission on 6/13/00.
- V-796-99 - Request for a Vacation of the portion of Crary Drive between lots 3 and 4 located north of Corydon Drive. Request was withdrawn.
- V-36-99 - Request for a Vacation of the portion of Vogel Drive between lots 1 and 32 located north of Corydon Drive, Plan Commission recommended disapproval on 8/31/00, disapproved by City Council on 10/18/00.

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Minor Site Plan review for a new medical office building and parking lot located at 4248 Secor Road. The ±1.18 acre site consists of four (4) parcels that are zoned CR Regional Commercial and CO Office Commercial. The entire site is undeveloped and lies between a residential neighborhood to the south and a commercial property to the north. The development site is comprised of four (4) parcels: 4248 Secor Road (parcel #18-86251 and 18-86247), 4242 Secor Road (parcel #18-86271), and 4250 Secor Road (parcel #18-86244). A Zone Change from CR Regional Commercial and RS6 Single Family Residential to CO Office Commercial for 4248 Secor Road (parcel #18-86251) was recently approved, subject to the review and approval of a commercial site plan.

STAFF ANALYSIS (cont'd)

The applicant, Secor Reality LLC, is proposing to construct a new 11,000 square foot medical office building and associated parking lot. A stub portion of Vogel Drive lying north of Corydon Drive and a stub portion of Crary Drive north of Corydon Drive dead-end into the site. A two (2') foot wide no-access easement exists at the northerly edge of both street stubs and access can only be gained through a dedication of a ten (10') right-of-way to the City of Toledo, which would in effect remove the no-access easement. If the Zone Change and medical office development are approved, these right-of-ways cannot be used to access the site. An arrangement between the applicant and concerned residents was proposed that involves the preservation of a forested area located at the east of the site. Additionally, the attorney stated on record a willingness to vacate the aforementioned stub streets and donate the land to the abutting property owners. The applicant also indicated that a Zone Change application will be submitted for the three (3) parcels fronting along Secor Road, from CR Regional Commercial to CO Office Commercial.

Parking and Circulation

Chapter §1107 of the Toledo Municipal Code outlines the standards and regulations of off-street parking. TMC§1107.0304 – Parking, Loading, and Access: Schedule A, requires medical offices to provide one (1) parking space for every two-hundred (200) square feet of building area. Calculations conclude that a total of fifty-five (55) parking spaces, including three (3) designed and designated for persons with disabilities, are required. The site plan submitted depicts exactly fifty-five (55) parking spaces and is in compliance with this section of the Toledo Municipal Code.

Landscaping and Screening

A minimum fifteen (15') foot wide frontage greenbelt is required along Secor Road. At least one tree must be provided for every thirty (30') feet of lot frontage or fraction thereof. Trees are not required to be evenly spaced and may be clustered. Interior parking lot landscape standards require landscaped terminal islands to be provided at the end of each parking row. Additionally, a Type A landscape buffer is required along the portion of the southern property line that abuts the residential zoning and along the eastern property line that abuts the parks and open space zoning. Finally, foundation plantings are required along all major building entrances and along all portions of the building that are visible from the right-of-way. Although the frontage greenbelt and Type A landscape buffer areas are shown on the site plan, a formal landscape plan depicting the location of, and material type of the plantings to be used shall be submitted to the Planning Director for review and approval .

STAFF ANALYSIS (cont'd)

Design Standards

To minimize the impact of the adjacent residential neighborhood, the commercial building will utilize a building design and façade materials that compliment the character of the residential neighborhood to the south. The structure will be a total of twenty-six (26') feet tall from grade level to peak of roof. TMC§1109.0500 – Building Façade Material and Colors, establishes façade materials and colors to be used with building design standards. Building materials consist of a brick base, a cement board siding middle, and an asphalt shingled roof. The elevations show the use of materials that are in compliance with the Toledo Municipal Code.

The commercial design standards of Toledo Municipal Code Chapter 1109 are intended to promote a base level of quality architecture in scale, color, and materials that will allow a project to blend into its setting and build upon the existing character of an area. The one (1) story building reduces the mass of the building through subtle wall articulations and changes in texture. A well defined base, middle, and top of the building are implemented to enhance the relation to human scale. The primary building entrances are recessed in order to avoid the effect of a long, single massive wall plane and further relate the mass of the building to the human scale. These design elements are in compliance with the required standards of the TMC Chapter 1109.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve SPR-30-15, a request for a Minor Site Plan review for a new medical office building and associated parking lot located at 4248 Secor Road and, for the following two (2) reasons:

1. The proposed development is similar to existing land uses in the general vicinity; (TMC§1111.0606.B 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).

STAFF RECOMMENDATION (cont'd)

The staff further recommends that the Toledo City Plan Commission approve SPR-30-15, a request for Minor Site Plan review to facilitate a new medical office building and associated parking lot a at 4248 Secor Road, subject to the following forty-six (46) 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, Toledo Municipal Code, and 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 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.** Existing drive approaches, including the curb drop that will no longer be utilized, shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

Contact Scott Bishop at (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. Contact the City of Toledo Fire Prevention Bureau to determine the fire protection requirements for this site.
7. Contact the Division of Water Distribution to determine the backflow prevention requirements for this site.
8. Existing water services to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

9. Plans for water services 4-inches in diameter and larger shall be submitted to the Division of Engineering Services for review and approval.
10. Maintain 10 feet of horizontal clearance between proposed water service and sanitary or storm sewers. Maintain 4 feet of horizontal clearance between proposed water service and any other underground utility. Maintain 18 inches of vertical clearance between proposed water service and sanitary or storm sewers. Maintain 12 inches of vertical clearance between proposed water service and any underground utility.
11. New fire, domestic, and irrigation taps will be installed by City of Toledo at the owner's/developer's expense.
12. Plans for the water service shall be submitted to and approved by the Ohio EPA prior to starting construction of the water service.
13. Plans submitted indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Storm Water Pollution Prevention Plan, and plans for storm-water service for this project shall be submitted to the Division of Engineering Services for storm-water review & approval.
14. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <http://toledo.oh.gov/services/public-utilities/div-engineering-services/plan-review-process/>, including the requirements for storm-water detention and post-construction storm-water Best Management Practices (BMPs).
15. Plans are also 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 Toledo-Lucas County Plan Commissions; the City of Toledo Infrastructure Design and Construction requirements; and "The Comprehensive Ditch Plan."
16. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs). All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.
17. 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 may be eligible for a percent reduction in the property's storm-water utility fee through the Storm Water Credit Program.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

18. A site specific Storm Water Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Storm Water NPDES permit.
19. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
20. No construction work, including any earth disturbing work, will be permitted without approved plans and inspection.
21. A pre-submittal meeting is not required; however, one may be requested. Contact Information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Sanitary Sewers: Mike Elling, ph. 419-936-2276
Storm-water Drainage: Lorie Haslinger, ph. 419-245-3221;
Andy Stepnick 419-245-1338
Water: Andrea Kroma, ph. 419-936-2163
Roadway: Tim Grosjean, ph. 419-245-1344
22. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
23. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
24. 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.
25. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
26. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

Sewer and Drainage Systems

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

STAFF RECOMMENDATION (cont'd)

Sewer and Drainage Services (cont'd)

28. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Fire Prevention

29. Building address numbers are required on the street side of the structure. Address numbers shall be 4" high x ½" wide minimum and contrast with the color of exterior finish.

Building Inspection

30. The construction of any new structure, or addition / alteration to any existing building, and/or parking lot will require construction documents stamped by a design professional to be submitted to the Division of Building Inspection for plan review and approval. Construction documents must show that the new structure, addition or alterations will be in compliance with the building, mechanical and fire codes of the City of Toledo, and, by referenced authority, those of the State of Ohio. Construction must also comply with federal ADA regulations.
31. Any signs on the building of the site, will require a separate plan review and permit(s) in accordance with the City of Toledo's sign Codes (Toledo Municipal Code §1113 and §1377 – §1395).
32. Any fence screening will require a Certificate of Zoning Compliance, issued by the Division of Building Inspection.

Economic Development

No comments or objections.

33. All unused existing curb cuts and drive aprons shall be removed and replaced with curbing, sidewalk and/or grass as appropriate per City of Toledo Standards.

Plan Commission

34. Applicant shall apply for the Zone Change of the three (3) parcels fronting along Secor Road from CR Regional Commercial to CO Office Commercial before permits are granted.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

35. Applicant shall work with the neighbors to vacate Vogel Drive and Crary Drive.
36. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks **(acceptable as depicted on the site plan)**.
37. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces overhanging a pedestrian walkway or sidewalk and when adjoining a building.
38. Off-street parking and loading, spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust free material other than gravel or loose fill, and be graded to drain all surface water towards the interior parking lot (TMC§1107.1906).
39. Buffers or landscape screening areas that are part of the stormwater runoff system must comply with the City's stormwater discharge control policies pursuant to Chapter 941 of the Streets, Utilities and Public Services Code as administered by the Department of Public Utilities.
40. 4248 Secor Road (parcel #18-86251 and 18-86247), 4242 Secor Road (parcel #18-86271), and 4250 Secor Road (parcel #18-86244) shall be combined into one taxable identification number.
41. Predominate exterior building materials shall be high-quality materials. For facades visible from the public right-of-way, predominate materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. **(Elevations show compliance)**
42. 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 **(compliance to be determined)**.
43. A detailed site, lighting, sign, fencing and three (3) landscape plans shall be submitted, separate from Building Plans, to the Plan Director for review and approval. Such plan shall include:
 - a. A frontage greenbelt shall be provided along the street or place right-of-way and shall be a minimum fifteen (15') foot wide;

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- b. At least one tree must be provided in the frontage greenbelt for every 30 feet of lot frontage or fraction thereof;
 - c. Greenbelt frontage landscaping shall provide a minimum of one shrub for every 3 to 5 feet of frontage;
 - d. A Type A landscape buffer is required along the portion of the southern property line that abuts the residential zoning and along the eastern property line that abuts the parks and open space zoning. The landscape buffer shall consist of ten (10') foot wide landscaped strip and a six (6') to eight (8') foot tall board on board or vinyl fence.
 - e. Landscaped terminal islands must be provide at the end of each parking row;
 - f. Foundation plantings at all major building entrances and for portions of the building that are visible from the public right-of-way;
 - g. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground areas must be covered with hardwood mulch, grass or other vegetative ground cover;
 - h. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Material Standards;
 - i. The location and direction of any proposed lighting. Lights and light fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect the light away from any adjacent residential property and away from the sky above the light fixture;
44. 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 Commission of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.
45. Minor adjustments to the site plan that do not violate the above conditions or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

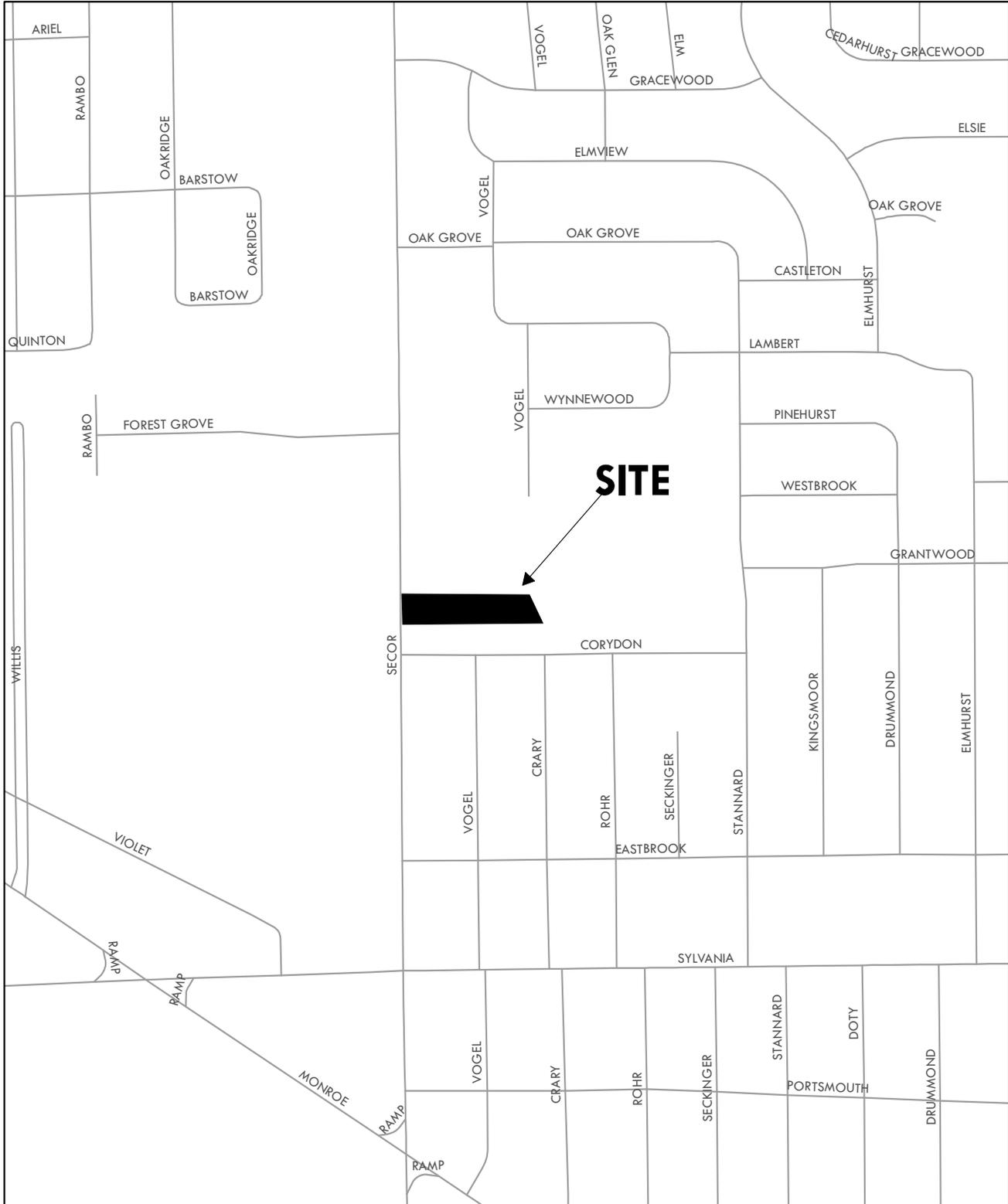
46. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions set forth above.

MINOR SITE PLAN REVIEW
TOLEDO CITY PLAN COMMISSION
REF: SPR-30-15
DATE: September 10, 2015
TIME: 2:00 P.M.

GP/
Four (4) sketches follow

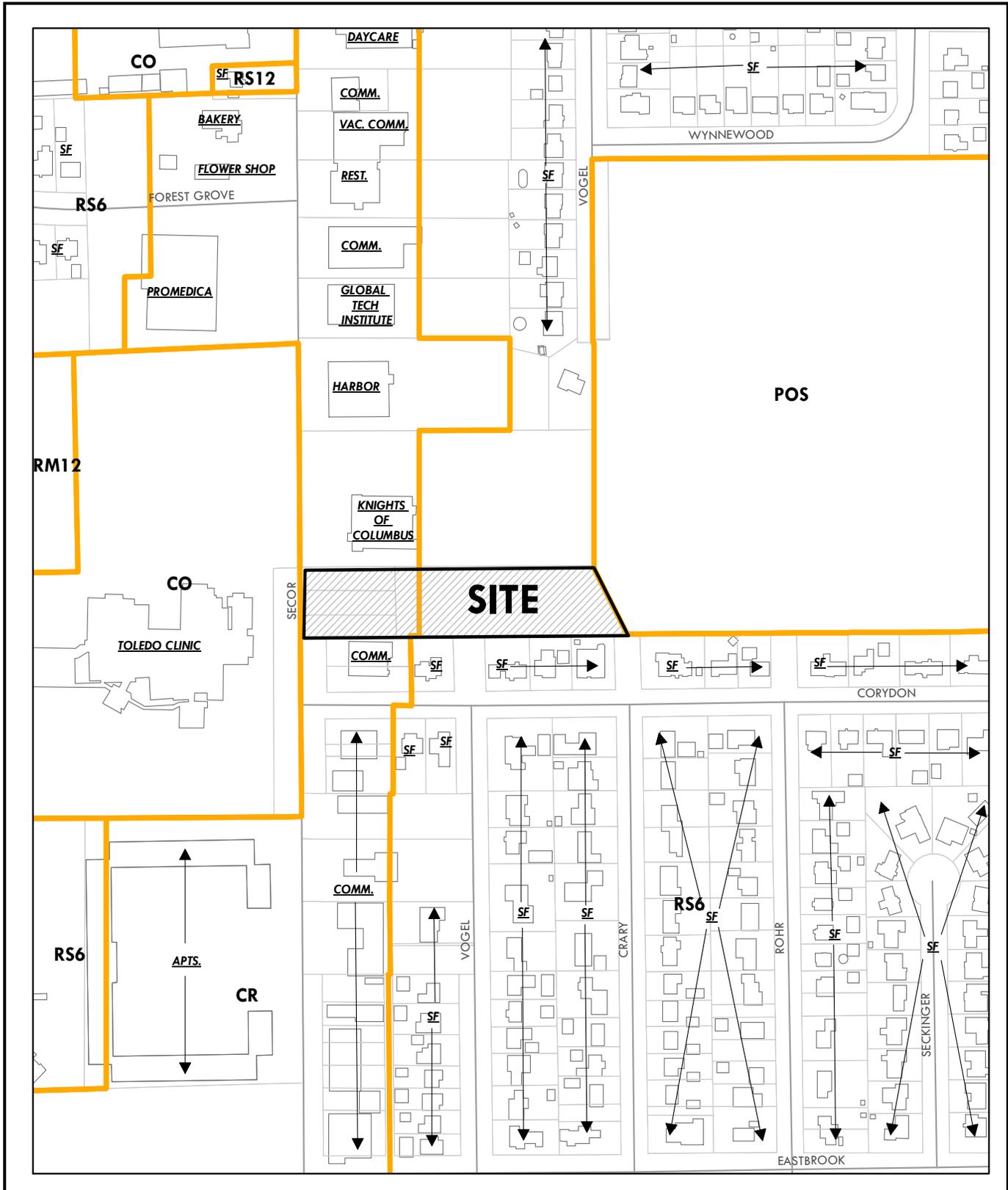
GENERAL LOCATION

SPR-30-15
ID 49



ZONING & LAND USE

SPR-30-15
ID 49



ELEVATION

SPR-30-15
ID 49

6-15



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



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

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



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

MINOR SITE PLAN REVIEW
4248 SECOR ROAD
PART OF THE N 1/2 OF THE W 1/2 OF THE S 15
ACRES OF THE N 1/2 OF THE SW 1/4 OF SEC 17, T9S,
R7E IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO



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GENERAL INFORMATION

Subject

- Request - Special Use Permit for an expansion of an existing used auto sales lot
- Location - 832, 834 & 836 Woodville Road
- Applicant - Al Tawil
4664 Brown Road
Oregon, OH 43616
- Engineer - Bryan Ellis, P.E, P.S.
Glass City Engineering & Surveying, LLC.
2001 River Road
Maumee, OH 43527

Site Description

- Zoning - CR Regional Commercial
- Area - ± 0.66 acres
- Frontage - ±318' on Woodville Road
±156' on Berry Street
- Existing Use - Used Auto Sales Lot & Mixed Residential
- Proposed Use - Used Auto Sales Lot
- Parking Required - 4 total required spaces (1 per 5,000 square feet of open sales area (~8,000 sq ft) plus 1 per 500 square feet of enclosed sales area (1,000 sq ft), plus 1.5 per service bay (0 service bays))
- Parking Provided - 4 spaces

Area Description

- North - Regional Commercial / CR
- South - Mixed Residential / RD6
- East - Regional Commercial / CR
- West - Regional Commercial, Mixed Residential / CR, RD6

Parcel History

None on record

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 Special Use Permit to expand an existing used auto sales lot to 832, 834 & 836 Woodville Road. The overall site is irregular in shape and has frontage on Woodville Road and Berry Street. The current site contains three (3) single-family homes that will be razed prior to being graded and paved.

The parent used auto sales lot was established in 2003 and has operated as a used auto sales lot ever since. The current applicant purchased the subject property with intentions to expand the existing used auto sales lot resulting in a total of four (4) lots fronting on Woodville Road. Surrounding land uses include a mixture of single and multi-family homes immediately behind the subject property with Regional Commercial land uses abutting the subject property along Woodville Road.

Used Auto Regulations

TMC§1104.0300 – *Auto and RV Sales, Used Only* outlines site design criteria for used auto sales facilities. Included are criteria governing minimum lot size and frontage. Used auto sale facilities shall be located on a lot with no less than one-half (1/2) acre and have a minimum average width of 150 feet along the main road frontage. The site plan submitted is in compliance with these regulations.

Site plans for used automobile and recreational vehicle sales shall be delineated, with dimensions, parking areas and drive aisles for the outdoor display area and customer/employee parking area. Used vehicle inventory shall only be displayed, parked or located within areas approved and defined on the plan. Required customer/employee parking may not be used for used vehicle inventory (TMC§1104.0308). The site plan submitted is in compliance with this regulation.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Schedule A, a used auto and recreational vehicle sales/rental facility is required to have one (1) parking space per every 5,000 square feet of open sales area, plus one (1) parking space per every 500 square feet of enclosed sales area, plus one and one half (1.5) per every service bay. The site plan depicts 48 open sales parking spaces totaling 7,776 square feet and requires two (2) customer parking spaces.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

Calculations using the square footage of enclosed sales area conclude that a total of two (2) customer spaces are required. The site plan depicts a total of four (4) parking spaces and complies with the number of required parking spaces. However, comments from the Division of Transportation require that parking stalls in the northeast and southeast corners of the expansion shall not be allowed due to inadequate maneuverability.

Landscaping

Due to the project being an expansion of an existing site, landscape requirements apply only to the expansion portion of the site. A fifteen (15') foot frontage greenbelt is required along Woodville Road. The frontage greenbelt shall include a solid evergreen hedge along Woodville Road frontage to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Low, undulating (horizontal and vertical) earth berms or decorative stone or brick walls (no concrete block), or ornamental metal fencing or combinations thereof may also be approved by the Planning Director. The site plan submitted is in compliance with TMC§1108.0202.

A Type A landscape screen and buffer will be required along the southwest property line of the site that abut the adjacent residentially zoned properties. Said screen and buffer shall consist of a solid six (6') feet to eight (8') tall fence or wall and a ten (10') foot wide landscape buffer abutting the screening. Fencing is to be installed so that the smooth/flush side faces away from the development site. Additionally, staff will require a ten (10') foot perimeter landscaping buffer between the eastern property line and the parking lot.

The applicant is requesting landscape waivers. These waivers include a reduction of the required fifteen-foot (15') frontage greenbelt along Woodville Road to five-feet (5') and a five-foot (5') reduction of the required ten-foot (10') perimeter landscaping buffer between the property line and parking lot. Staff is not supportive of these waivers because there is no demonstrated hardship. Landscaping is integral to protecting residential uses and improving commercial development.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial land uses. This portion 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. 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-7006-15, a Special Use Permit for the expansion of a used car lot located at 832, 834 & 836 Woodville Road, to Toledo City Council for the following three (3) reasons:

1. The request is consistent with The Toledo 20/20 Comprehensive Plan (TMC 1111.0606.A 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
3. 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);

The staff recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the waiver requested for the expansion of an existing used car lot operation located at 832, 834 & 836 Woodville Road:

Chapter 1108 Landscaping and Screening

Sec. 1108.0202 Frontage Greenbelt – B. Requirements

Disapprove a waiver of 10' of the 15' frontage greenbelt, to allow a 5' frontage greenbelt along Woodville Road because there is no demonstrated hardship.

Sec. 1108.0204 Parking Lot Landscaping - B. Area and Dimensional Standards - 9 (a)

Disapprove a waiver of 5' of the required 10' perimeter landscaping because there is no demonstrated hardship.

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-7006-15, a Special Use Permit for an expansion of an existing used car lot located at 832, 834 & 836 Woodville Road to the Toledo City Council subject to the following thirty-seven (37) 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)

Division of 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 and/or upgraded to conform to current City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and 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 and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

5. Existing water services to structures removed from the site will be abandoned by the City of Toledo at the owner's expense.
6. Plans submitted indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Storm Water Pollution Prevention, and plans for storm-water service for this project shall be submitted to the Division of Engineering Services for storm-water review & approval.
7. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <http://toledo.oh.gov/services/public-utilities/div-engineering-services/plan-review-process/>. Since this project is located in a combined sewer area a post-construction storm-water best management practice (BMP) is not required, however storm-water detention and the use of construction BMPs (silt fences, catch basin protection, etc.) still apply.

STAFF RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

8. Plans are also 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 Toledo-Lucas County Plan Commissions; City of Toledo Infrastructure Design and Construction requirements; and “The Comprehensive Ditch Plan.”
9. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs).
10. 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 may be eligible for a percent reduction in the property’s storm-water utility fee through the Storm Water Credit Program.
11. A site-specific Storm Water Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Storm Water NPDES permit.
12. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
13. No construction work, including grading, will be permitted without approved plans and inspection.
14. A pre-submittal meeting is not required; however, one may be requested. Contact Information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Sanitary Sewers: Mike Elling, ph. 419-936-2276
Storm-water Drainage: Lorie Haslinger, ph. 419-245-3221;
(Andy Stepnick 419-245-1338)
Water: Andrea Kroma, ph. 419-936-2163
Roadway: Tim Grosjean, ph. 419-245-1344
15. 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.

STAFF RECOMMENDATION (cont'd)

Sewer & Drainage Services

16. Recommend that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
17. Recommend that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

Comments not received at time of print.

Building Inspection

18. Demolition of any existing buildings will require a demolition permit issued from the City of Toledo through its Division of Building Inspection requiring termination of all utilities. Documentation from Columbia Gas and Toledo Edison/Energy One must be provided to Building Inspection that this has occurred. If the existing water and sewer taps are to be re-used, the applicant/contractor must identify this to the Department of Public Utilities and secure their release for the demolition permit to be processed and issued.
19. Construction of new buildings or a parking lot, or alterations and additions to existing structures, will require construction documents stamped by a licensed design professional to be submitted to the Division of Building Inspection for review and approval showing the construction to be in compliance with the City of Toledo's building, mechanical and fire codes and, by referenced standards, those of the State of Ohio. Plans must identify the correct building type, 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 Ohio Building Code Chapter 106.
20. Any signs on the building on the site, will require a separate plan review and permit(s) in accordance with the City of Toledo's sign codes (Toledo Municipal Code §1377 - §1395).
21. Any fence screening will require a Certificate of Zoning Compliance, issued by the Division of Building Inspection.

STAFF RECOMMENDATION (cont'd)

Division of Transportation

22. 25' wide access drive aisles shall be maintained throughout the site to accommodate two-way traffic as per TMC 1107.
23. The parking stalls in the northeast and southeast corners shall not be allowed due to inadequate maneuverability.

Division of Economic Development

No concerns or objections.

Plan Commission

24. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks (**not depicted on Site Plan**).
25. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
26. All lots of the development site shall be combined into a single taxable parcel identification number.
27. 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. (TMC§1104.0302(A)) (**if applicable**).
28. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
29. All vehicles on display must be parked in striped parking spaces that shall be designated on an approved Site Plan. Vehicle parking that deviates from the approved Site Plan shall not be permitted.
30. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

31. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)).
32. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.
33. If the existing sales building is rebuilt or modified in the future, the building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. EIFS may not constitute more than 15% of the exterior for facades visible from the public right-of-way. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.
34. A detailed site, lighting, sign, fencing and three (3) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A fifteen foot greenbelt is required along the Woodville Road frontage, and shall include a solid evergreen hedge planting and one tree per every 30 feet of frontage; **shall be noted on revised landscaping plan.**
 - b. A Type A Landscape Buffer is required along the rear of the property where the site abuts residential zoning. This buffer shall include ten feet of landscaping and a solid wood, board on board fence; **acceptable as depicted on revised site plan.**
 - c. Interior site landscaping shall include one tree per 1000 square feet of building coverage. Greenbelt frontage trees are included in this total, minimum of 2 trees in the front and side yards. Interior site landscaping may consist of foundation shrub plantings and new tree planting or preservation of existing trees.
 - d. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances; **shall be noted on revised landscape plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- e. 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.
- f. All parking spaces must be within 100 linear feet of a landscaped area; **acceptable as depicted on revised site plan.**
- g. 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 revised site plan.**
- h. Topsoil must be back filled to provide positive drainage of the landscape area.
- i. 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; **shall be noted on revised landscaping plan.**
- j. Landscape terminal islands must be provided at the end of each parking row; **shall be noted on revised landscaping plan.**
- k. Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces, median shall be a minimum of 10' in width.
- l. 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); **shall be noted on revised landscaping plan.**
- m. 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; **shall be noted on revised landscape plan.**
- n. 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)

- o. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.
 - p. The location, height and materials for any fencing to be installed and maintained.
 - q. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - r. The location, lighting and size of any signs.
35. 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.**
36. 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.
37. 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.

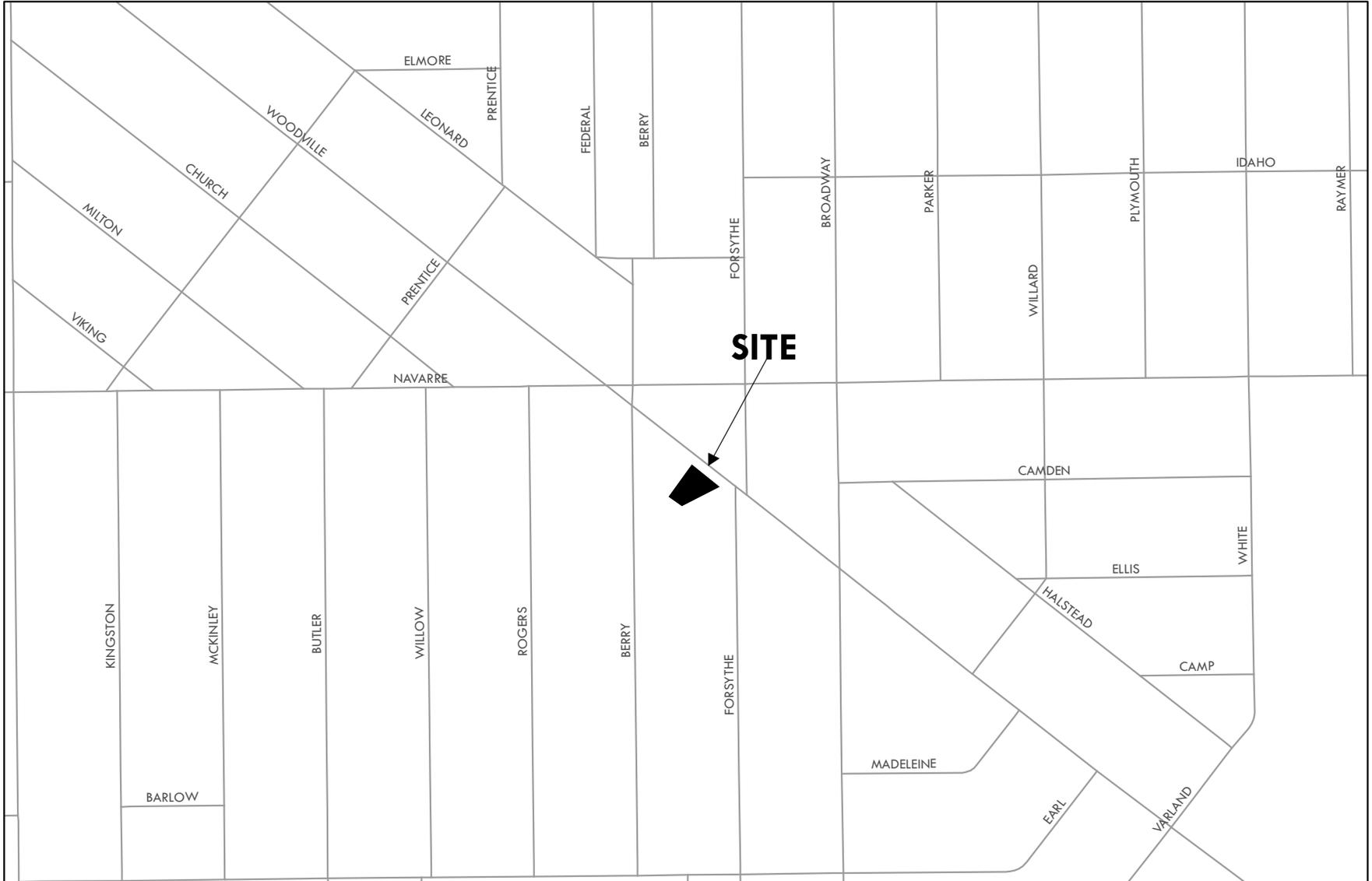
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-7006-15
DATE: September 10, 2015
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: October 14, 2015
TIME: 4:00 P.M.

RS
Four (4) sketches follow

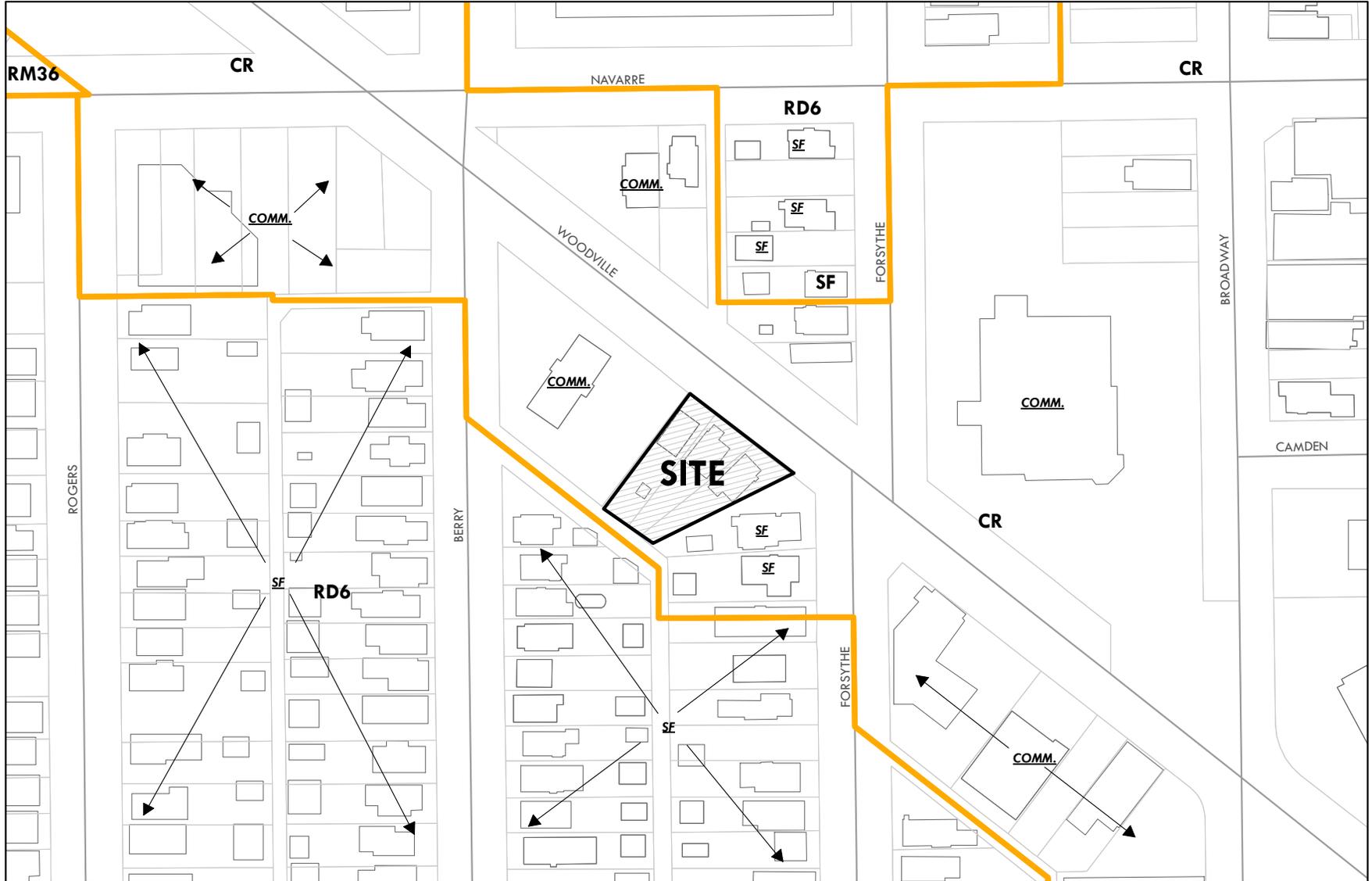
GENERAL LOCATION

SUP-7006-15
ID 30



ZONING & LAND USE

Z-7006-15
ID 30



EXISTING SITE PLAN

SUP-7006-15
ID 30



LOCATION MAP
SCALE 1:500

LEGAL DESCRIPTION FOR SITE

(14-04187: 832 WOODVILLE ROAD)
SOUTHEAST 4 FEET OF LOT 4 AND THE NORTHWEST 26 FEET OF LOT 5 OF MOSES SCOTT'S SUBDIVISION.
(14-04191: 834 WOODVILLE ROAD)
SOUTHEAST 4 FEET OF LOT 5 AND THE NORTHWEST 31 FEET OF LOT 6 OF MOSES SCOTT'S SUBDIVISION.
(14-04194: 836 WOODVILLE ROAD)
SOUTHEAST 44 FEET OF LOT 6 FRONTAGE BY THE SOUTHWEST 10 FEET REAR OF LOT 6 OF MOSES SCOTT'S SUBDIVISION.

PROPERTY INFORMATION

PROPERTY OWNER / DEVELOPER
SITE LOCATION:
832, 834 & 836 WOODVILLE ROAD, TOLEDO, OHIO 43605
PARCELS # 14-04187, 14-04178 & 14-04194 RESPECTIVELY
ZONING: CR WITH RESIDENTIAL USE
TOTAL ACRESAGE OF ALL FOUR PARCELS = 0.658 AC. > 0.50 AC. PER CODE
FRONTAGE ON WOODVILLE ROAD: 333.00' > 150' PER CODE

EXISTING SITE CONDITIONS:

ZONING: CR WITH RESIDENTIAL USE
AREA: 0.222 AC. # (THREE PARCELS)
CURRENT USE: RESIDENTIAL, LOT - TO BE DEMOLISHED

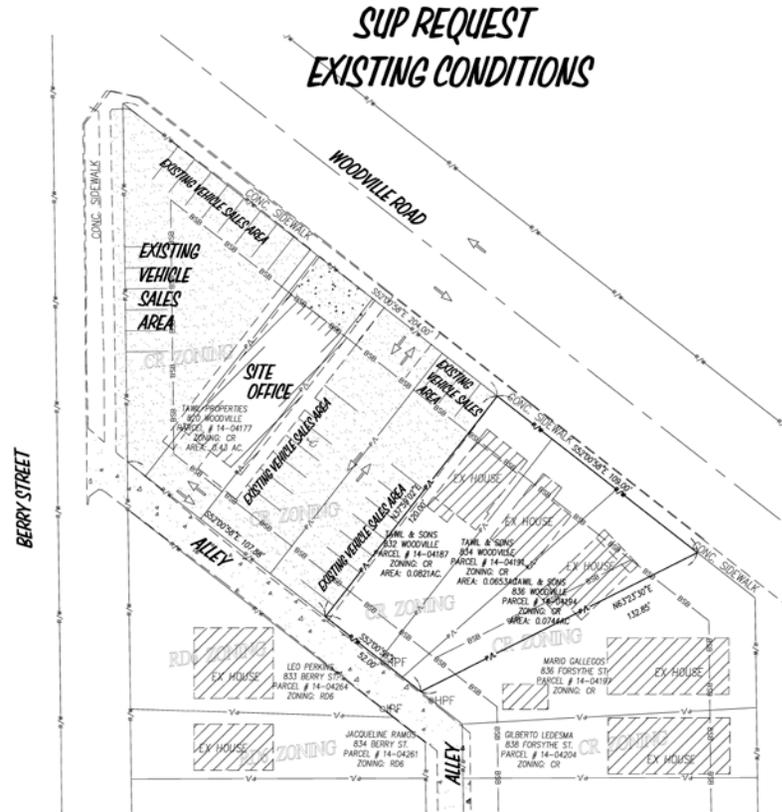
BUILDINGS SETBACKS:

BUILDING SETBACKS PER ZONING CODE IN CR ZONE (CODE 1106.010)
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: 45'
MAX. DWELLING LOT COVERAGE: 85%

PARKING SETBACKS:

PARKING SETBACKS PER ZONING CODE 1107.1202.P
PARKING SETBACK (FRONT): 15' (LESS THAN SAC)
PARKING SETBACK (FRONT): 25' WITHIN 50' OF RESIDENTIAL (LESS THAN SAC)
15' FROM ALL RS DISTRICTS

-  EXISTING ASPHALT AREA
-  EXISTING CONCRETE
-  EXISTING BUILDING
-  EASEMENT AREA



- LEGEND**
- x 854.33 EXISTING ELEVATION
 - [Symbol] PROPOSED ELEVATION
 - [Symbol] ACCESSIBLE PARKING STALL
 - [Symbol] FLOOD LIGHT
 - [Symbol] TRANSFORMER
 - [Symbol] STEEL POST
 - [Symbol] SANITARY CLEAN OUT
 - [Symbol] SANITARY MANHOLE
 - [Symbol] CATCH BASIN ROUND
 - [Symbol] CURB INLET
 - [Symbol] CATCH BASIN SQUARE
 - [Symbol] ELECTRIC OUTLET
 - [Symbol] STORM MANHOLE
 - [Symbol] FIRE HYDRANT
 - [Symbol] WATER MANHOLE
 - [Symbol] WATER VALVE
 - [Symbol] ELECTRIC MANHOLE
 - [Symbol] POWER POLE
 - [Symbol] LIGHT POLE
 - [Symbol] GUY WIRE
 - [Symbol] SNOW
 - [Symbol] MANHOLE
 - [Symbol] GAS TEST
 - [Symbol] GAS METER
 - [Symbol] GAS VALVE
 - [Symbol] PINE
 - [Symbol] TREE
 - [Symbol] MONITORING WELL
 - [Symbol] TRAFFIC MOVEMENT
 - [Symbol] PROPOSED OVERLAND FLOW
 - [Symbol] EXISTING OVERLAND FLOW
 - [Symbol] EXISTING CONTROL POINT

- CONVENTIONAL SIGNS**
- EXISTING NATURAL GAS G G
 - EXISTING FENCE F F
 - EX. SANITARY S S
 - EX. STORM ST ST
 - EX. WATERLINE W W
 - EX. TELEPHONE LINE (UNDERGROUND) T T
 - OVERHEAD LINES OHE OHE
 - UNDERGROUND ELECTRIC U U
 - PROPERTY LINE P P
 - RIGHT-OF-WAY LINE R R
 - PARKING SETBACK PSB PSB
 - BUILDING SETBACK BSB BSB

PLANS PREPARED BY:


BRYAN D. ELLIS
P.E. 70044



DATE: 7-20-15
ISSUED FOR: 1ST SUBMISSION
SHEET: 1 OF 1

GLAS CITY ENGINEERING & SURVEYING, LLC
2000 RIVER ROAD
MARIETTA, OHIO 43837
419-283-8362, FAX 419-539-9867
EMAIL: BLACKBIRD_1@MSN.COM

USED CAR SALES
CITY OF TOLEDO, LUCAS CO, OH
SITE CONDITIONS

DRAWN BY: BDE
JOB NUMBER: 15-02-1501
REVIEWED BY: BDE

SP-1/2

© Glass City Projects 3/2011-1/2015 - Overpass/VanVleet 7/26/2015 11:56:07 AM EDT

SITE PLAN

SUP-7006-15
ID 30



PROPERTY INFORMATION

PROPERTY OWNER / DEVELOPER

SITE LOCATION:
SIZE: 834 & 836 WOODVILLE ROAD, TOLEDO, OHIO 43605
PARCEL # 14-04187, 14-04178 & 14-14-04194 RESPECTIVELY
ZONING: CR WITH RESIDENTIAL USE
TOTAL ACRES OF ALL FOUR PARCELS = 0.658 AC. > 0.50 AC. PER CODE
FRONTAGE ON WOODVILLE ROAD: 313.00' > 150' PER CODE

EXISTING SITE CONDITIONS:

ZONING: CR WITH RESIDENTIAL USE
AREA: 0.222 AC. = THREE PARCELS
CURRENT USE: RESIDENTIAL LOT - TO BE DEMOLISHED

BUILDINGS SETBACKS:

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

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

PARKING SETBACKS:

PARKING SETBACKS PER ZONING CODE (CODE 1107.1202B)
PARKING SETBACK (FRONT): 15' (LESS THAN SAC)
PARKING SETBACK (FRONT): 25' WITHIN 50' OF RESIDENTIAL (LESS THAN SAC)
15' FROM ALL RESIDENTS

PARKING (CR ZONING)

REQUIRED PARKING - USED CAR 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: 8,200 SF (NEW), 15,400 SF (TOTAL)
15,000 SF / 5,000 SF = USE 3 SPACES
ENCLOSED SALES AREA: OFFICE SPACE = 1,000 SF
1,000 SF / 500 SF = USE 2 SPACES

TOTAL USED CAR PARKING REQUIRED: 4 SPACES

REQUIRED ACCESSIBLE PARKING BY ADA (CODE 108.06 OF ADA) WITH BUILDING ADDITION
TOTAL PARKING: 1 TO 25 = 1 ACCESSIBLE SPACE (11%) PER TABLE 208.2
MINIMUM 1 IN 6 ACCESSIBLE SPACES MUST BE VAN ACCESSIBLE (9.4%) (208.2.4 ADA CODE)
TOTAL = 1 VAN ACCESSIBLE SPACE

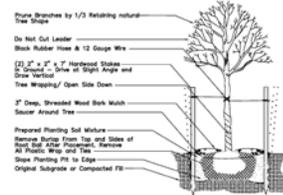
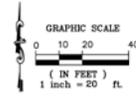
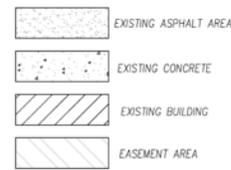
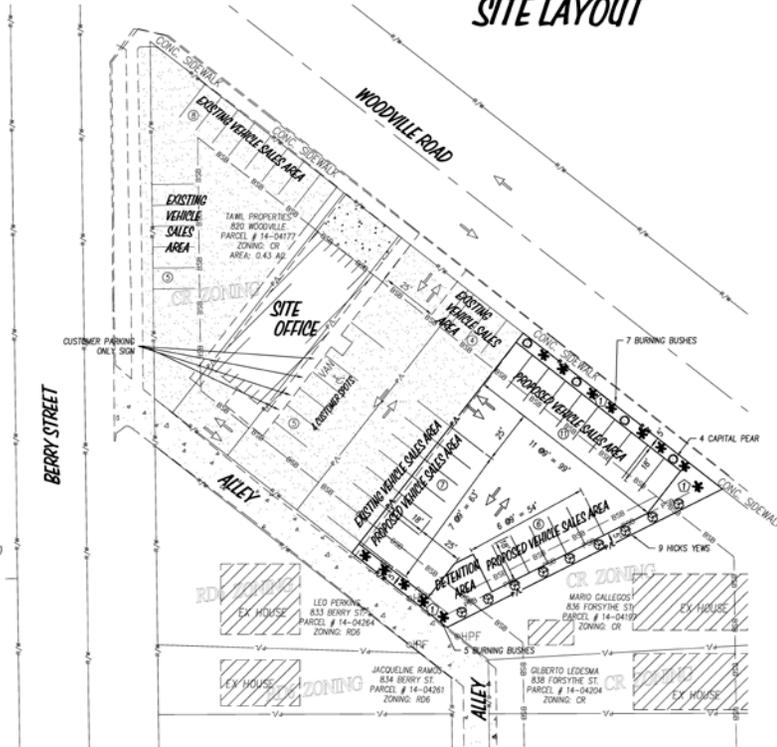
CUSTOMER PARKING REQUIRED

1 STANDARD SPACES + 1 VAN ACCESSIBLE = 4 TOTAL SPACES REQUIRED

CUSTOMER PARKING PROVIDED

1 STANDARD SPACES + 1 VAN ACCESSIBLE = 4 TOTAL SPACES EXISTING

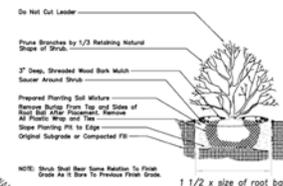
SUP REQUEST SITE LAYOUT



NOTE: Tree shall bear same Relation To Finish Grade As It Bore To Produce Final Shape.

TREE PLANTING DETAIL

NOT TO SCALE



NOTE: Shrub shall bear same Relation To Finish Grade As It Bore To Produce Final Shape.

SHRUB PLANTING DETAIL

NOT TO SCALE

- 1 LAWN AREA, FILL WITH TOPSOIL, MINIMUM DEPTH SHALL BE 6" TYPICAL. MEET ADJACENT SURFACES FLUSH. MOUND TO PROVIDE POSITIVE DRAINAGE ACROSS ALL SURFACES.
- 2 LANDSCAPE AREA, FILL WITH TOPSOIL, MINIMUM DEPTH SHALL BE 24" TYPICAL. MEET ADJACENT SURFACES FLUSH. MOUND TO PROVIDE POSITIVE DRAINAGE ACROSS ALL SURFACES.
- 3 REPAIR EXISTING LAWN AREAS DISTURBED BY CONSTRUCTION.

ISSUED FOR: SUP-7006-15

DATE: 7-20-15

1ST SUBMISSION

NO. 1

GLASS CITY ENGINEERING & SURVEYING, LLC
200 W. RIVER ROAD
TOLEDO, OHIO 43627
419-283-6562 FAX 419-539-8867
EMAIL: BLACKBIRD_1@MNSN.COM

USED CAR SALES
BY THE
CITY OF TOLEDO, LUCAS CO. OH
SITE CONDITIONS

DRAWN BY: BDK
JOB NUMBER: 1042-1501
REVISION: #1 03

SP-2/2

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7/27/2015 11:56:07 PM EDT

7 - 15

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GENERAL INFORMATION

Subject

- Request - Vacate a portion of a 14' alley running north-west & south-east between Walnut Street & Mark Street
- Applicant - Erma Sierra
727 Mark Street
Toledo, OH 43608

Site Description

- Zoning - "RM36" Multi-Dwelling Residential
- Area (total) - ± 0.037 Acres
- Dimensions - ± 14' x 111'
- Existing Use - Public Alley
- Proposed Use - Consolidate property

Area Description

- North - Multi-Dwelling Residential / RM36
- East - Multi-Dwelling Residential / RM36
- South - Institutional Campus / IC
- West - Multi-Dwelling Residential / RM36

Applicable Regulations

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

STAFF ANALYSIS

The property owner at 727 Mark Street has petitioned Toledo City Council to vacate the 14-foot wide alley immediately east of their property. The applicant is requesting the Vacation in order to eliminate vehicular traffic adjacent to the property and to extend the backyard. Should the Vacation request be approved the applicant intends to block off the alley just east of their single-family home.

The planning staff objects to the proposed Vacation because other property owners use the alley in order to access their garage or to exit the alley.

STAFF ANALYSIS (cont'd)

Furthermore, the Cherry Street Development Organization and Mercy St. Vincent Medical Center objects to the Vacation. St. Vincent's owns parcels immediately adjacent to the alley as well as other properties along Mark Street and Walnut Street which are accessed through the alley.

The residential property located at 2509 Walnut Street can only access their garage through the alley located off of Mark Street. If the Vacation would be approved, the property owners on Walnut Street would be restricted to one entry and one exit point to their property. Additionally, the Toledo 20/20 Comprehensive Plan supports the preservation of traditional neighborhoods, of which alleys are an integral part.

Staff is recommending disapproval of this right-of-way Vacation. However, review agency conditions are attached as EXHIBIT "A" for informational purposes.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission disapprove V-367-15, the request to vacate a portion of an alley running between Percy Street and Mark Street, to Toledo City Council for the following two (2) reasons:

1. The proposed Vacation will limit access for the remaining property owners within the block; and
2. The Toledo 20/20 Comprehensive Plan supports the preservation of traditional neighborhoods, of which alleys are an integral part.

ALLEY VACATIONS
TOLEDO CITY PLAN COMMISSION
REF: V-367-15
DATE: September 10, 2015
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: October 14, 2015
TIME: 4:00 P.M.

RS

Two (2) sketches and one (1) exhibit follow

GENERAL LOCATION

V-367-15
ID 8



ZONING & LAND USE

V-367-15
ID 8

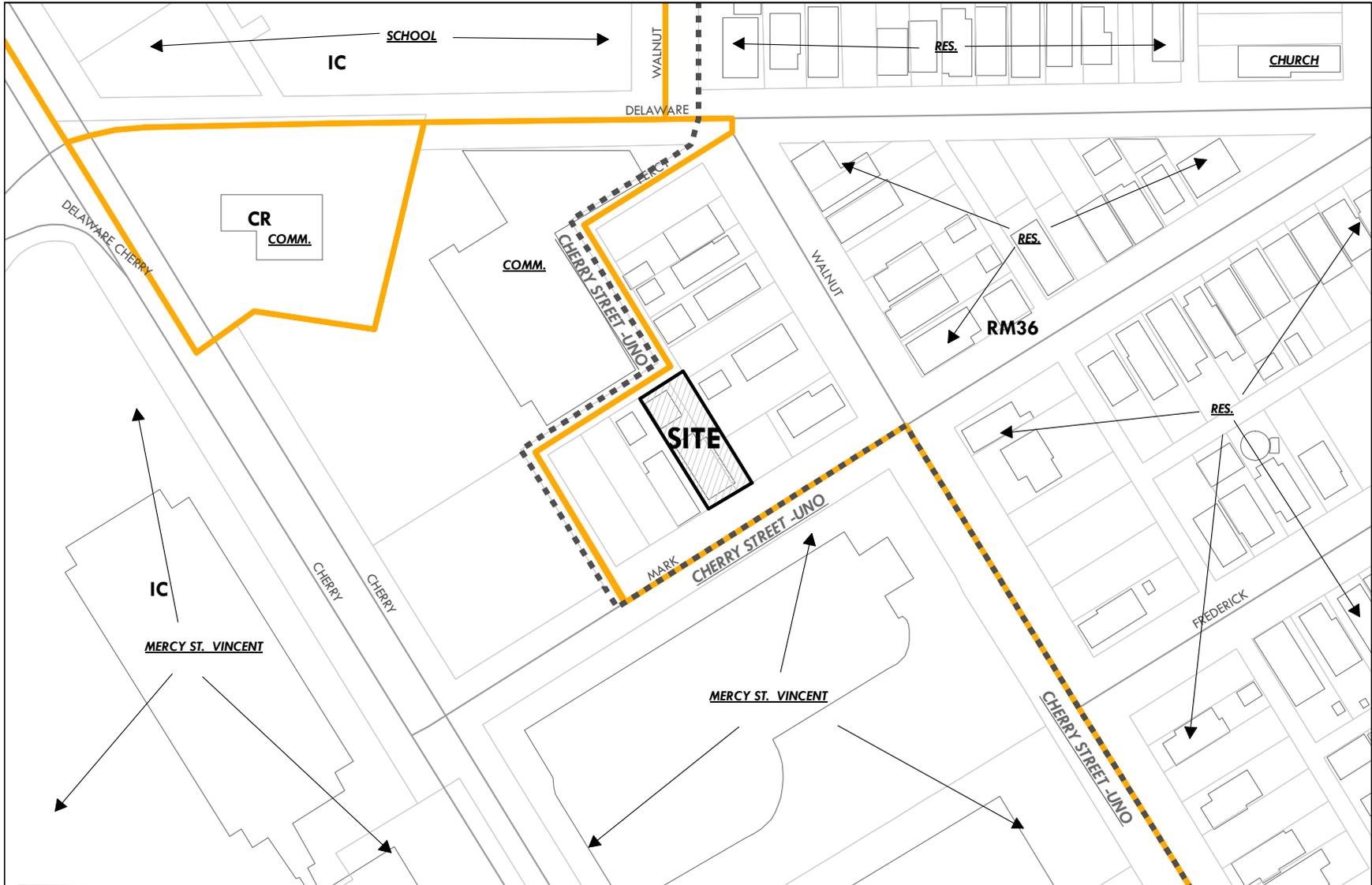


Exhibit "A"
REVIEW AGENCY CONDITIONS

The following one (1) condition is listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

Conditions not available at time of print.

Sewer & Drainage Services

Conditions not available at time of print.

Division of Transportation

1. All affected and adjacent property owners shall agree to the vacation.

Plan Commissions

No comments or objections.

Fire Department

Conditions not available at time of print.

Economic Development

Conditions not available at time of print.

Streets Bridges and Harbors

No comment or objections.

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GENERAL INFORMATION

Subject

- Request - Major Site Plan Review for a Truck Sales and Service Facility
- Location - 5022 – 5825 Suder Ave
- Applicant - GTH, LP
4300 N Broadway St
Muncie, IN 47303
- Engineer - George Oravec
Oravec & Associates, LLC
5333 Secor Road, Suite 2
Toledo, OH 43623

Site Description

- Zoning - IL Limited Industrial
- Area - ± 24.412 Acres
- Frontage - ± 940' along Alexis Rd
± 1,324' along Suder Ave
- Existing Use - Vacant Land
- Proposed Use - Truck Sales and Service Facility
- Proposed Parking - 121 Automobile Spaces, 13 Trailer Spaces,
114 Space Service Staging Area
- Required Parking - 90 Automobile Spaces

Area Description

- North - Church and Single Dwelling Residential / RS6
- South - Single Dwelling Residential / RS6
- East - School, Vacant Land and Single Dwelling Residential / R-1A (Washington Township)
- West - Interstate I-75 & Industrial Park / IL & IG

Parcel History

- Z-313-71 - Special Use Permit for a Hall & Meeting Facility (PC denied 2/17/72, CC deferred indefinitely 4/4/72)

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- Z-68-73 - Special Use Permit for a Hall & Meeting Facility (PC Approved 3/22/73, Ord 350-73, 4/17/73)
- Z-4079-94 - Request for zone change from R-2 Single-family Residential to R-3 Two-family Residential (PC approved 6/2/94, CC Denied 10/25/94)
- Z-9001-14 - Request for zone change from RS6 to IL Limited Industrial (PC disapproved 11/6/14, Appealed to CC approved 1/8/15, Ord. 15-15)
- SPR-39-14 - Major Site Plan Review for a Truck Sales and Service Facility (PC disapproved 11/6/14, Appealed to CC approved 1/8/15, Ord. 15-15)

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Major Site Plan Review for a truck sales and service facility located at 5022 – 5825 Suder Avenue. The applicant is proposing to construct a 23,500 square foot sale and leasing showroom and a 33-bay service center and body shop, in addition to new and used outdoor truck sales areas. The site has been cleared and is currently being prepared for construction. The 24.412 acre site is currently zoned IL Limited Industrial. The applicant is proposing significant changes to the previously approved site plan associated with SPR-39-14. The changes include the size of the building, number of bays, number of new and used truck sales spaces and the required parking. As a result, a new Site Plan Review was warranted for this project.

Surrounding land uses include a church and a single family residence to the north, single family residences and Shoreland Elementary to the east, Alexis Road and single family uses to the south and Interstate I-75 and industrial uses to the west.

STAFF ANALYSIS (cont'd)

Parking and Circulation

The required parking for a new and used heavy equipment sales lot with a 23,500 square foot sales and leasing showroom with a parts retail component and offices, a 33-bay service center and body shop and a 168-space new and used truck open sales area is ninety (90) spaces. The changes from the previous plan is a reduction in the showroom area by 1,500 square feet, the addition of twelve (12) service bays and the addition of one hundred twenty-eight (128) truck sales space. The site plan indicates that one hundred twenty-one (121) spaces will be provided. In addition the applicant is providing a thirteen (13) space trailer drop area and a one hundred fourteen (114) space service staging area. The site plan offers two (2) new access drives from Suder Avenue. The majority of traffic is anticipated to use Alexis Road to the south as this has direct access to Interstate I-75.

Landscaping

A frontage greenbelt is required in accordance with TMC§1108.0202 *Frontage Greenbelts* along all right of ways. A thirty foot (30') landscape greenbelt is provided along both the Alexis Road and Suder Avenue frontages.

A Type "A" Buffer is required between the RS6 zoning district to the north and the subject property. TMC 1108.0203 *Buffer and Screening Requirements* requires a twenty-five (25) foot Type "A" Buffer to consist of four (4) trees and twenty (20) shrubs per every 100 linear feet of property line. The submitted landscape plan indicates a thirty foot (30') buffer will be provided along the northern property line. The twenty-five (25) foot wide Type "A" buffer should consist of twenty-five (25) trees and 122 shrubs along the northern property line. The applicant has requested that thirty-two (32) spruce trees situated on a four foot (4') to five foot (5') mound be permitted to serve as the buffer. Staff supports a waiver of the landscaping requirements.

Pursuant to TMC 1108.0204 *Parking Lot Landscaping* landscape terminal islands must be provided at the end of each parking row. Landscape areas may not contain bare soil, aggregated stone, decorative rock, or be filled with concrete. The revised landscape plan indicates that landscaped terminal islands will be provided most parking rows, except for the northern parking rows. Staff is requesting that terminal islands be provided in these areas.

STAFF ANALYSIS (cont'd)

Building Design

The applicant submitted elevations for consideration and review. The design primarily consists of a glass showroom, precast concrete in and around the service areas and aluminum accent panels. Pursuant to TMC 1109.0402 *Building Character and Color* - façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors. The applicant is proposing white metal panels for the majority of the building. Given the size of the building and location staff is requesting that earth tone colors be used to soften the appearance. The overhead service bays located on the north and south sides of the building will aid in breaking up the mass and therefore the overall design besides the paint color meets the industrial design standards set forth in TMC1109.0400.

Recommendation

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. However, based on the recent modification of the zoning to IL Limited Industrial, 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 approve SPR-37-15, a Major Site Plan review for a Truck Sales and Service Facility, located at 5022-5825 Suder Avenue for the following two (2) reasons:

1. The proposed use complies with all standards of the Toledo Municipal Code (TMC 1111.0809.A Approval Criteria);
2. The proposed is permitted in the district in which it is located (TMC 1111.0809.B Approval Criteria); and

The staff recommends that the Toledo City Plan Commission take the following action on a waiver request for alternative plantings and mounding in the Type A landscape buffer along the northern property line:

Chapter 1108 Landscaping and Screening

Sec. 1108.0203.E Type A Landscape Buffer

Approve a waiver for the Type A Landscape Buffer along the northern property line to include thirty two (32) spruce trees situated on a four foot (4') to five foot (5') mound in place of the required twenty five (25) trees and 122 shrubs.

STAFF RECOMMENDATION (cont'd)

The staff recommends that the Toledo City Plan Commission approve SPR-37-15, a Major Site Plan review for a Truck Sales and Service Facility, located at 5022-5825 Suder Avenue, subject to the following fifty-eight (58) 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 standard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and 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 and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

5. There is no direct City water service to this site. There is an 8-inch-diameter water main, owned by the Lucas County Sanitary Engineer, in Suder Avenue. Contact the LCSE to determine their requirements for tapping this water main.
6. Existing water services to structures removed from the site will be abandoned by the City of Toledo at the owner's/developer's expense.
7. Detailed plans for the water services shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

8. Contact the City of Toledo Fire Prevention Bureau to determine the fire protection requirements for this site. Verify that the hydrant locations shown are acceptable to the Toledo Fire Prevention Bureau.
9. Contact the Division of Water Distribution to determine the backflow prevention requirements for this site.
10. New fire, domestic, and irrigation taps will be installed by City of Toledo at the owner's/developer's expense.
11. Maintain 10 feet of horizontal clearance between proposed water service and sanitary or storm sewers. Maintain 4 feet of horizontal clearance between proposed water service and any other underground utility. Maintain 18 inches of vertical clearance between proposed water service and sanitary or storm sewers. Maintain 12 inches of vertical clearance between proposed water service and any underground utility.
12. Plans submitted indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Storm Water Pollution Prevention Plan, and plans for storm-water service for this project shall be submitted to the Division of Engineering Services for storm-water review & approval.
13. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <http://toledo.oh.gov/services/public-utilities/div-engineering-services/plan-review-process/>, including the requirements for storm-water detention and post-construction storm-water Best Management Practices (BMPs).
14. Plans are also 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 Toledo-Lucas County Plan Commissions; City of Toledo Infrastructure Design and Construction requirements; and "The Comprehensive Ditch Plan."
15. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs). All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

16. Post-construction BMPs for sites that disturb 5 acres or more (including common plan of development) shall be selected from and designed in accordance with the latest Ohio EPA General Storm Water NPDES Permit Table 2 “Structural Post-Construction BMPs & Associated Drain (Drawdown) Times”. If an alternate to the NPDES Table 2 is proposed it must be preapproved by the Ohio EPA.
17. Sites greater than 10 acres disturbed shall utilize a sediment settling pond during construction for sediment and erosion control. Design requirements of a sediment settling pond can be found in the latest Ohio EPA General Storm Water NPDES permit.
18. 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 may be eligible for a percent reduction in the property’s storm-water utility fee through the Storm Water Credit Program.
19. A site-specific Storm Water Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Storm Water NPDES permit.
20. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
21. No construction work, including any earth disturbing work, will be permitted without approved plans and inspection.
22. Dredging, filling, clearing, or otherwise altering wetlands is prohibited without first providing proof of compliance with the following permits: Section 401 of the Clean Water Act, Ohio EPA Isolated Wetland Permit, and Section 404 of the Clean Water Act. If a permit does not apply, provide a letter from a qualified professional certifying that they have surveyed the site and determined that the permit is not applicable. All certifications and delineations shall include written concurrence from the U.S. Army Corps of Engineers and/or Ohio EPA, as appropriate, in accordance with protocols currently accepted by the U.S. Army Corps of Engineers.
23. Being in or adjacent to a flood hazard zone, this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

24. To allow for maintenance access, structures, permanent fences, walls, or other obstructions are not permitted within 12 feet of the top of bank or ordinary high water mark of Shantee Creek or within the floodway. Clearing of vegetation, storage of materials, and/or development within 40 feet of the ordinary high water mark of Shantee Creek is discouraged due to water quality impacts.
25. A pre-submittal meeting is not required; however, one may be requested. Contact Information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Sanitary Sewers: Mike Elling, ph. 419-936-2276
Storm-water Drainage: Lorie Haslinger, ph. 419-245-3221; Andy Stepnick 419-245-1338
Water: Andrea Kroma, ph. 419-936-2163
Roadway: Tim Grosjean, ph. 419-245-1344
26. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
27. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
28. Connection to public sewer shall be approved and coordinated with the Lucas County Sanitary Engineer.

Sewer & Drainage Services

29. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
30. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

STAFF RECOMMENDATION (cont'd)

Lucas County Engineer

31. A permit is required from the Lucas County Engineer's Office for any work within the Washington Twp. portion of the Suder Ave. right of way. There is no fee for this permit.
32. Suder Ave. was resurfaced along most of the site frontage in 2013 by the Lucas County Engineer's Office. All proposed utility crossings of Suder Ave. shall be bored or jacked and open cutting of the pavement will not be permitted in the newly resurfaced areas.
33. The plan indicates a proposed sidewalk along the easterly side of Suder Avenue. The following are comments regarding this proposed sidewalk:
 - a. The proposed sidewalk is required to be a minimum width of five (5) feet in accordance with Lucas County Standards.
 - b. The plan shall include existing topographic features to determine a feasible location of the proposed sidewalk. Specifically the plan shall include the locations of existing trees, landscaping, existing pavement and shoulder areas, driveways, drainage swales, storm sewers, utility poles and above ground facilities, underground utilities, and other pertinent features.
 - c. The existing right of way along the easterly side of Suder Avenue shall be indicated on the plans. If the sidewalk will be located outside of the right of way, a sidewalk easement shall be obtained to accommodate the proposed location.
 - d. The proposed sidewalk as shown on the plan will cross Shantee Creek. The preferred alternative for this crossing is extending the existing 66 inch culvert. The design and construction of the sidewalk crossing Shantee Creek shall be in accordance with Lucas County, ODOT and other applicable standards.
 - e. If not already completed, the developer should perform an investigation to determine the presence of wetlands along the east side of Suder Ave. All permitting
 - f. requirements with the U.S. Army Corps of Engineers and Ohio E.P.A. shall be followed prior to disturbing any wetland areas for the placement of the proposed sidewalk.
 - g. The proposed sidewalk will be partially within the Flood Hazard Area, Zone AE, for Shantee Creek. The 100 year flood elevation is 578.2 (NAVD). A permit will be required from the Lucas County Engineer's Office for any work within the Flood Hazard Area.

STAFF RECOMMENDATION (cont'd)

Fire Prevention

Comments not received at this time.

Building Inspection

34. The southerly portion of the property is affected by the floodplain, as shown in FEMA Map 39095C0105E, adopted by City of Toledo on August 16, 2011. The new site plan recognizes this involvement and shows the building and parking area improvements as avoiding the 100-year floodplain. As a prudent precaution, it is recommended that a floodplain development permit is secured for any development.
35. The construction of any new structure, addition, or alterations to any existing building will require construction documents stamped by a design professional licensed with the State of Ohio to be submitted to the Division of Building Inspection for review and approval. Construction documents must show that the new structure and/or interior alterations will be built in compliance with the building, mechanical and fire codes of the City of Toledo, and by referenced authority, those of the State of Ohio. Construction must also comply with federal ADA requirements.
36. Any signs on the property, will require a separate plan review and permit(s) in accordance with the City of Toledo's sign codes (TMC§1113 and §1377-§1397).
37. Any fence screening will require a Certificate of Zoning Compliance, issued by the Division of Building Inspection.

Environmental Services

38. Applicant shall maintain compliance with the City of Toledo's sanitary sewer use regulations specified in the Toledo Municipal Code.
39. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. This site is situated with Shantee Creek running through it and special attention must be paid to all potential storm water impacts from the facility, including but not limited to, proper control of automotive fluids, no outdoor storage of material without proper protection, no outdoor repair activities, and proper maintenance of the grounds and detention pond. Preparation of and adherence to a comprehensive Stormwater Pollution Prevention Plan is recommended.

STAFF RECOMMENDATION (cont'd)

Environmental Services (cont'd)

40. Applicant shall maintain compliance with the City of Toledo's air quality regulations including, but not limited to, the Anti-Noise Law specified in the Toledo Municipal Code.
41. Applicant shall comply and maintain compliance with the National Pollutant Discharge Elimination System (NPDES) general permit issued to the City of Toledo by the State of Ohio, Environmental Protection Agency (EPA).

Division of Transportation

42. The double stack parking shall not be allowed.
43. Drive aisle and parking stall dimensions shall be shown on the plan.
44. Proper one-way signage shall be installed for the northerly most drive aisle.
45. The guardrail at the intersection of Alexis and Suder does not meet warrants for installation of guardrail and shall only be installed outside Public Right of Way on private property.
46. In keeping with the complete streets policies of the City of Toledo, sidewalk should be constructed on both sides of Suder Avenue.
47. A minimum of 100' left turn lane shall be established on northbound Suder Avenue to turn into the property at the northerly access drive.

Plan Commission

48. New or renovated buildings shall meet the industrial building design standards of TMC Section 1109.0400.
49. 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.
50. 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.
51. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

52. Fencing of customer display areas shall conform to TMC 1105.0302, outside storage screening shall comply with TMC 1108.0203.H.
53. All vehicles on display must be parked in striped parking spaces that shall be designated on an approved site plan. Vehicle parking that deviates from the approved site plan shall not be permitted.
54. The applicant shall submit a revised elevation that incorporates an earth tone color to soften the appearance of the building; **subject to the review and approval of the Director of Planning.**
55. 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 site plan indicating the location of the public right-of-way shall be submitted; **shall be noted on revised site plan.**
 - b. A thirty (30) foot Frontage Greenbelt is required along the Suder Avenue frontage and shall include one tree for every thirty (30) of lot frontage and a solid evergreen hedge; **shall be noted on revised landscape plan.**
 - c. A thirty (30) foot Frontage Greenbelt is required along the Alexis Road frontage and shall include one tree for every thirty (30) of lot frontage and a solid evergreen hedge; **shall be noted on revised landscape plan**
 - d. Type "A" Landscape buffer is required along the northern property lines where abutting residential zoning, a twenty-five (25) foot wide Type "A" Buffer shall include four (4) trees and twenty (20) shrubs for every 100 Linear feet of property line unless a waiver is approved for thirty two (32) spruce trees situated on a four foot (4') to five foot (5') mound; **shall be noted on revised landscape plan.**
 - e. Landscaped areas may not contain bare soil, aggregated stone, decorative rock or be filled in with concrete. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage; acceptable as depicted on site plan; **shall be noted on revised site plan.**
 - f. 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; **shall be noted on revised site plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

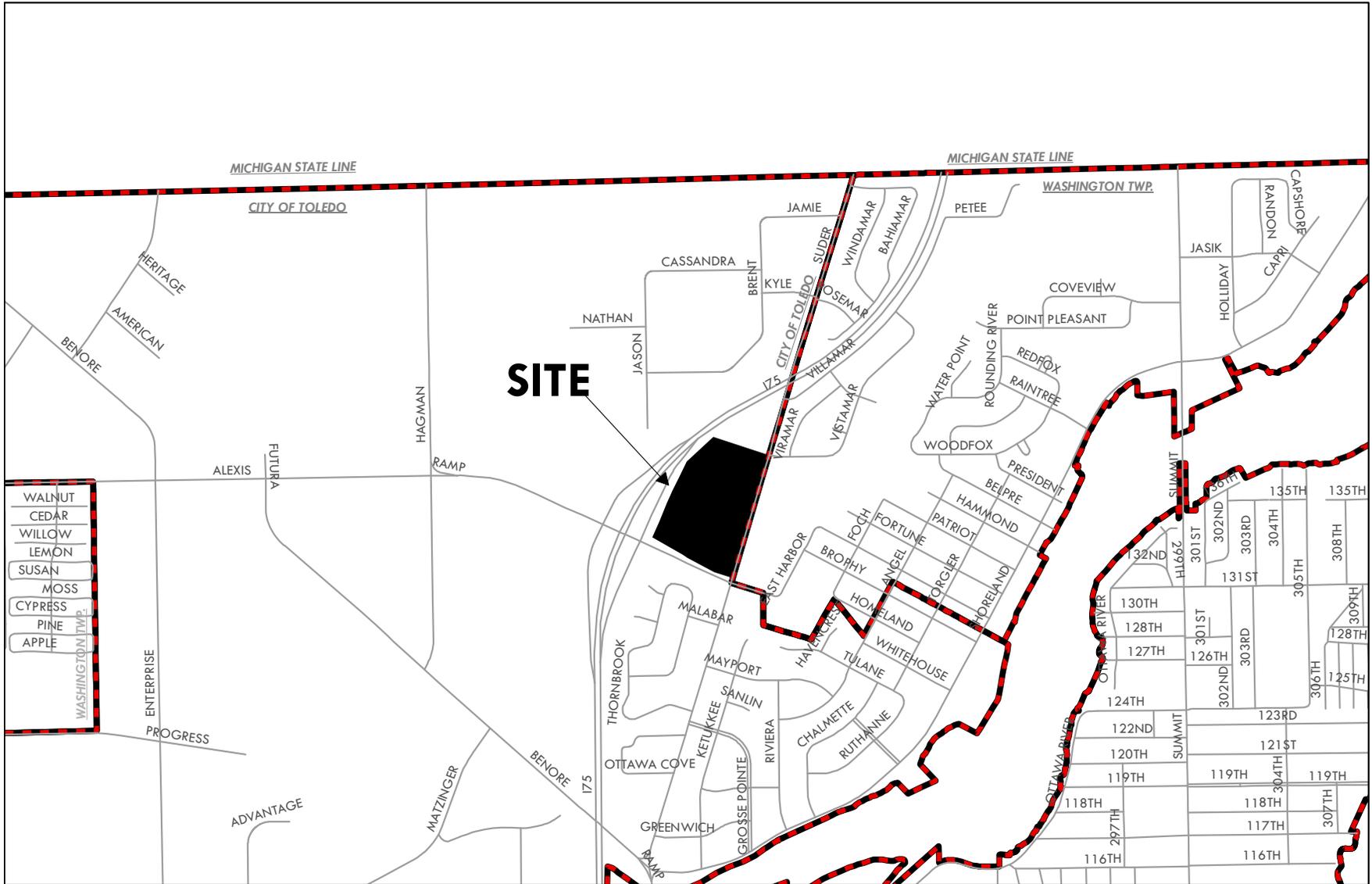
- g. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details; shall be noted on revised landscape plan; **shall be noted on revised site plan.**
 - h. The location, height and materials for any fencing to be installed and maintained; **acceptable as depicted on site plan.**
 - i. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); acceptable as depicted on site plan; **shall be noted on revised site plan;** and
 - j. The location, lighting and size of any signs; **acceptable as depicted on site plan.**
56. 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.
57. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
58. 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.

BH
Six (6) sketches follow

MAJOR SITE PLAN REVIEW
TOLEDO CITY PLAN COMMISSION
REF: SPR-37-15
DATE: September 10, 2015
TIME: 2 p.m.

GENERAL LOCATION

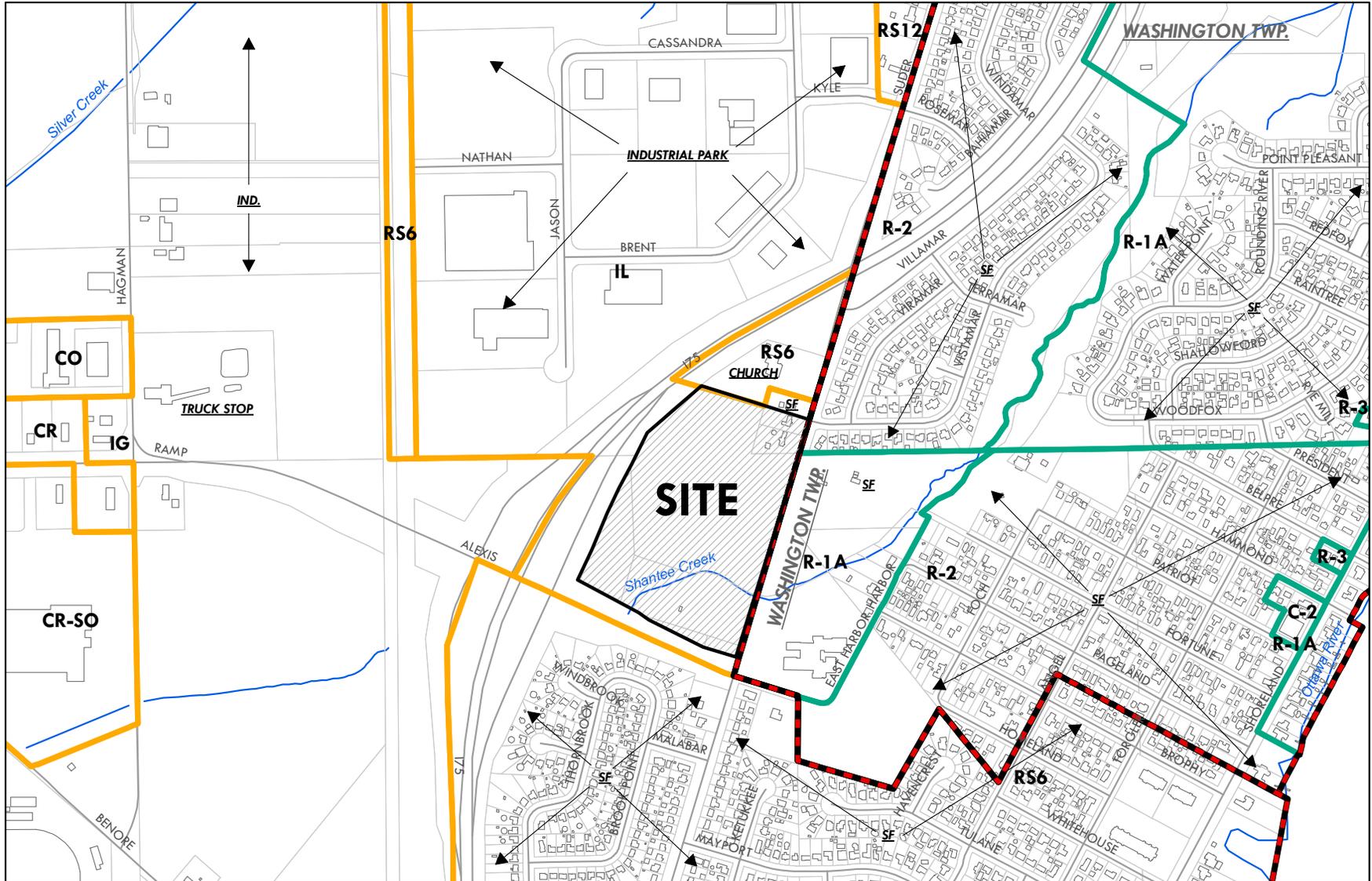
SPR-37-15
ID 68,64



ZONING & LAND USE

SPR-37-15

ID 68, 64



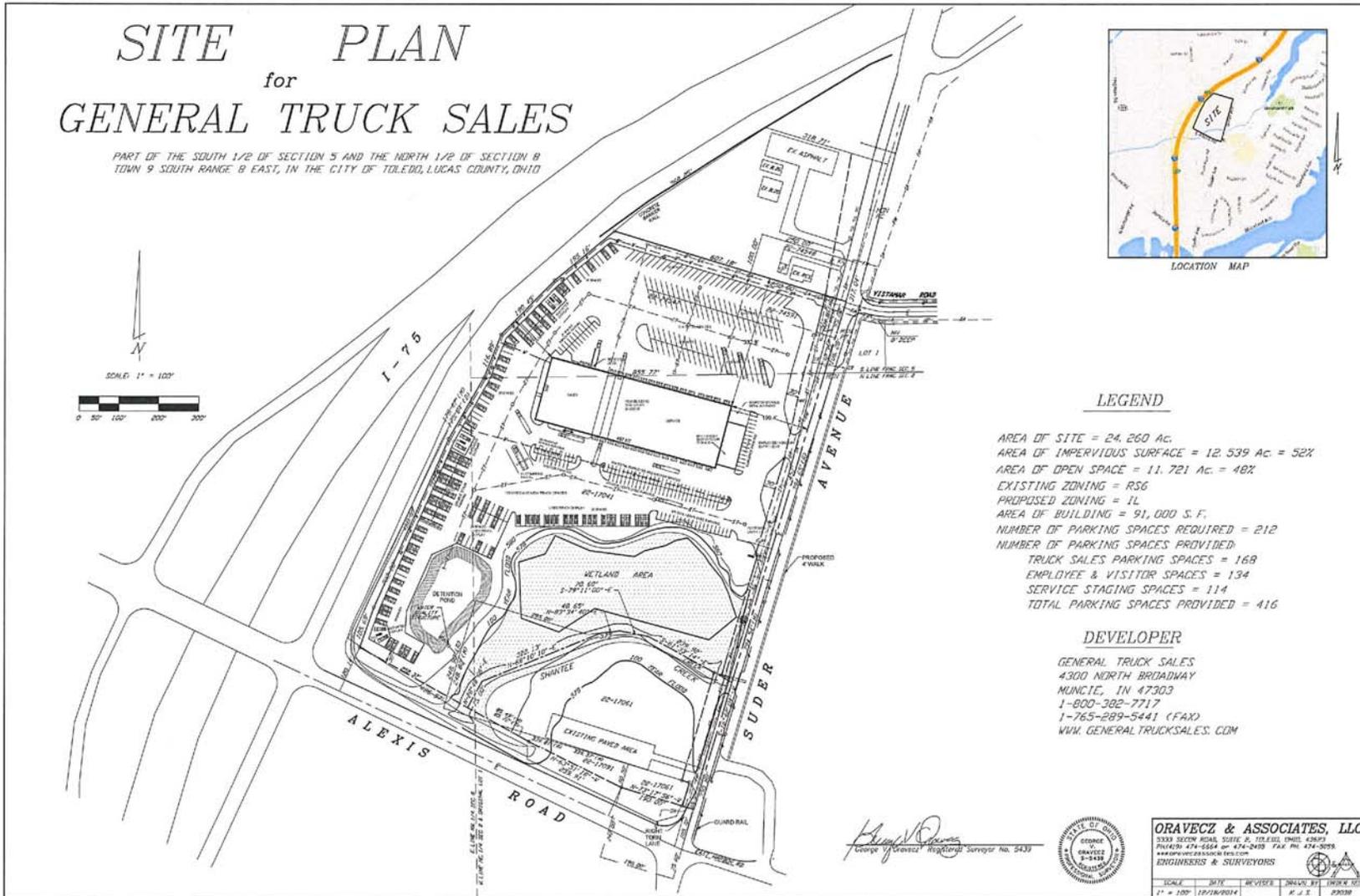
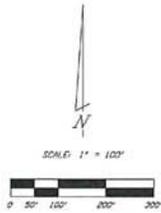
SITE PLAN

SPR-37-15
ID 68,64



SITE PLAN for GENERAL TRUCK SALES

PART OF THE SOUTH 1/2 OF SECTION 5 AND THE NORTH 1/2 OF SECTION 8
TOWN 9 SOUTH RANGE 9 EAST, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO



LEGEND

AREA OF SITE = 24,260 AC.
 AREA OF IMPERVIOUS SURFACE = 12,539 AC. = 52%
 AREA OF OPEN SPACE = 11,721 AC. = 48%
 EXISTING ZONING = R5G
 PROPOSED ZONING = I1
 AREA OF BUILDING = 91,000 S.F.
 NUMBER OF PARKING SPACES REQUIRED = 212
 NUMBER OF PARKING SPACES PROVIDED:
 TRUCK SALES PARKING SPACES = 168
 EMPLOYEE & VISITOR SPACES = 134
 SERVICE STAGING SPACES = 114
 TOTAL PARKING SPACES PROVIDED = 416

DEVELOPER

GENERAL TRUCK SALES
 4300 NORTH BROADWAY
 MUNCIE, IN 47303
 1-800-382-7717
 1-765-289-5441 (FAX)
 WWW.GENERALTRUCKSALES.COM

George J. Oravec
 George J. Oravec, Registered Surveyor No. 5433



ORAVEC & ASSOCIATES, LLC
 1333 SEVEN HILLS DRIVE, TOLEDO, OHIO 43623
 PH:419 474-6564 OR 474-2405 FAX:PH 474-9055
 WWW.ORAVECANDASSOCIATES.COM
 ENGINEERS & SURVEYORS

SCALE	DIST.	REVISED	DRAWN BY	INCHES BY
1" = 100'	10/28/2014		R.J.S.	23038

RENDERING

SPR-37-15
ID 68,64



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GENERAL INFORMATION

Subject

- Request - Vacation of a portion of a 16' alley running north and south between Champion Wayne Alley and Western Wayne Alley
- Applicant - Michael Hughes
178 Champion Street
Toledo, OH 43609

Site Description

- Zoning - RD6 Duplex Residential
Area - ± 0.042 acres
Existing Use - Access to Residential Garages
Proposed Use - Residential Lawn

Area Description

- North - Residential / RD6
South - Residential / RD6
East - Residential / RD6
West - Residential / RD6

Parcel History

No Parcel History on File.

Applicable Regulations

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

STAFF ANALYSIS

This is a request to vacate a portion of a sixteen foot (16') alley running north and south between Champion Wayne Alley and Western Wayne Alley. The applicant is requesting the vacation in order to incorporate the alley into the contiguous residential property. Four (4) properties fronting onto Champion Street are contiguous to the alley in question. These four (4) properties are currently owned by two (2) individuals. The applicant has indicated that the alley in question is located to the rear of his property and would be combined with his property if the vacation were granted. In addition, the applicant has indicated that his neighbor who owns the contiguous properties located on the south side half of the alley is also proposing to combine the property to his residential lots. Staff was unable to verify this with the neighbor.

The subject right-of-way is approximately sixteen feet (16') wide by one hundred fifteen feet (115') long and is .042 acres in size. The alley currently serves the rear of four residential properties, two of which have garages located in the rear of the properties. The alley provides the only access to the rear of these properties as each site contains a single family residence and access from Champion Street is not feasible. The applicant has indicated that all four (4) houses are owned by two (2) individuals who are in agreement with the alley vacation. However, if the alley were to be vacated, access to the residential garages would be restricted in the event the common ownership is dissolved. The Divisions of Transportation, Engineering Services and Sewer and Drainage object to the vacation as an eight inch (8") sanitary line runs the length of this alley and that alley vacations that result in this type of restricted access is not permitted.

The Toledo 20/20 Comprehensive Plan designates this site for Single-Family uses. The Single-Family designation is intended to accommodate the development of single dwelling units on individual lots. 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. Additionally, the Toledo 20/20 Plan supports the preservation of traditional neighborhoods, of which alleys are an integral part.

Although staff is recommending disapproval, conditions are provided for information purposes in Exhibit "A".

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission disapprove of V-366-15, a request to vacate a portion of a 16' alley running north and south between Champion Wayne Alley and Western Wayne Alley, for the following three (3) reason:

1. The Vacation this would restrict access to the residential garages and the rear of the properties in the event the common ownership is dissolved;

STAFF RECOMMENDATION (cont'd)

2. The Divisions of Transportation, Engineering Services and Sewer and Drainage object to the vacation as an eight inch (8") sanitary line runs the length of this alley and that alley vacations that result in this type of restricted access is not permitted
3. The Toledo 20/20 Plan supports the preservation of traditional neighborhoods, of which alleys are an integral part.

ALLEY VACATION
TOLEDO CITY PLAN COMMISSION
REF: V-366-15
DATE: September 10, 2015
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: October 14, 2015
TIME: 4:00 P.M.

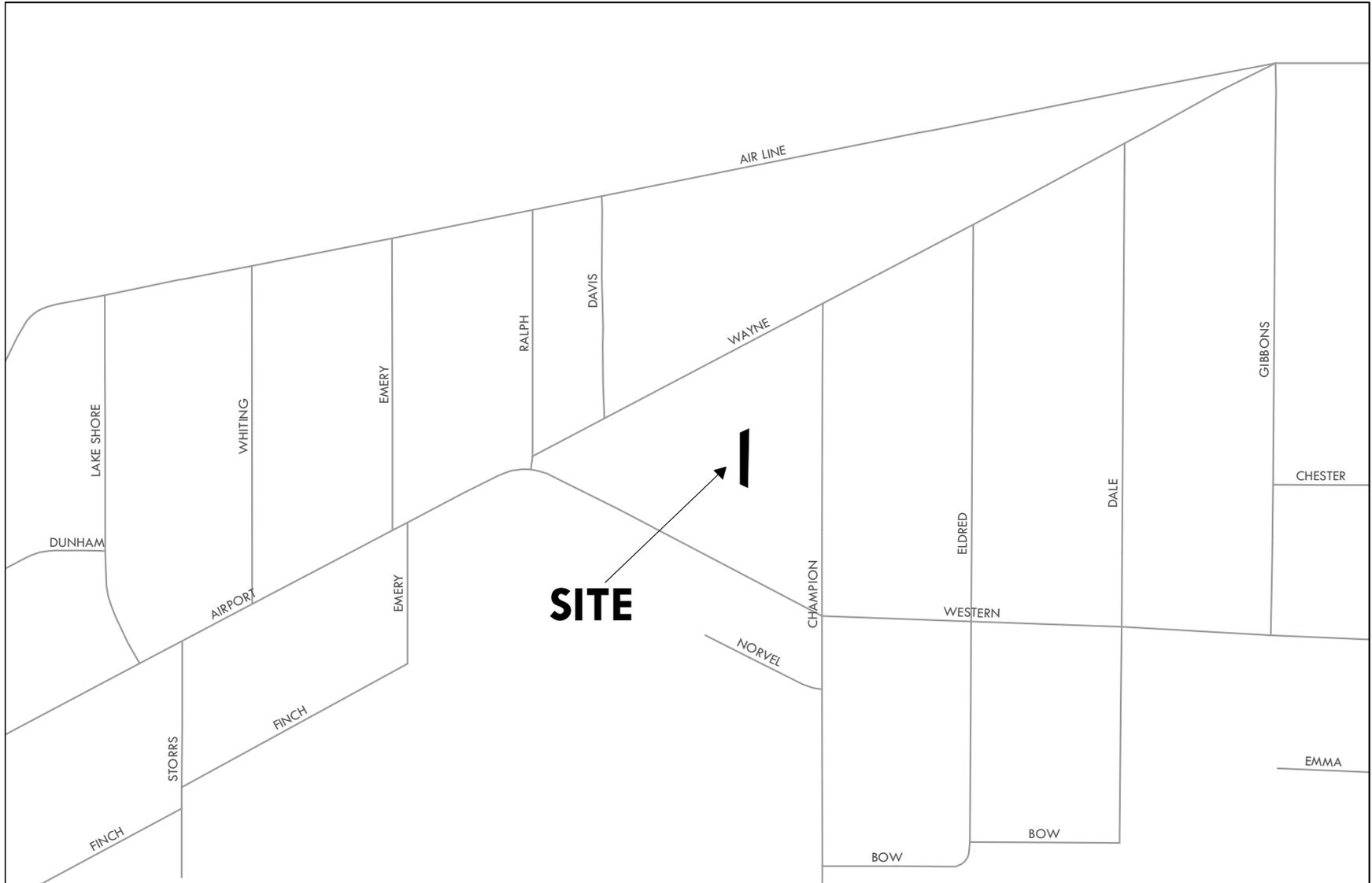
BH
Two (2) sketches follow

GENERAL LOCATION

V-366-15
ID 20



10 - 4



ZONING & LAND USE

V-366-15
ID 20



10 - 5



Exhibit "A"
REVIEW AGENCY CONDITIONS

The following seven (7) 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. The Division of Engineering Services objects the to vacation. The alley is required to maintain sanitary sewer in the alley.

Fire Prevention

Comment not received at this time.

Building Inspection

No objection to vacation.

Division of Transportation

2. The proposed vacation prevents access for adjacent residential parcels; alley vacations that result in this type of restricted access is not permitted.

Sewer & Drainage Services

3. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
4. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.
5. For operation and maintenance purposes, 16 foot wide sewer and drain easements (center on the pipe), for City use, shall be retained along the existing sewers and drains located within the vacation. City access to the vacated area shall not be denied by fences, walls, material stock piles, or other barriers (of any type). The easement shall state that no temporary or permanent structure (excluding parking lot pavement), including barriers denying access, may be constructed within the easement area. Paved areas within the vacation shall remain paved.

Exhibit “A”
REVIEW AGENCY CONDITIONS

Division of Streets, Bridges and Harbor

Comment not received at this time.

Planning Commission

6. The vacation this would restrict access to the residential garages and the rear of the properties in the event the common ownership is dissolved.
7. The Toledo 20/20 Plan supports the preservation of traditional neighborhood, of which alley are an integral part

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GENERAL INFORMATION

Subject

- Request - Request a for Zone Change from CO Office Commercial to RM36 Multi-Family Residential
- Location - 123 22nd Street
- Applicant - LifeStream LLC
C/O: John Sheehan
P.O. Box 8970
Toledo, OH 43624
- Contact - ProMedica Health Systems
C/O: Robin Whitney
1801 Richards Road
Toledo, OH 43607

Site Description

- Zoning - CO, M-UNO / Office Commercial, Monroe Street Urban Neighborhood Overlay District
- Area - ± 0.72 acres
- Frontage - ± 156' along 22nd Street
- Existing Use - Harbor House
- Proposed Use - Drug and Alcohol Treatment Facility, Residential

Area Description

- North - Toledo Day Daycare / CO
- South - Commercial Building / CR, M-UNO
- East - Emergency Communication Building / CO, M-UNO
- West - Parking Lot / CO, M-UNO

Parcel History

- SUP-7004-15 - Request for a Special Use Permit for a drug and alcohol residential treatment facility, companion case.

GENERAL INFORMATION (cont'd)

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Zone Change from CO Office Commercial to RM36 Multi-Family Residential for a site located at 123 22nd Street. The ±0.72 acre site is zoned CO Office Commercial and occupied by a rehabilitation center, Harbor House, and an accessory structure. Parking for the proposed development is located on a separate parcel from the principle use and will require the submission of an alternative access and parking plan for review and approval. The site is located in the Monroe Street Corridor Urban Neighborhood Overlay District. One of the intentions of this Overlay District is to encourage development that conforms to the size, orientation and setting of existing buildings in residential neighborhoods or commercial areas. The site is also located within 500 feet of the Old West End Historic Overlay District and notification to the Historic District Commission will be given before the Plan Commission hearing. A companion Special Use Permit request accompanies this case.

The applicant is requesting a Zone Change to RM36 Multi-Family Residential to facilitate the development of a drug and alcohol residential treatment facility. The facility will provide care for women you have children and/or are expecting a child and will have a total of sixteen (16) housing units. Each housing unit will have the capability of providing a baby crib if the need presents itself. An accessory structure located on the site will provide storage space for the patient's belongings and also be used as a community gathering space for the residents.

Surrounding land uses include the Toledo Day Daycare facility immediately north of the site. To the south of the property is a multi-tenant commercial building and to the west of the site is a paved parking lot. To the east of the site across 22nd Street is the Emergency Communication Building and the EMS Annex Building.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Multi-Family Residential uses. These districts are primarily intended to accommodate the development of multi-dwelling housing. The districts are intended to create, maintain and promote higher density housing opportunities in area with good transportation access. The regulations are intended to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, and recreational opportunities. The development standards are intended to ensure that new development will be compatible with the City's character and to provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

STAFF ANALYSIS (cont'd)

Although staff is recommending disapproval of the companion Special Use Permit (due to a spacing violation), staff is recommending approval of the Zone Change for two reasons. First, the proposed RM36 zoning conforms to the 20/20 Plan. Second, the proposed RM36 zoning is compatible with the zoning classifications of nearby properties.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-7005-15, a request for a Zone Change from CO Office Commercial to RM36 Multi-Family Residential for the site located at 123 22nd Street, to the Toledo City Council, for the following two (2) reasons:

1. The request is consistent with The Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) Review and Decision Making Criteria); and
2. The requested RM36 Multi-Family Residential zoning is compatible with zoning classifications of properties within the general vicinity (TMC§1111.0606(C) Review and Decision Making Criteria).

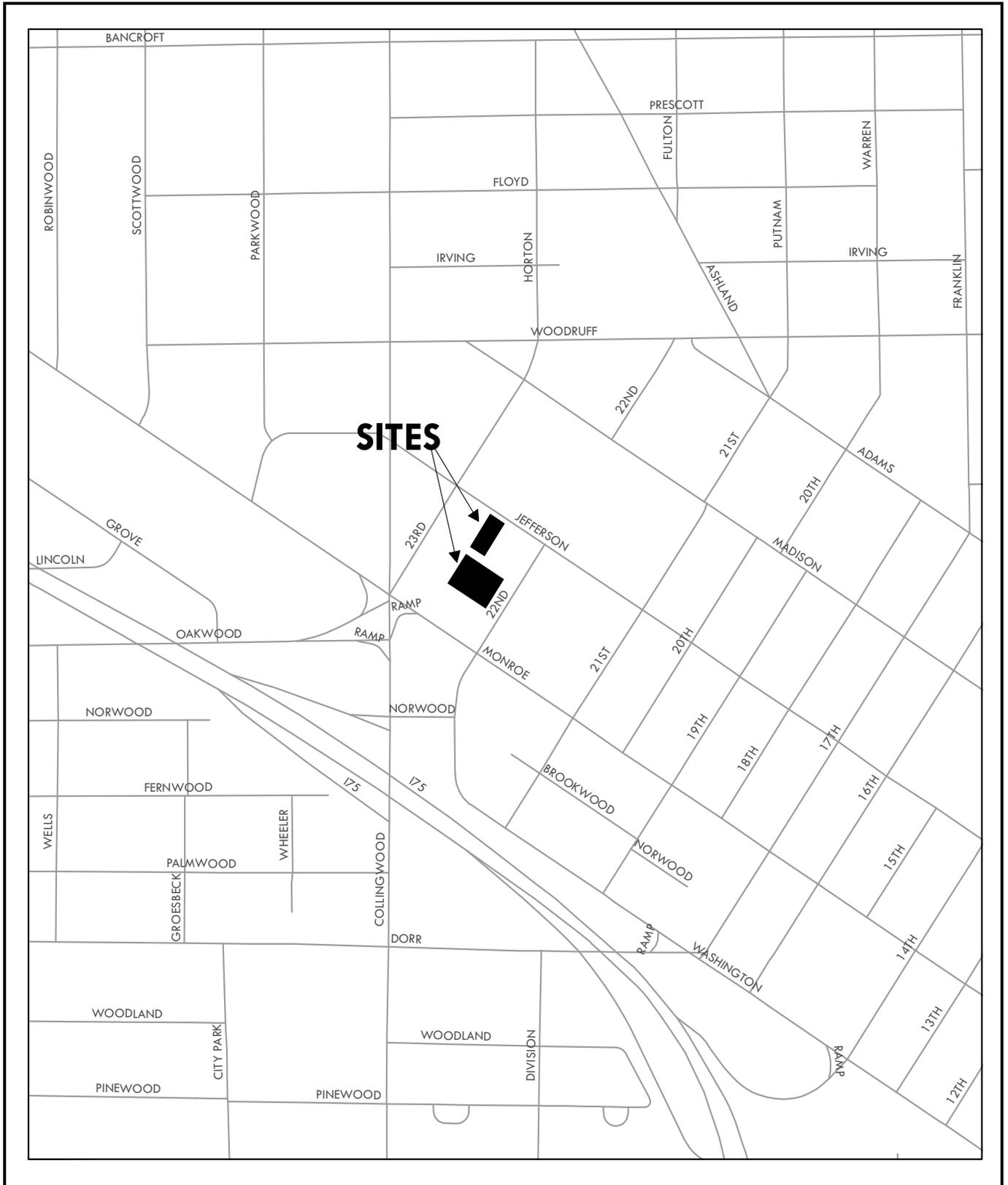
ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-7005-15
DATE: September 10, 2015
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: October 14, 2015
TIME: 4:00 P.M.

GP/
Two (2) sketches follow

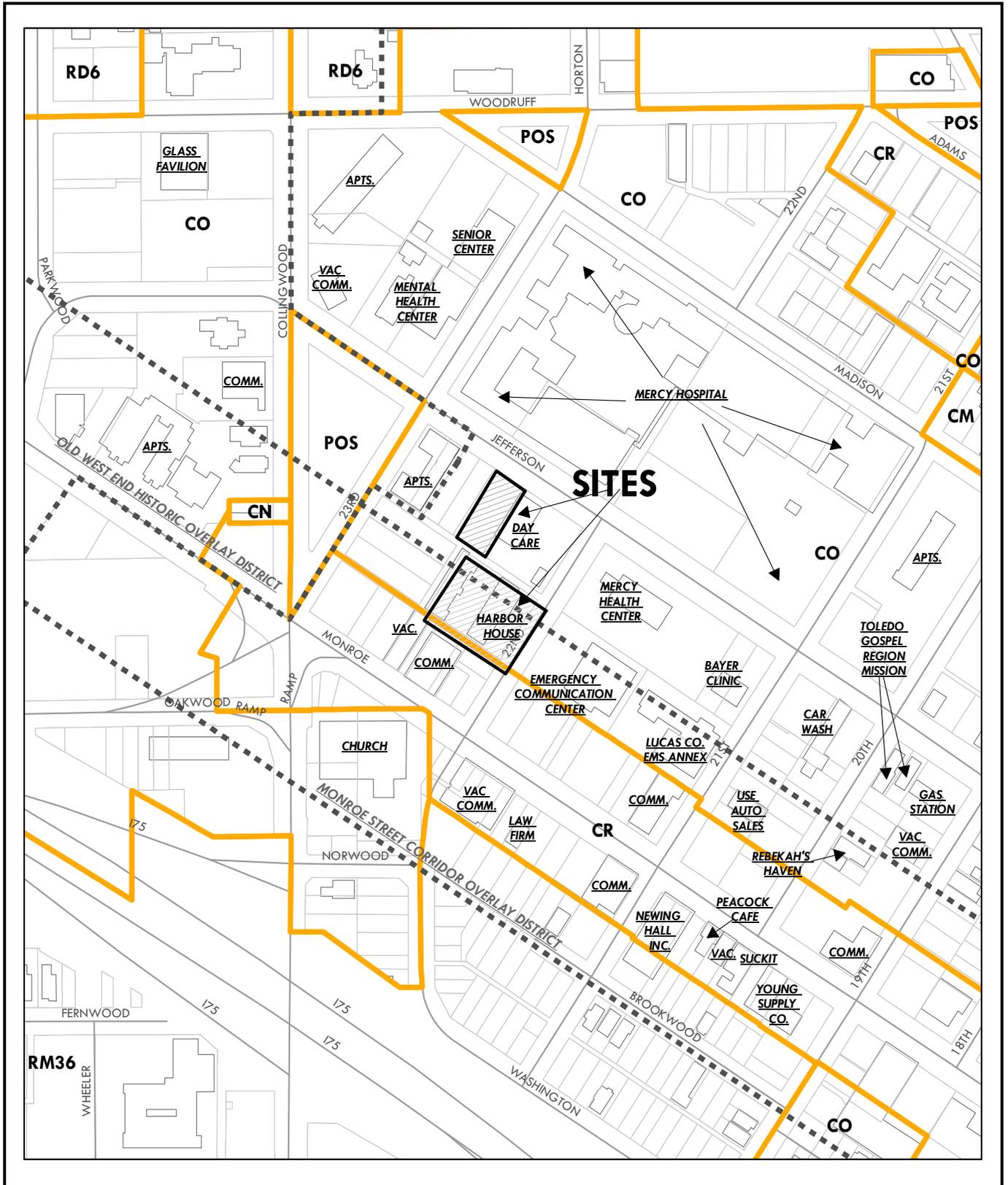
GENERAL LOCATION

Z-7005-15
ID 14



ZONING & LAND USE

Z-7005-15
ID 14



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GENERAL INFORMATION

Subject

- Request - Special Use Permit for a drug and alcohol treatment facility, residential
- Location - 123 22nd Street
- Applicant - LifeStream LLC
C/O: John Sheehan
P.O. Box 8970
Toledo, OH 43624
- Contact - ProMedica Health Systems
C/O: Robin Whitney
1801 Richards Road
Toledo, OH 43607
- Project Manager - SSOE, Inc
C/O: C. Pickerel
1001 Madison Ave
Toledo, OH 43604

Site Description

- Zoning - CO, M-UNO / Office Commercial, Monroe Street Urban Neighborhood Overlay District
- Area - ± 0.72 acres
- Frontage - ± 156' along 22nd Street
- Existing Use - Harbor House
- Proposed Use - Drug and Alcohol Treatment Facility, Residential

Area Description

- North - Toledo Day Daycare / CO
- South - Commercial Building / CR, M-UNO
- East - Emergency Communication Building / CO, M-UNO
- West - Parking Lot / CO, M-UNO

GENERAL INFORMATION (cont'd)

Parcel History

Z-7005-15 - Request for a Zone Change from CO Office Commercial to RM36 Multi-Family Residential, companion case.

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 drug and alcohol residential treatment facility for a site located at 123 22nd Street. The ±0.72 acre site is zoned CO Office Commercial and occupied by a rehabilitation center, Harbor House, and an accessory structure. The site is located in the Monroe Street Corridor Urban Neighborhood Overlay District. One of the intentions of this Overlay District is to encourage development that conforms to the size, orientation and setting of existing buildings in residential neighborhoods or commercial areas. The site is also located within 500 feet of the Old West End Historic Overlay District and notification to the Historic District Commission will be given before the Plan Commission meeting. A companion Zone Change request accompanies this case.

The applicant is intending to operate a drug and alcohol residential treatment facility that will provide care for women that have children and/or are expecting a child. TMC§1116.0221(D) defines a drug and alcohol residential facility as “a home that provides habilitation services for persons with drug and alcohol addictions but not including methadone treatment”. The facility will have a total of sixteen (16) housing units. Each unit will house one (1) bed for the patient and two (2) beds for the patient’s children for a total of three (3) beds per housing unit thus a total of forty-eight (48) entirely. In addition to the beds, each housing unit will have the capability of providing a baby crib if warranted. The building located in the rear of the principle structure beyond the courtyard will be used as an accessory structure to business operations. The accessory structure will provide storage space for the patient’s belongings and also provide a community space for the residents to be used for gathering.

STAFF ANALYSIS (cont'd)

Use Regulations

Among the surrounding land uses is the Toledo Day Daycare facility that abuts the site immediately to the north. Per TMC§1104.0100 – *Use Regulations Use Table*, drug and alcohol residential treatment facilities are subject to spacing regulations outlined in TMC§1104.1000 – *Group Living and Daycare Spacing*. TMC§1104.1001 states that no Group Living facility, such as the proposed, shall be located within 500 feet of a Type A Family Daycare Home. The proposal is in violation of the Toledo Municipal Code (TMC) and will require City Council to grant a waiver of said TMC section.

Parking and Circulation

TMC§1107.0300 – *Parking Schedule A*, requires an alcohol and drug residential facility to provide one (1) parking space per two (2) employees. The applicant has stated that the operation will have a total of sixteen (16) employees, although not all working at the same time. Calculations conclude that a total of eight (8) parking spaces are required for the site. One (1) of these parking spaces is required to adhere to accessible parking for physically disabled persons per TMC§1107.1700. In addition, two (2) bicycle parking slots shall be provided per TMC§1107.0901(B). The site includes a thirty (30) space parking lot with frontage along Jefferson Avenue located across the alley. Parking located on a separate parcel from the principal use will require the submission of an alternative access and parking plan for review and approval.

Landscaping

Due to its location within the Monroe Street Corridor Urban Neighborhood Overlay District, the site is required to adhere to the Urban Commercial Landscape Standards. The intent of these standards is recognize that compliance with the landscape standards of section 1108.0200 may be difficult or impossible for urban, pedestrian-oriented development and to therefore provide more flexible landscape standards for the redevelopment of existing structures and infill development in such areas of the City. These landscape standards are intended to buffer the effects of uses on adjacent properties by requiring a screen and/or buffer between the uses in order to minimize the harmful impacts of noise, dust/debris, headlight glare and other objectionable activities by an adjoining or nearby use.

Per TMC§1108.0305 a decorative fence is required along 22nd Street and along Jefferson Avenue to provide screening and to act as a buffer headlight glare from the public right-of-way. Landscaped terminal islands are required be at the end of each parking row. Topsoil must be backfilled to provide positive drainage of the landscape peninsula or island. Where the landscaped area is part of the drainage facility for the parking lot, curb openings or wheel stops must be used to allow for drainage into the buffer area. In addition to other landscape requirements, foundation plantings along all portions of the building that are visible from the public right-of-way and landscaping at all major building entrances is required.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Multi-Family Residential uses. These districts are primarily intended to accommodate the development of multi-dwelling housing. The districts are intended to create, maintain and promote higher density housing opportunities in area with good transportation access. The regulations are intended to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, and recreational opportunities. The development standards area intended to ensure that new development will be compatible with the City's character and to provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

A Special Use Permit for a Drug and Alcohol Residential Treatment Facility is not suitable for this location because it is not compatible with surrounding uses in terms of impacts associated with the use's operation. TMC§1104.1001 – *Group Living and Day Care Spacing*, states that Group Living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol Centers subject to this spacing requirement section must be at least 500 feet from a site with any other Group Living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol Center. Approval of the proposal would be in violation of TMC§1104.1001.

Although staff is recommending disapproval, agency conditions are attached for information purposes in Exhibit "A".

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-7004-15, a request for a Special Use Permit for a Drug and Alcohol Residential Treatment Facility located at 123 22nd Street, to the Toledo City Council, for the following two (2) reasons:

1. The proposed use would be in violation of the spacing regulations outlined in TMC§1104.1001; and
2. The use is not compatible with adjacent uses in terms of operating characteristics such as noise, traffic generation, and other impacts associated with the use's operation (TMC§1111.0706(C) – *Review and Decision Making Criteria*).

REF: SUP-7004-15. . .September 10, 2015

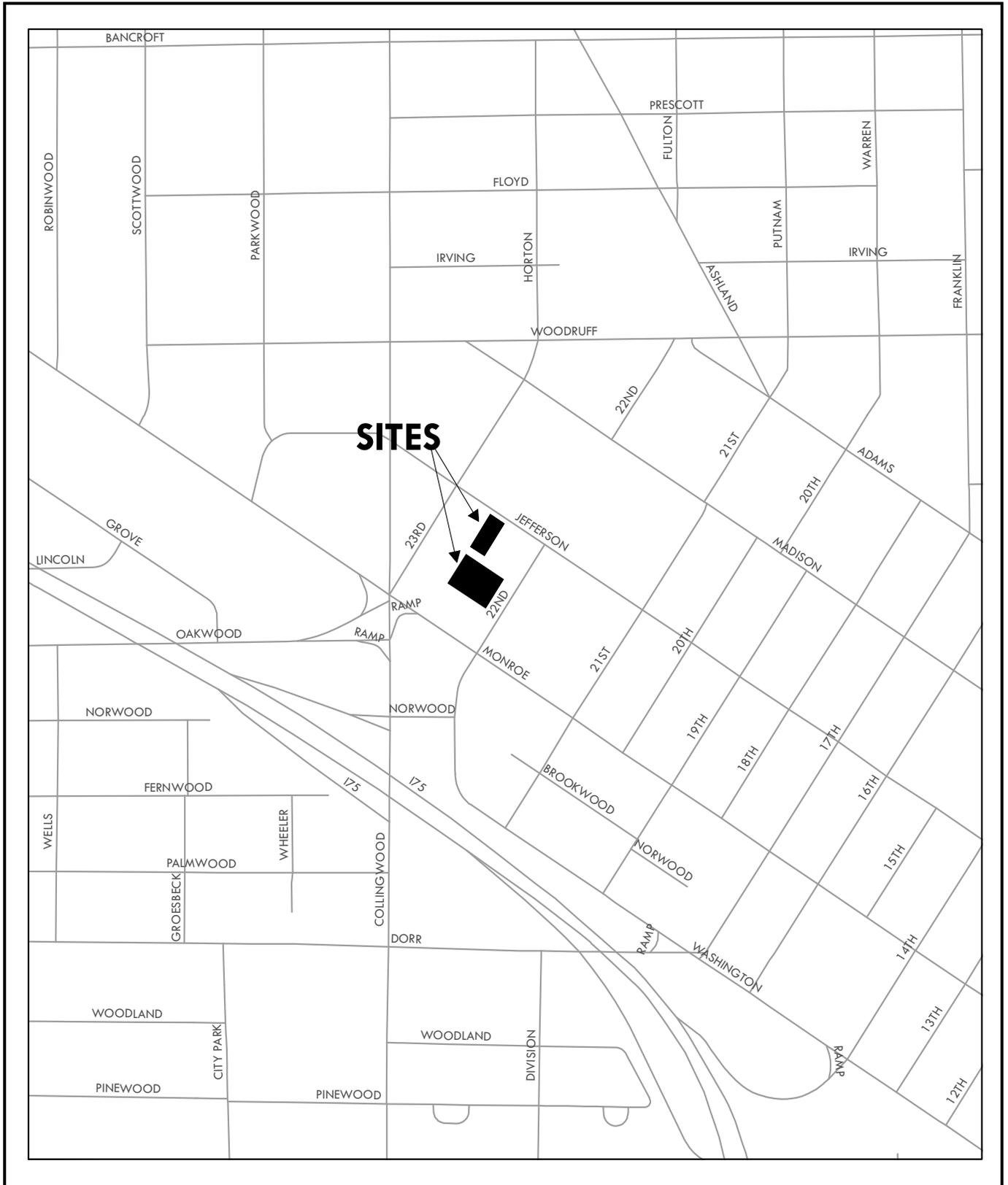
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-7004-15
DATE: September 10, 2015
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: October 14, 2015
TIME: 4:00 P.M

GP/
Three (3) sketches follow

GENERAL LOCATION

SUP-7004-15
ID 14



ZONING & LAND USE

SUP-7004-15
ID 14

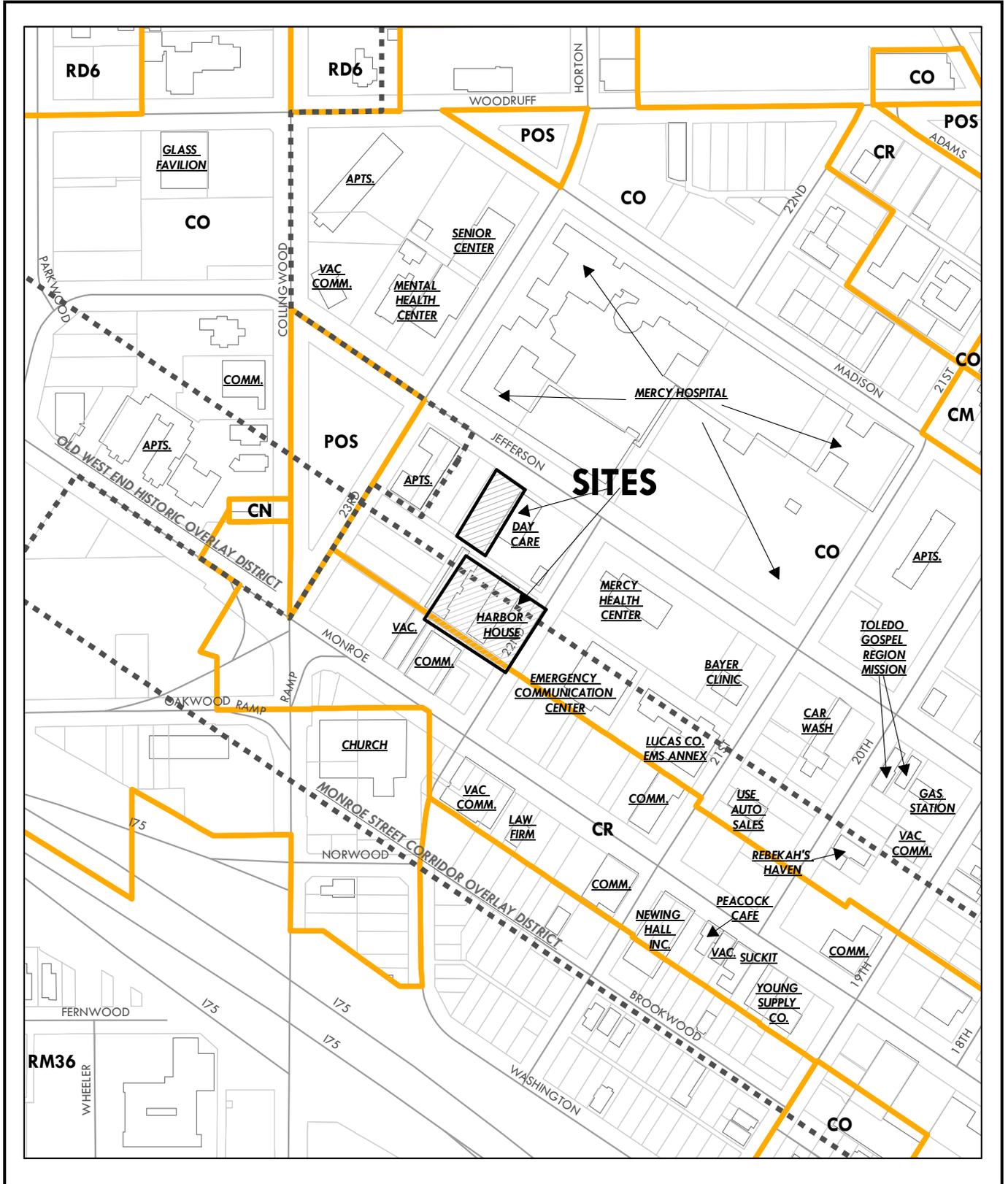


Exhibit “A”

The following twenty-eight (28) 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 and/or upgraded to conform to current City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and 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 and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for new water service or modifications to existing water service shall be submitted to the Division of Engineering Services for review and approval.
7. Contact the City of Toledo Fire Prevention Bureau to determine the fire protection requirements for this site.
8. Contact the Division of Water Distribution to determine the backflow prevention requirements for this site.
9. New fire, domestic, and irrigation taps will be installed by City of Toledo at the owner's/developer's expense.

Exhibit “A” (cont’d)

Engineering Services (cont’d)

10. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a storm water plan review. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water Utility, including storm-water detention and post-construction storm-water Best Management Practices (BMPs) as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

Sewer & Drainage

11. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
12. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Fire Prevention

Comments not received at time of printing

Transportation

13. All drive aisle, parking stalls and driving lanes shall be dimensioned.
14. 25’ wide access drive aisles shall be maintained throughout the site to accommodate two-way traffic as per TMC 1107.

Economic Development

No comments or objections

Exhibit “A” (cont’d)

Building Inspection

15. The use of this building as an alcohol and drug treatment facility may trigger a change of use in the building from a business office (B) counseling center to an institutional (I) use group, according to the Ohio Building Code (OBC). Construction documents stamped by a design professional and identifying such new use group must show that the building’s occupant load, plumbing fixture count, life safety issues are in compliance with the OBC Administrations Code (Chapter 106). Such drawings must be submitted to Building Inspection for plan review and approval. Inspections of all disciplines, along with fire inspection, must be arranged to confirm that the occupied spaces complies with submitted drawings of the new use group. A new Certificate of Occupancy will be issued identifying the new use group.
16. Any new construction or additions, or alterations to existing structures will require that construction drawings stamped by a design professional be submitted to Building Inspection for plan review and approval showing such improvements will be in compliance with the building, mechanical and fire codes of the City of Toledo, and by referenced standards, those of the State of Ohio. Construction must also comply with federal ADA standards.
17. Any signs on the building of the site, will require a separate plan review and permit(s) in accordance with the City of Toledo’s sign Codes (Toledo Municipal Code §1113 and §1377 – §1395).
18. Any fence screening will require a Certificate of Zoning Compliance, issued by the Division of Building Inspection.

Plan Commission

19. 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.
20. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscaping areas.
21. Lights and light fixtures used to illuminate any parking or loading areas must be selected and arranged to direct and reflect the light away from any adjacent residential property and public ways and away from the sky above the light fixture.

Exhibit “A” (cont’d)

Plan Commission (cont’d)

22. Group Living facilities, Type A Day Care Home, and Nonresidential Drug and Alcohol Centers that are subject to this spacing requirement Section in the Use Table of Sec. 1104.0100, must be at least 500 feet from a site with any other Group Living facilities, Type A Day Care Home, and Nonresidential Drug and Alcohol Center that is subject to this spacing requirement. (TMC§1104.1001).
23. A detailed site, lighting, sign, fencing and three (3) landscape plans shall be submitted, separate from Building Plans, to the Plan Director for review and approval. Such plan shall include:
 - a. Landscaped terminal islands must be provided at the end of each parking row;
 - b. Topsoil must be backfilled to provide positive drainage of the landscape peninsula or island.
 - c. Foundation plantings at all major building entrances and for portions of the building that are visible from the public right-of-way;
 - d. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground areas must be covered with hardwood mulch, grass or other vegetative ground cover;
 - e. Per TMC§1108.0305 a decorative fence (wrought iron or aluminum tube) is required along the 22nd Street and Jefferson Avenue frontages;
 - f. The location, height and materials for fencing to be installed and maintained as required in TMC 1108.0300 for the existing parking lot fronting along Jefferson Street. The property will require a screening and buffering type listed in TMC§1108.0305.
 - g. 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;

Exhibit “A” (cont’d)

Plan Commission (cont’d)

- h. The location and direction of any proposed lighting. Lights and light fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect the light away from any adjacent residential property and away from the sky above the light fixture.

- 24. Parking is not located on the same parcel as the principle use and requires an alternative parking plan. The plan shall be submitted for the review and approval of the Planning Director.

- 25. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

- 26. 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 & maintained indefinitely.

- 27. 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.

- 28. 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.

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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
- Location - 2048 Scottwood Ave
- Owners - Scott & Tammy Michalak
2056 Scottwood Ave
Toledo, OH 43620
- Appellant - Robert Brandow
2015 Scottwood
Toledo, OH 43620

Site Description

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

GENERAL INFORMATION (cont'd)

- OWE-4-13 - Install fence in rear, side and front yard (OWEHDC approved 4/8/13). Appealed and Plan Commission denied appeal on 5/9/13.
- OWE-10-13 - Trim work (Admin approved 5/13/13)
- OWE-48-13 - Repair roof – cracked tile (Admin approved 7/30/13)
- OWE-64-13 - Stucco repair on garage (Admin approved 9/20/13)
- OWE-78-13 - Temporary fence due to theft (Admin approved 11/27/13)
- OWE-4-14 - Restoration of veranda porch (OWEHDC approved 3/10/14)

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 August 10, 2015. The site is located at 2048 Scottwood Avenue and is occupied by a single-family home built in 1900.

The COA that was approved for this request is to install a wood (cedar), lattice fence along the south side of the lot from the rear to the front and parallel to the driveway. 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”. This complies with the Toledo Municipal Code, Part Eleven, Chapter 1105.0300, Fences and Hedges. The proposed fence, shown in the attachments, meets this requirement and the approved fence material requirement for the historic district that can be made of wood, wrought iron and ornamental metal.

The appeal that was received at the Plan Commissions office on August 17th, 2015 was for two items and is listed below as they were received from the appellant:

1. ***From my understanding the certificate of appropriateness initially granted the Michalaks had expired for not being affected, i.e. the fence was not built.***

STAFF ANALYSIS (cont'd)

2. *Coming before this committee should have been a number of issues.*
 - a. *Should a fence be allowed in a historic district if there had never been a fence before? The Secretary of Interior's guidelines indict that no such structure should be built where none had been before. I will bring evidence that no such structure was contemplated by the original pattern. Nor has there been a fence there in the twenty-six years I have lived down the street.*
 - b. *The committee chairman told the audience and the committee that the only issue before it that evening was the design of the fence. This is not a design review committee but rather, a committee to decide whether changes in our properties conform to the Secretary of the Interior's standards.*
 - c. *From comments made by one of the committee members it was clear that exterior influences had prejudices at least, one member of the committee. It appears as if decisions were rendered on a personal and biased fashion. For those reasons the neighbors up and down the street have asked me to appeal the committee's ruling.*

The appeal was received from a property owner located on the same street as the applicant but south of the subject site, Mr. Robert Brandow, who was present at the August 10, 2015 OWEHDC. Mr. Brandow's statement in comment number two, letter a, mentions a concern if the Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings, governed by the United States Parks Service, allows for fences to be installed on historical properties.

The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings include a section on the Building Site. The guidelines recommend identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character. Site features may include circulation systems such as walks, paths, roads, or parking; vegetation such as trees, shrubs, fields, or herbaceous plant material; landforms such as terracing, berms or grading; furnishings such as lights, fences or benches; decorative elements such as sculpture, statuary or monuments; water features including fountains, streams, pools, or lakes; and subsurface archeological features which are important in defining the history of the site. Additional terms used to describe building sites are cultural landscape and a historic landscape. Both terms are described below:

A **cultural landscape** is defined as "a geographic area, including both cultural and natural resources and the wildlife or domestic animals there in, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values."

STAFF ANALYSIS (cont'd)

A **historic landscape** includes residential gardens and community parks, scenic highways, rural communities, institutional grounds, cemeteries, battlefields and zoological gardens. In addition to vegetation topography, cultural landscapes may include water features such as ponds, streams, and fountains; circulation features such as roads, paths steps, and walls; buildings; and furnishings including fences, benches, lights and sculptural objects.

Staff has reviewed the appellant's statement and has determined neither a cultural or historic landscape applies to the residential homes in the Old West End Historic District; therefore, residential fences can be installed and are not considered a permanent change to the landscape.

The Old West End Historic District Commission (OWEHDC) has approved fences for property owners since the early 1980's when the historic overlay was adopted by City Council. The number of fences approved by the OWEHDC for the first half of 2015 is six. Three fences were approved for the front yard and three fences were approved for the back yard.

In 2014, the OWEHDC approved 11 fences; eight were approved for the back yard and three were replacement fences for previously installed fences. In 2013, OWEHDC approved nine fences; four were approved for the front yard and five for the back yard. In 2012, the OWEHDC approved seven fences that were for the back yard. Staff has attached photos of fences that are currently installed on residential properties in the OWE.

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 from the rear to the front and parallel to the driveway located at 2048 Scottwood Ave for the following three reasons:

1. This request meets the Toledo Municipal Code requirement for fence installation.
2. The wood fence meets the historic district approved material list for fences that allows for wood, wrought iron and ornamental metal.
3. The Old West End Historic District is not considered a cultural or historic landscape; therefore, residential fences can be installed and are not considered a permanent change to the landscape.

REF: OWE-49-15 . . . September 10, 2015

APPEAL OF OWEHDC DECISION
TOLEDO CITY PLAN COMMISSION

REF: OWE-49-15

DATE: September 10, 2015

TIME: 2:00 P.M.

MLM

Attachments Follow (5)

ZONING & LAND USE
2048 ROBINWOOD AVE.

OWE-49-15
ID 14

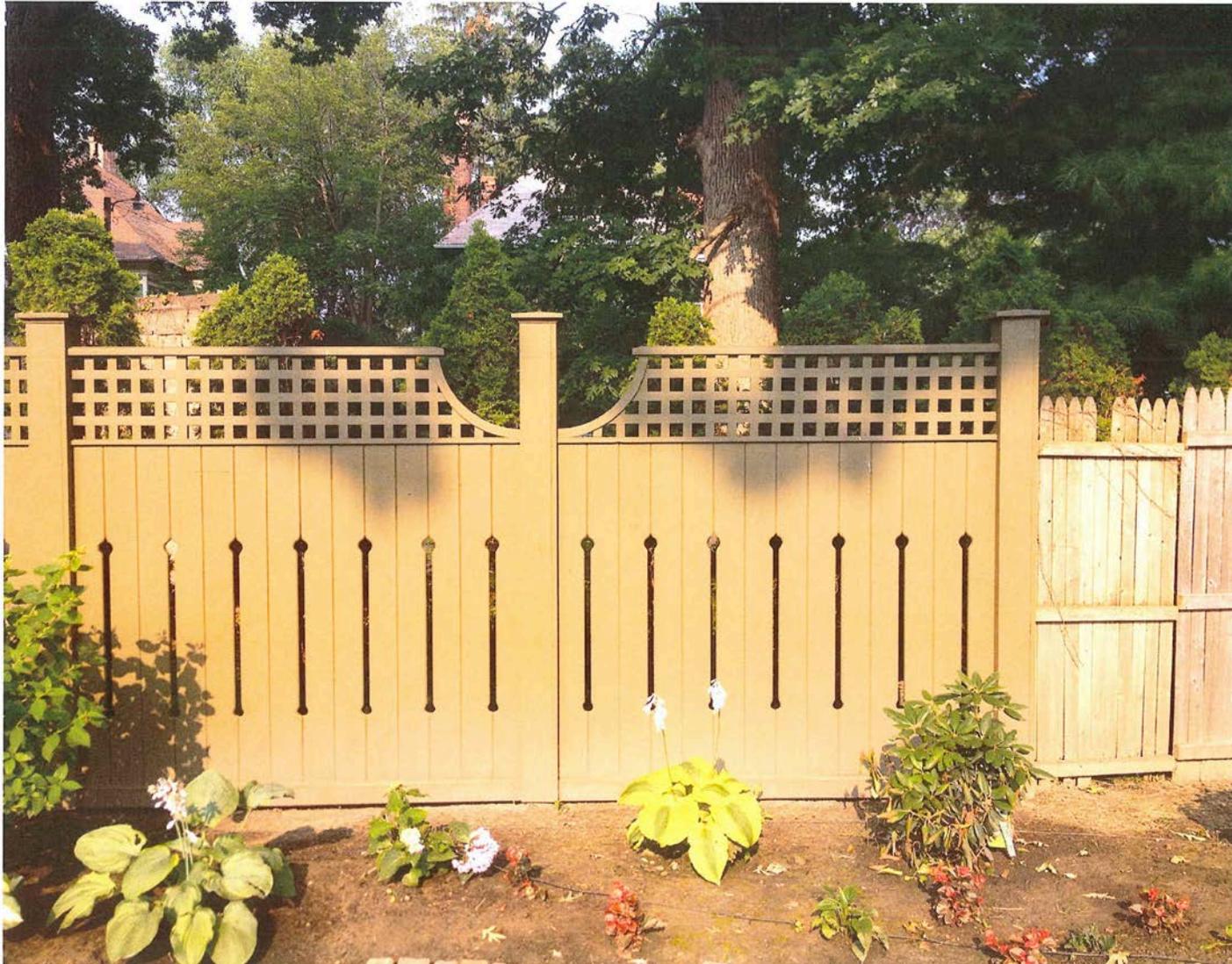


13 - 6



**PHOTO OF FENCE STYLE PREVIOUSLY APPROVED AND
INSTALLED
2048 SCOTTWOOD AVE.**

**OWE-49-15
ID 14**



**LOCATION OF FENCE TO BE INSTALLED ALONG THE
PROPERTY LINE
2048 SCOTTWOOD AVE.**

**OWE-49-15
ID 14**



**LOCATION OF FENCE TO BE INSTALLED ALONG THE
PROPERTY LINE
2048 SCOTTWOOD AVE.**

**OWE-49-15
ID 14**



**CURRENT PHOTO OF PROPOSED FENCE LOCATION
2048 SCOTTWOOD AVE.**

**OWE-49-15
ID 14**



GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a used auto sales facility
Location	-	2800 – 2808 Tremainsville Road
Applicant	-	Trilby Corners, LLC 2808 Tremainsville Road Toledo, OH 43613
Engineer	-	John A. Weithman, P.E. P.O. Box 184 Waterville, OH 43566

Site Description

Zoning	-	CR / Regional Commercial
Area	-	±2.54 acres
Frontage	-	±341' along Tremainsville Road
Existing Use	-	Auto Repair Shop
Proposed Use	-	Used Auto Sales Facility

Area Description

North	-	Single Family Dwellings / RS6
South	-	Commercial Building / CR
East	-	Single Family Dwellings / RS6
West	-	Commercial Building / CR

Parcel History

Z-11005-05	-	Request for a Zone Change from RS6 Single Family Residential to CR Regional Commercial, approved by Plan Commission on 1/12/06, approved by City Council 2/3/09, Ord. 63-09.
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Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit (SUP) to facilitate the development of a used auto sales facility at 2800 – 2808 Tremainsville Road. The ±2.54 acre site consists of three (3) parcels. The northwestern parcel is occupied by a small structure that contains a dwelling unit, an office space, and a shop. A shed, an accessory building, and an auto repair service shop are located on the remainder of the site. If approved, an agreement between the owners of the properties will need to be obtained and submitted. This case was deferred on August 13, 2015 at the request of the applicant in order to rectify Division of Transportation concerns.

The applicant intends to use the existing 7,500 square foot building on 2808 Tremainsville Road to operate the used auto sales and auto repair facility. The accessory structure and storage shed located on the site and are intended to be used as part of the Special Use Permit.

Used Auto Regulations

TMC§1104.0300 – *Auto and RV Sales, Used Only* outlines site design criteria for used auto sales facilities. Included are criteria governing minimum lot size and frontage. Used auto sale facilities shall be located on a lot with no less than one-half (1/2) acre and have a minimum average width of 150 feet along the main road frontage. The site meets these criteria. Additionally, the applicant is proposing to operate an auto repair shop in conjunction with the used auto sales facility. Repairs and service of any inoperable automobile must be conducted wholly within and enclosed structure permanently located on the lot. The site plan submitted is in compliance with this regulation.

Site plans for used automobile and recreational vehicle sales shall be delineated, with dimensions, parking areas and drive aisles for the outdoor display area and customer/employee parking area. Used vehicle inventory shall only be displayed, parked or located within areas approved and defined. Required customer/employee parking may not be used for used vehicle inventory (TMC§1104.0308). Additionally, the large “lawn area” depicted on the site plan cannot be used for vehicle display. If approved, a revised site plan showing compliance must be submitted for the approval of the Planning Director.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Schedule A, a used auto and recreational vehicle sales/rental facility is required to have one (1) parking space per every 5,000 square feet of open sales area, plus one (1) parking space per every 500 square feet of enclosed sales area, plus one and one half (1.5) per every service bay. Elevations show a total of two (2) service bays requiring three (3) customer parking spacing on the site. Calculations using the auto repair shop’s square footage as enclosed sales area conclude that a total of eighteen (18) customer spaces are required for parcel #23-03414. The site plan depicts a total of thirty-nine (39) parking spaces. The site plan is in compliance with the number of required parking spaces, and twenty-one (21) spaces are available for auto sales display.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

The applicant does not intend on accessing the property via the southernmost curb cut located on 2790 Tremainsville Road (parcel #23-03419). The site will be accessed via the two (2) existing curb cuts onto Tremainsville Road. If approved, staff will require that the cross access between 2808 Tremainsville Road and 2790 Tremainsville Road be closed with a barrier that prohibits vehicular thru-traffic. Cross access is proposed on the development site between 2800 Tremainsville Road and 2808 Tremainsville Road. Due to the different ownership of the parcels, the proposed access arrangement will require an Alternative Access and Parking Plan to be submitted to the Planning Director detailing the type of alternative being proposed and the rationale for such proposal. A cross access agreement was not submitted as part of the application submittals.

Landscaping

The site is existing and therefore only required to be brought closer into compliance with the landscape requirements of the 2004 zoning code. If approved, staff will require a fifteen (15') foot frontage greenbelt along Tremainsville Road. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. Calculations require a total of twelve (12) trees to be planted in the frontage greenbelt along Tremainsville Road. Trees are not required to be evenly spaced and may be clustered. The site plan submitted is in compliance with TMC§1108.0202.

If approved, a Type A landscape screen and buffer will be required along the north and east property lines of the site that abut the adjacent residentially zoned properties. Said screen and buffer shall consist of a solid six (6') foot to eight (8') foot tall fence or wall and a ten (10') foot wide landscape buffer abutting the screening. Fencing is to be installed so that the smooth/flush side faces away from the development site. Additionally, staff will require a solid evergreen hedge be planted along the Tremainsville Road frontage to screen the parking lot so that no headlights of any vehicles can be seen from the public street.

Building Design

Elevations depict the use of split-faced concrete block and standard concrete block. The buildings are existing and therefore, if approved, no changes to the exteriors will be required.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan this site for Neighborhood Commercial land uses. The CN Neighborhood Commercial district is intended to accommodate predominately small and medium scale commercial uses that serve neighborhoods. Small and medium scale offices and mixed uses may be included. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Development for this zoning district is not intended to be intense with excessive building coverage, large buildings, and buildings placed close together.

The Special Use Permit is not suitable for this location because it does not conform to the 20/20 Comprehensive Plan. Additionally, the presence of multiple structures on the site creates the potential for an overdeveloped site that could be detrimental to nearby neighborhoods. Additionally, the Department of Transportation has objected to the Special Use Permit. Finally the site does not offer adequate consumer parking and vehicular display parking.

Although staff is recommending disapproval, conditions of approval are attached as Exhibit "B".

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-2005-15, a request for a Special Use Permit for a used auto sales facility, for a site located at 2800 – 2808 Tremainsville Road, to the Toledo City Council, for the following four (4) reasons:

1. The Department of Transportation objects to the approval of the Special Use Permit;
2. The request does not does not meet the stated purpose of the Toledo Municipal Zoning Code;
3. The presence of multiple structures on the site creates the potential for an overdeveloped site and;
4. The request does not conform to the 20/20 Comprehensive Plan.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-2005-15
DATE: September 10, 2015
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: October 14, 2015
TIME: 4:00 P.M.

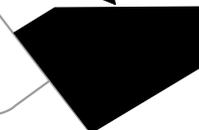
GP/jj
Four (4) sketches follow
Exhibit "A" follows
Exhibit "B" follows

GENERAL LOCATION

SUP-2005-15
ID 55



SITE

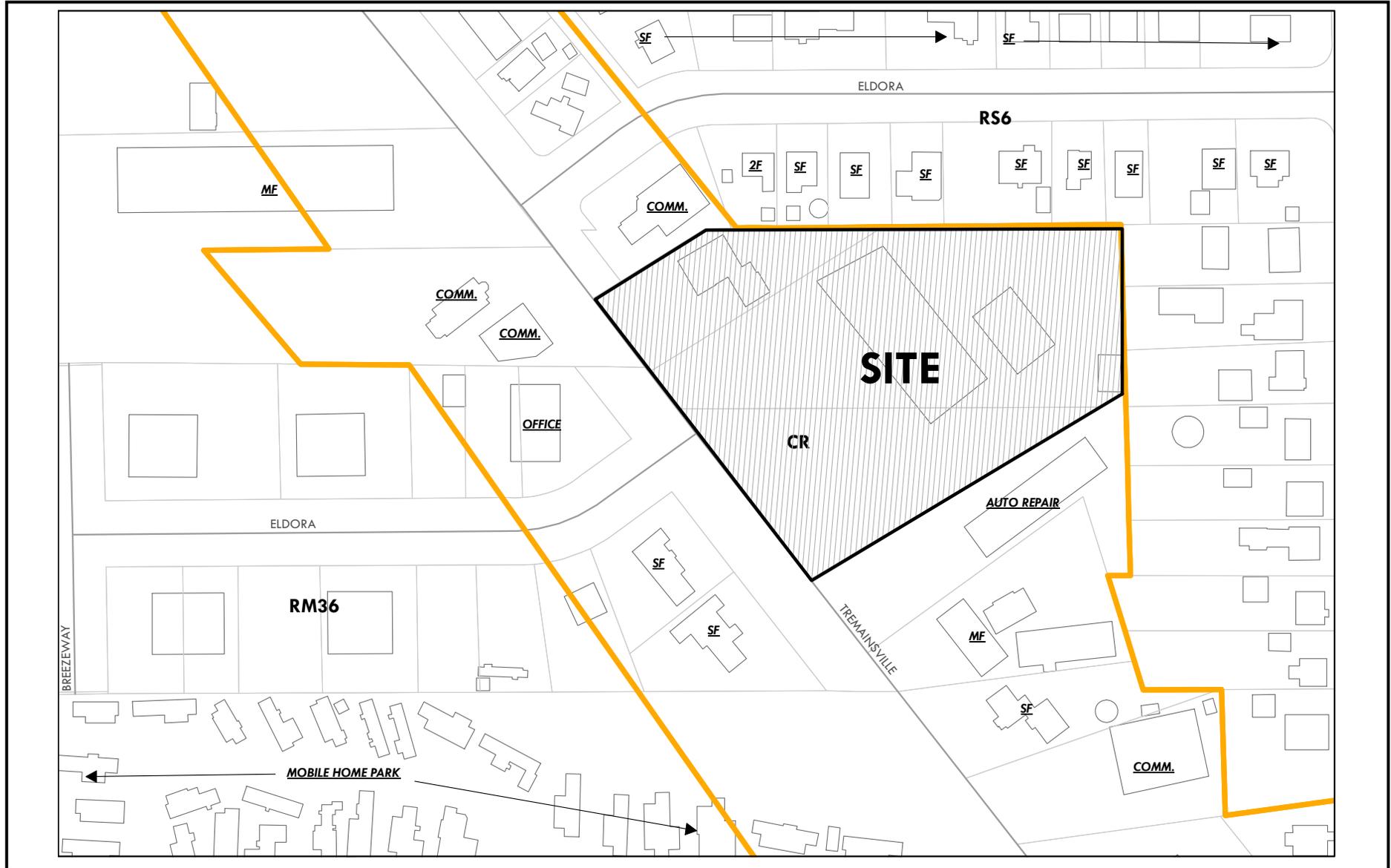


ZONING & LAND USE

SUP-2005-15
ID 55

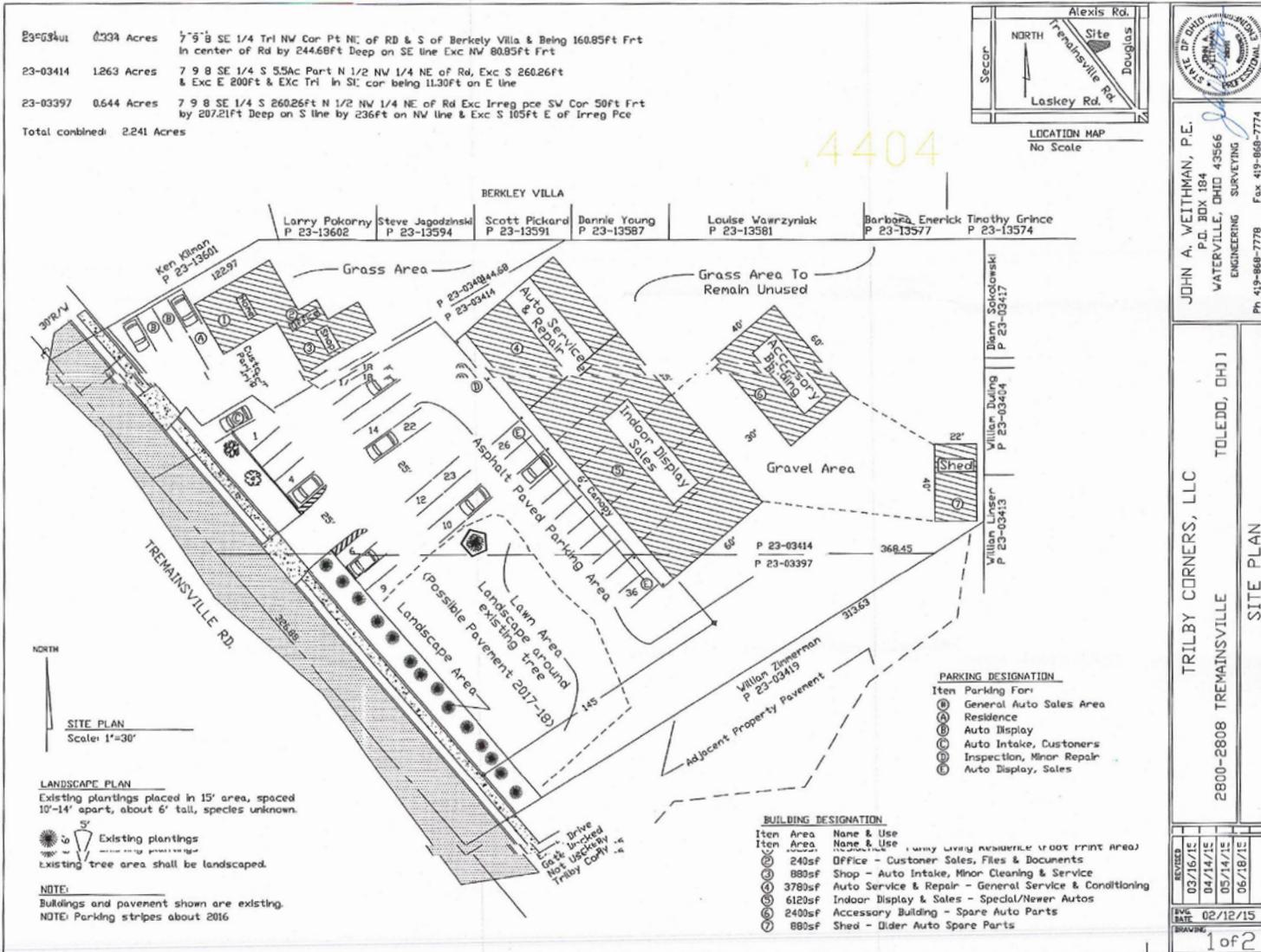


14 - 6



SITE PLAN

SUP-2005-15
ID 55



ELEVATION

SUP-2005-15
ID 55

14-8

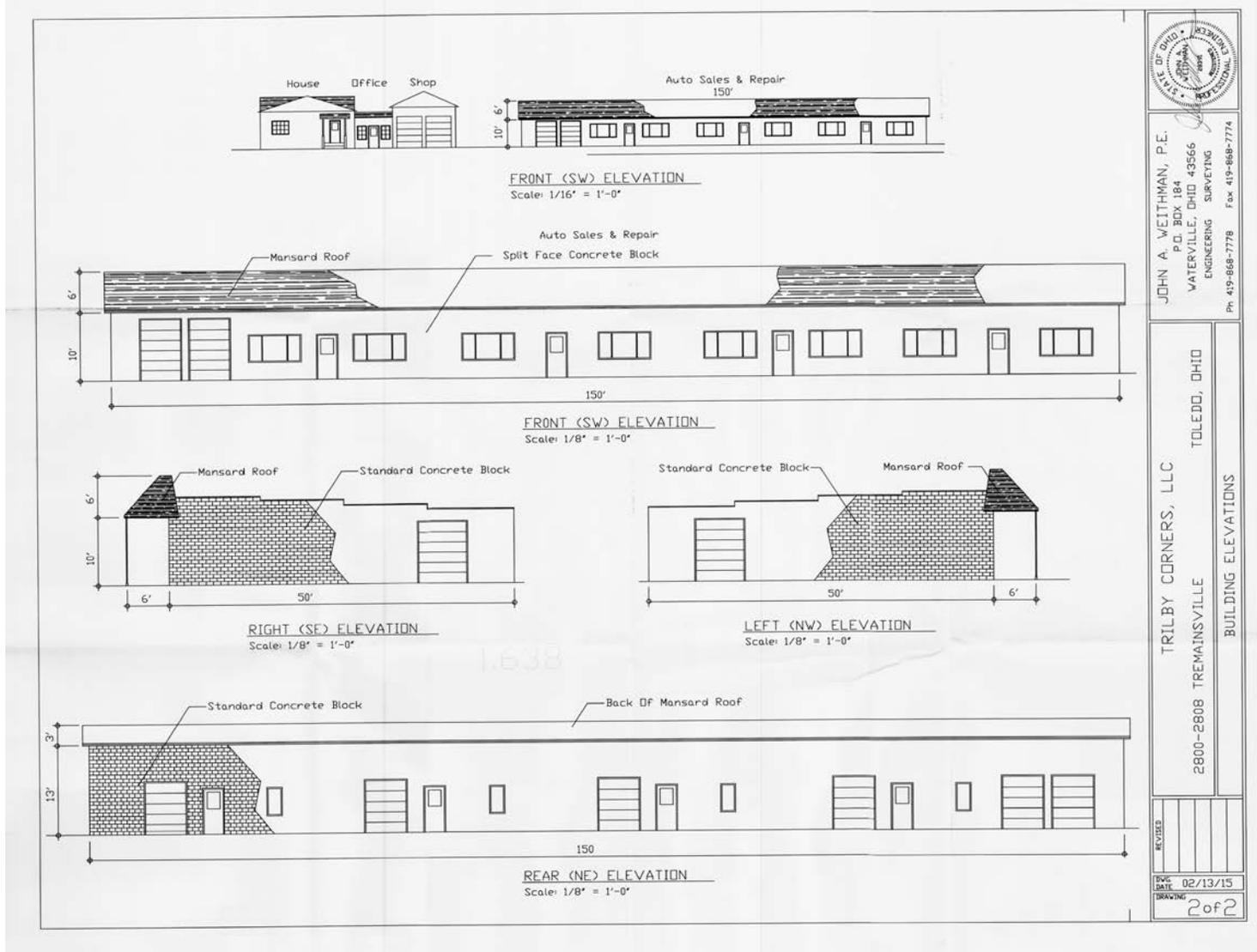


Exhibit "A"

Ref: SUP-2005-15
Planner: JC Pullum
Prepared By: GAS

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF TRANSPORTATION
RECOMMENDATION ON A SITE PLAN

To: Thomas C. Gibbons, Director, Toledo-Lucas County Plan Commissions
Thru: William H. Franklin, P.E., Director of Public Service *WJH 6/2/15*
From: Sherri L. Frederick, Acting Commissioner, Division of Transportation *SLF 6/1/15*
Subject: Revised used auto sales facility at 2800-2808 Tremainsville Road

The Division of Transportation has reviewed the site plan and has the following comments:

1. The site plan does not accurately show the site as it currently exists. Revised site plans shall be submitted showing the current and proposed disposition of the site.
2. 25' wide access drives and drive aisles shall be maintained throughout the site to accommodate two-way traffic.
3. In the northernmost portion of the the double parking of vehicles shall not be allowed.
4. Parking meeting the requirements of the American with Disabilities Act must be provided in accordance with TMC 1107.
5. Cross-access agreement with the adjacent parcel shall be established.

The Division of Transportation objects to the approval of the site plan by the Plan Commission until the above mentioned conditions are addressed to the satisfaction of this division

Sherri L. Frederick 6/1/15

Sherri L. Frederick Date
Acting Commissioner
Division of Transportation

Exhibit "B"

The following thirty-seven (37) 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, Toledo Municipal Code, and 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 and Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained before work begins from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. 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.
7. Contact the City of Toledo Fire Prevention Bureau to determine the fire protection requirements for this site.

Exhibit “B” (cont’d)

Engineering Services (cont’d)

8. Contact the Division of Water Distribution to determine the backflow prevention requirements for this site.
9. Plans submitted for review do not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a storm water plan review. However, if revisions are made to the Site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full Site plan review and approval will be required. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water Utility, including stormwater detention and post-construction stormwater Best Management Practices (BMPs) as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

Sewer & Drainage Services

10. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
11. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Economic Development

No objections or concerns to the Site plan.

Fire Prevention

12. Approved address numbers are required on the building and shall be plainly legible and visible from the street fronting the property.

Exhibit "B" (cont'd)

Transportation

13. The Site plan does not accurately show the site as it currently exists. Revised Site plans shall be submitted showing the current and proposed disposition of the site.
14. 25' wide access drives and drive aisles shall be maintained throughout the site to accommodate two-way traffic.
15. In the northernmost portion of the double parking of vehicles shall not be allowed.
16. Parking meeting the requirements of the American with Disabilities Act must be provided in accordance with TMC 1107.
17. Cross-access agreement with the adjacent parcel shall be established.

Building Inspection

18. Any alterations of or additions to existing structures, or construction of a new structure will require submission of stamped construction documents to the Division of Building Inspection for plan review and approval in accordance with the Ohio Building Code (OBC) and the associated mechanical and electrical codes. This project may require a change of use of the building on the site leading to a new certificate of occupancy.
19. Any new fencing and new signs will require a separate plan review and permit(s).

Plan Commission

20. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks (**not depicted on Site plan**).
21. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
22. All lots of the development site shall be combined into a single taxable parcel identification number.

Exhibit “B” (cont’d)

Plan Commission (cont’d)

23. A cross access agreement between the owners of the properties shall be obtained and submitted
24. 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. (TMC§1104.0302(A)) **(if applicable)**.
25. The “lawn area” as depicted on the Site plan shall not be used for vehicle storage or auto display. The “lawn area” cannot be paved without amending the Special Use Permit.
26. Accessory buildings shall only be used for subordinate uses. No sales or repairs are permitted from these structures.
27. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
28. All vehicles on display must be parked in striped parking spaces that shall be designated on an approved Site plan. Vehicle parking that deviates from the approved Site plan shall not be permitted.
29. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.
30. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)).
31. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas **(if applicable)**.

Exhibit “B” (cont’d)

Plan Commission (cont’d)

32. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.
33. A barrier to prohibit vehicular cross access shall be provided along the southeasterly property line (abutting 2790 Tremainsville Road). The barrier shall be a permanent concrete curb, fence, or other type of barrier approved by the Planning Director but may not consist of a guardrail.
34. A detailed site, lighting, sign, fencing and landscaping plan separate from the Building Plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Greenbelts are required along all street frontages. Greenbelt frontage landscaping shall be a minimum width of fifteen (15’) feet;
 - b. A Type A landscape screen and buffer shall be provided along the north and east property lines of the site that abut the adjacent residentially zoned properties.
 - c. A perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-way. A solid evergreen hedge planting with a minimum height of eighteen (18”) inches (when installed so as to achieve full screening at maturity) shall be provided.
 - d. Topsoil must be back filled to provide positive drainage of the landscape area;
 - e. Foundation plantings along all portions of the building that is visible from the public right-of-way and landscaping at all major building entrances;
 - f. 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, **as pertaining to the foundation plantings;**

Exhibit “B” (cont’d)

Plan Commission (cont’d)

- g. 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;
 - h. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties).
 - i. Lighting shall utilize a pedestrian style light fixture and pole to match the lights being used by the City of Toledo for public enhancements projects along Monroe Street.
 - j. The location, lighting and size of any signs, all signage is subject to TMC§1387.
35. 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 & maintained indefinitely.
36. 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.
37. 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.

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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

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
130-A 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
1049 S. MCCORD ROAD
HOLLAND, OH 43528
419-213-2860

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

COLUMBIA GAS COMPANY
TONY BUCKLEY
FIELD ENGINEER TECHNICIAN
2901 E. MANHATTAN BLVD
TOLEDO, OH 43611
419-539-6078

LUCAS COUNTY
SANITARY ENGINEER
JIM SHAW
111 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
419-213-4209

A T & T
ATTN: DESIGN MANAGER
130 N. ERIE, ROOM 714
TOLEDO, OH 43604
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
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 E. CLINTON STREET
NAPOLEON, OH 43545
419-599-4030

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

Toledo - Lucas County General Street Map

