

*TOLEDO CITY  
PLAN COMMISSION  
REPORT*

*AUGUST 8, 2013*

*Toledo-Lucas County Plan Commissions*

*One Government Center, Suite 1620, Toledo, OH 43604*

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

## MEMBERS OF THE TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

### TOLEDO CITY PLAN COMMISSION

CATHERINE G. HOOLAHAN  
(Chairman)

CYNTHIA A. GERONIMO  
(Vice Chairman)

BALSHARAN SINGH GREWAL

KEN FALLOWS

OLIVIA HOLDEN

### LUCAS COUNTY PLANNING COMMISSION

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(Chairman)

KEVIN X. SMITH  
(Vice Chairman)

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TINA SKELDON WOZNIAK  
(County Commissioner)

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(County Commissioner)

CAROL CONTRADA  
(County Commissioner)

KEITH G. EARLEY

CRAIG BOWIE

RICHARD G. MOSES

KEN FALLOWS

THOMAS R. LEMON, SECRETARY

LISA COTTRELL, ADMINISTRATOR

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

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

\* County deadlines are for Preliminary Drawings

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**TOLEDO-LUCAS COUNTY PLAN COMMISSIONS**

**August 8, 2013**

**2:00 p.m.**

PUBLIC HEARING WILL BE HELD AT ONE GOVERNMENT CENTER

AT JACKSON BOULEVARD AND ERIE STREET

IN COUNCIL CHAMBERS

ON THE FOLLOWING CASES

**AGENDA**

**ROLL CALL** - Toledo City Plan Commission

**PROOF OF NOTICE**

**SWEARING IN**

**MINUTES**

**FINAL PLATS**

**ITEM  
NO.**

**CASE DESCRIPTION**

- |                 |                                                                                                                                      |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 1. Z-6016-13:   | Zone Change from CO to RD6 at 448-450 Woodruff Avenue (mm)                                                                           |
| 2. SUP-6025-13: | Special Use Permit for school at 5025 Glendale Avenue (gp)                                                                           |
| 3. Z-6019-13:   | Zone Change from RS6 to POS at 1252 Wildwood Road and 1246 Opal Street (gp)                                                          |
| 4. SUP-6022-13: | Special Use Permit for dog park at 1252 Wildwood Road and 1246 Opal Street (gp)                                                      |
| 5. Z-6023-13:   | Zone Change from IL and CR to RM24 at 1050 N. Westwood Avenue, 1230 N. Westwood Avenue and 2604 Dorr Street (bh)                     |
| 6. V-247-13:    | Vacation of Kury Avenue from Dorr Street to Westwood Avenue (bh)                                                                     |
| 7. SPR-26-13:   | Major Site Plan Review for multiple buildings on a lot at 1050 N. Westwood Avenue, 1230 N. Westwood Avenue and 2604 Dorr Street (bh) |

**ITEM  
NO.**

**CASE DESCRIPTION**

- |             |                  |                                                                                                                                                                                                                |
|-------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ◆<br> <br>◆ | 8. Z-6018-13:    | Zone Change from RM36 to CR at 1056 Woodville Road (bh)                                                                                                                                                        |
|             | 9. SUP-6017-13:  | Special Use Permit for expansion of used auto sales facility at 1056 Woodville Road (bh)                                                                                                                       |
|             | 10. SUP-6020-13: | Special Use Permit for used auto sales facility at 4365 Hill Avenue (bh)                                                                                                                                       |
|             | 11. OWE-44-12:   | Appeal of Old West End Historic District application to remove a portion of an existing servant's walk, restore a portion of a service sandstone walk and install a curb along the northern property line (mm) |

**DIRECTOR'S REPORT**

**ADJOURNMENT**

REF: Z-6016-13  
DATE: August 8, 2013

## GENERAL INFORMATION

### Subject

- |           |   |                                                                                                        |
|-----------|---|--------------------------------------------------------------------------------------------------------|
| Request   | - | Request for zone change from CO Office Commercial to RD6 Two Family Residential                        |
| Location  | - | 448 Woodruff Avenue                                                                                    |
| Applicant | - | Benjamin Randall, Atty.<br>Managing Member<br>Pavarthi, LLC<br>448 Woodruff Avenue<br>Toledo, OH 43604 |

### Site Description

- |              |   |                                                                |
|--------------|---|----------------------------------------------------------------|
| Zoning       | - | RD6 Two Family Residential                                     |
| Area         | - | .92 acre                                                       |
| Frontage     | - | 206' along Woodruff Avenue<br>211' along Collingwood Boulevard |
| Existing Use | - | Single Family Home                                             |
| Proposed Use | - | Single Family Home                                             |

### Area Description

- |       |   |                                    |
|-------|---|------------------------------------|
| North | - | Two-Family Home / CO               |
| South | - | Multi-Family / CO                  |
| East  | - | Office, Two-Family Homes / CO, RD6 |
| West  | - | Office / CO                        |

### Parcel History

- |             |   |                                                                                                            |
|-------------|---|------------------------------------------------------------------------------------------------------------|
| Ord. 214-38 | - | Zone change of eastern 25' of lot 182 to CO, City Council approved on 5/11/38.                             |
| Z-21-85     | - | Zone change from CO to CN, disapproved by Plan Commission on 3/21/85, City Council disapproved on 6/19/85. |
| Z-94-88     | - | Zone change from CO to CR, disapproved by Plan Commission on 8/4/88, City Council withdrew on 8/24/88.     |

**GENERAL INFORMATION (cont'd0**

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 RD6 Two Family Residential for a .92 acre site at 448 Woodruff Avenue. The site is at the corner of Woodruff Avenue and Collingwood Boulevard and is within the Old West End Historic District. The applicant is requesting a zone change to facilitate a refinancing/sale of the property.

The Toledo 20/20 Comprehensive Plan targets this site for single family residential uses. The proposed RD6 Two Family zoning district would allow for single-family residential uses. Additionally, the site abuts existing RD6 Two Family Residential zoning to the northeast and is consistent with the zoning categories of properties in the general vicinity of the site.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of Z-6016-13, a request for a zone change from CO Office Commercial to RD6 Two Family Residential, for a site located at 448 Woodruff Avenue, to the Toledo City Council, for the following two (2) reasons:

1. The proposed zone change is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (TMC 1111.0606.A *Review and Decision-Making Criteria*).
2. The proposed CR Regional Commercial zoning is compatible with the zoning classifications of properties within the general vicinity of the site (TMC 1111.0606.C *Review and Decision-Making Criteria*).

ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-6016-13  
DATE: August 8, 2013  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: September 11, 2013  
TIME: 4:00 P.M.

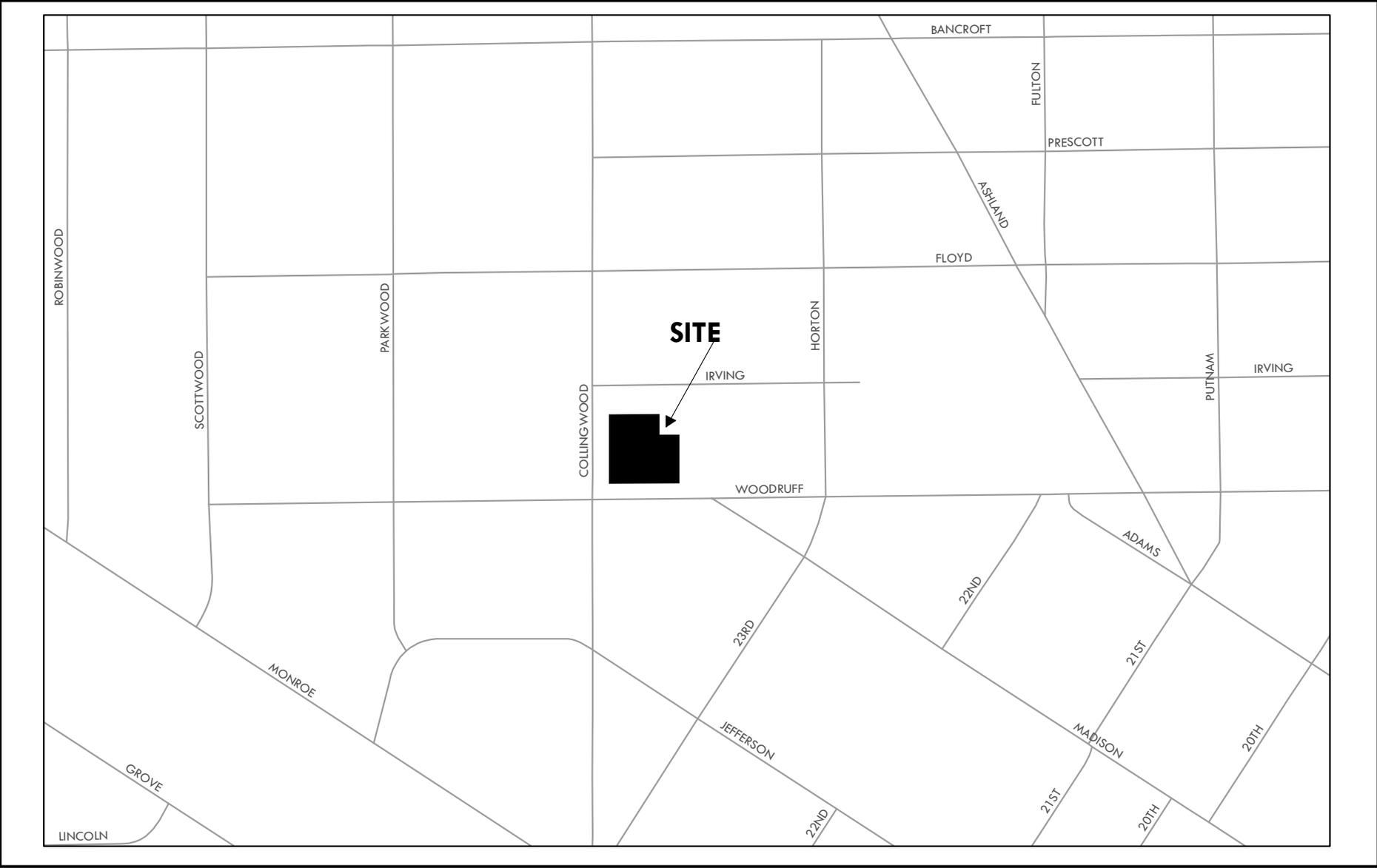
MM/ks  
Two (2) sketches follow

# GENERAL LOCATION

Z-6016-13  
ID 14



1 - 3

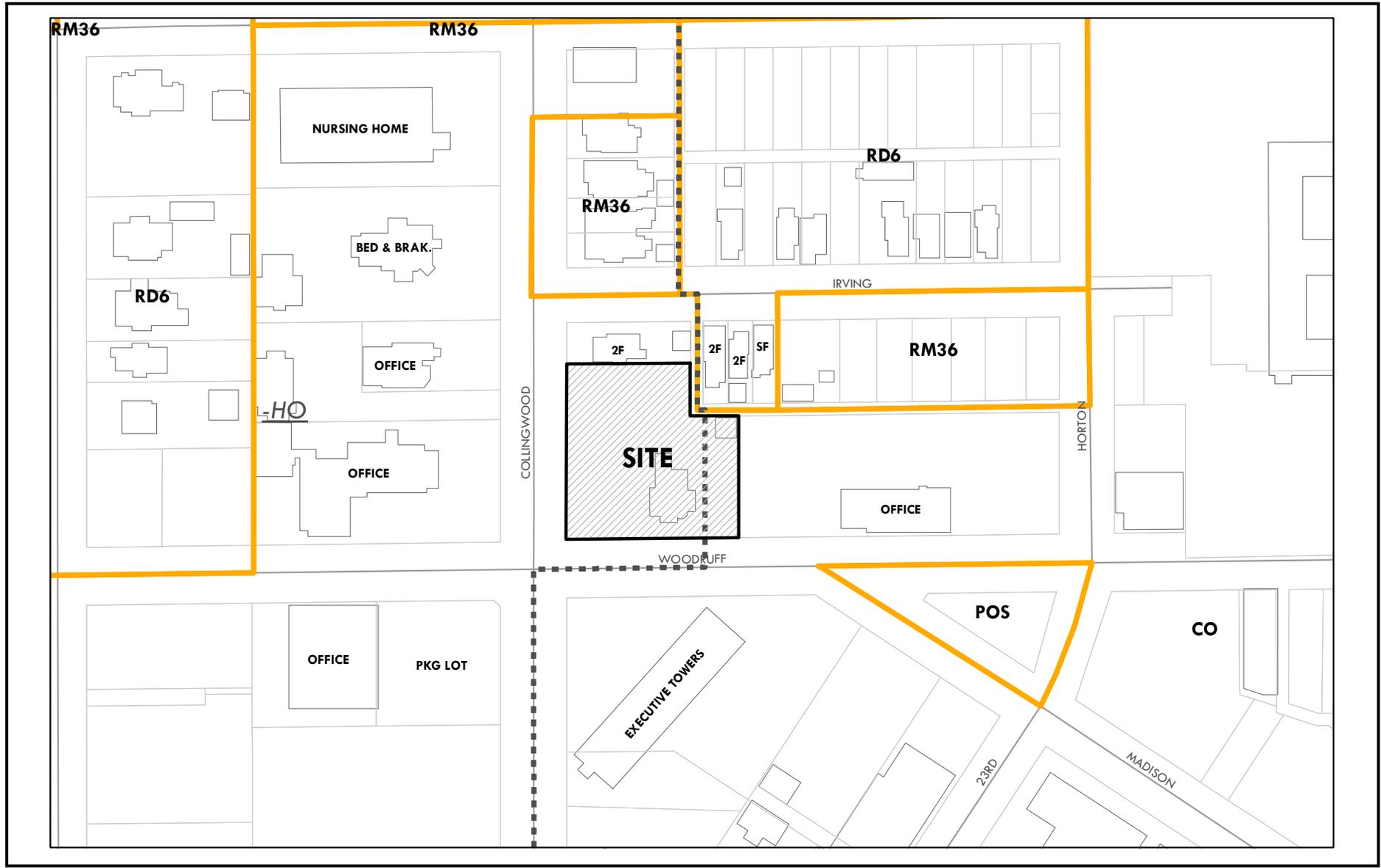


# ZONING & LAND USE

Z-6016-13  
ID 14



1 - 4



## GENERAL INFORMATION

### Subject

- Request - Special Use Permit for a school
- Location - 5025 Glendale Avenue
- Applicant - Calvary Assembly of God  
5025 Glendale Avenue  
Toledo, OH 43614
- Contact - Scot A. Rossi, AIA  
Rossi and Associates, LLC  
970 S. Byrne Road  
Toledo, OH 43609

### Site Description

- Zoning - RS12 Single Family Residential & RM36 Multi Family Residential
- Area - ±15.2 acres
- Frontage - ±749' along Glendale Avenue
- Frontage - ±437' along Ryan Road
- Existing Use - Vacant Church
- Proposed Use - School
- Required Parking - 23 parking spaces
- Proposed Parking - 392 parking spaces

### Area Description

- North - School / RS12
- South - Nursing Home / RM36
- East - Single Family Homes / RS12
- West - Shopping Plaza / CR-SO

### Parcel History

- SUP-125-84 - Request for a special use permit for a daycare center located at 5025 Glendale Avenue. Res. 125-84 approved by Plan Commission on 9/6/84, City Council approved on 9/19/84, Ord. 716-84.

**GENERAL INFORMATION (cont'd)**

Applicable Regulations

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

**STAFF ANALYSIS**

The applicant is requesting a special use permit for a school to be located at 5025 Glendale Avenue. The ±15.2 acre site is located in a RS12 single family residential zoning district and RM36 multi family residential zoning district and is occupied by a church building. Pursuant to TMC§1104.0100 – *Land Use Table*: a school located in a residential zoning district requires a special use permit.

The site was formerly occupied by the Calvary Church of God. The applicant intends to modify the interior of the existing structure in order to a kindergarten through eighth grade school. Hours of operation will be from 9am to 6pm Monday through Friday. The building is currently ±68,800 square feet and no exterior alterations are proposed.

Parking and Circulation

The site plan indicates that there are no proposed modifications to the existing parking lot or site access. The site currently offers 392 parking spaces accessed via one curb cut onto Glendale Avenue. The site also has cross-access with the commercial use to the west. The school requires 23 spaces, leaving an excess of 369. However, the site is existing and therefore no alternative parking plan is required.

Landscaping

The site is existing and therefore only required to be brought closer into compliance with the landscaping requirements of the 2004 zoning code. The site currently offers large lawn areas along the Glendale Avenue frontage and the eastern property line. Staff requests that these areas remain as such and trees be added along the Glendale Avenue frontage. Staff further recommends that foundation plantings be added at all main building entrances.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for single family land uses. The intent of single family zoning districts is to accommodate the development of single dwelling units on individual lot. The districts are intended to create, maintain, and promote housing opportunities for individual households, although they do permit non-residential uses that area typically compatible with residential neighborhood. Schools that are proposed for this zoning district require a special use permit and is a compatible land use. The proposed development conforms to this land use designation.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-6025-13, a Special Use Permit, for an elementary school to be located at 5025 Glendale Avenue, to the Toledo City Council, for the following three (3) reasons:

1. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B));
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C));
3. The proposed use complies with the Toledo 20/20 Comprehensive Plan.

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-6025-13, a Special Use Permit for an elementary school to be located at 5025 Glendale Avenue, to the Toledo City Council, subject to the following eighteen (18) 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, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
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.
3. Contact Scott Bishop at (419) 936-2756 for inspection of above mentioned items.
4. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
5. Water service to the existing building is via an 8-inch (8”) diameter private waterline owned by the adjacent property owner, Glendale Marketplace, 5055 and 5109 Glendale Avenue. Verify that there is a written agreement with Glendale Marketplace to continue receiving water service via their private waterline.
6. The site plan indicates no site modification therefore there is no comment or objection.

**STAFF RECOMMENDATION (cont'd)**

Sewer & Drainage Services

No comments or objections.

Fire Prevention

7. A fire hydrant is required within 350' of all exterior wall of buildings and structures.

Transportation

8. If not already established, a cross-access agreement shall be formalized with the adjacent property owner(s).

Building Inspection

9. Please note that the use of the space in the building at this site may require a "change of use" from an "A" (Assembly) use to an "E" (Educational) use. In this event, stamped drawings of the building on the property must be submitted to the Division of Building Inspection for review and approval indentifying the correct use group, occupancy load, plumbing fixture count, egress and emergency egress locations, emergency evacuation routes and other life-safety and ADA compliancy facilities, in accordance with the administrative code of the Ohio Building Code and the associated mechanical, electrical and fire codes.
10. It is recommended that if construction and/or alterations of any building on this site is planned, that, simultaneous to the change of use request, the construction documents be submitted to the Division of Building Inspection for plan review and approval showing the improvements to be in compliance with the Ohio Building Code and the associated mechanical, electrical codes and fire code.

Plan Commission

11. A paved area for dropping off and picking up students must be provided with the approval of the Division of Transportation.
12. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscaping areas.

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

13. 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 site plan.**
14. Bicycle parking slots shall be provided in the amounts required by Schedule "A" (TMC§1107.0900(A)). No more than 50 bicycle parking spaces shall be required.
15. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. Trees shall be added in the lawn area abutting Glendale Avenue, at a minimum of one tree for every 30 feet of frontage.
  - b. Foundation plantings are required along all main entrances of the building. 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.**
  - c. Landscape / lawn area as depicted on site plan shall be maintained as such.
  - d. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards;
  - e. 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)
  - f. The location, lighting and size of any signs, all signage is subject to TMC§1387.
16. 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.

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

17. 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.
18. 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.

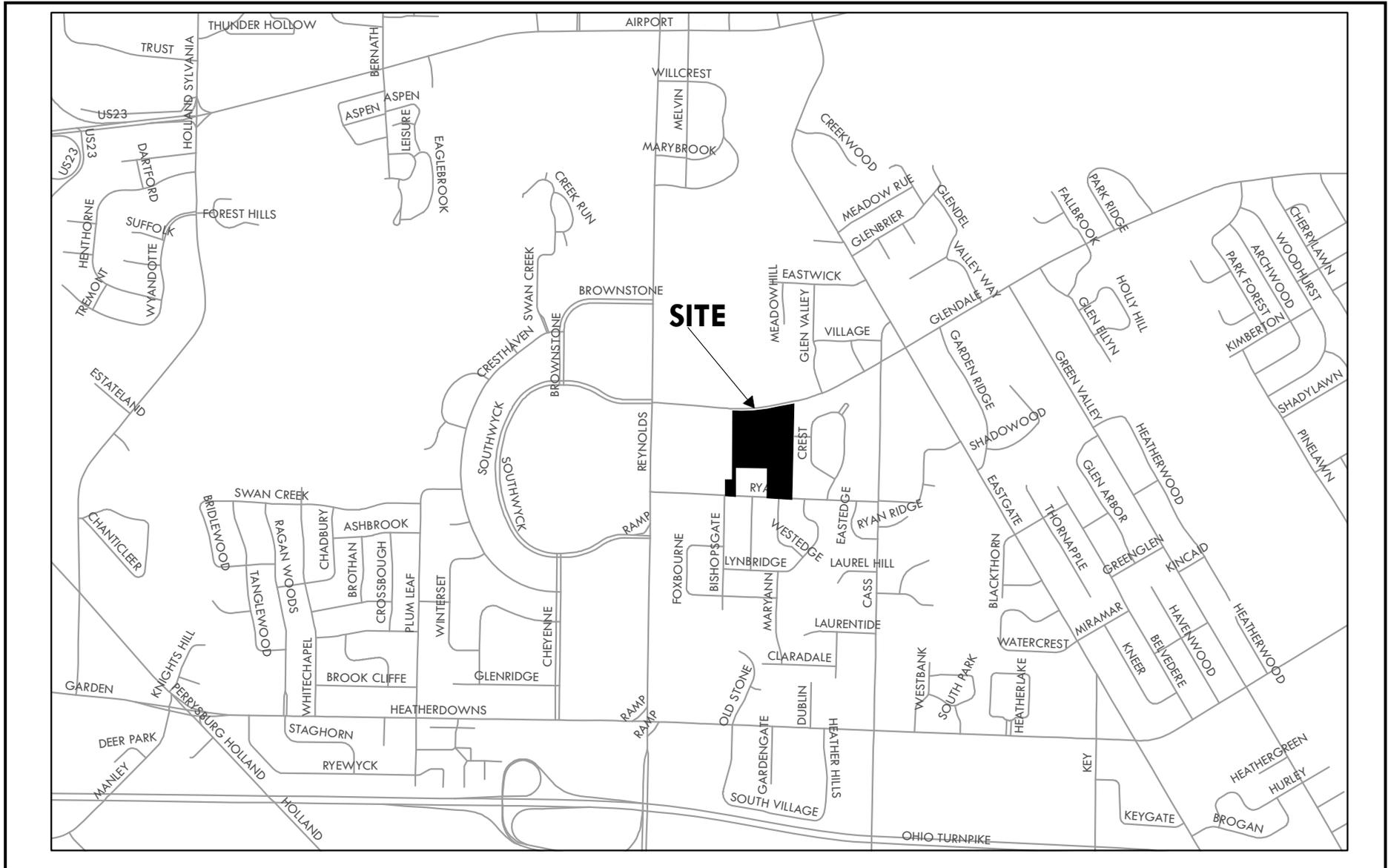
SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-6025-13  
DATE: August 8, 2013  
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: August 14, 2013  
TIME: 4:00 P.M.

GP/ks  
Three (3) sketches follow

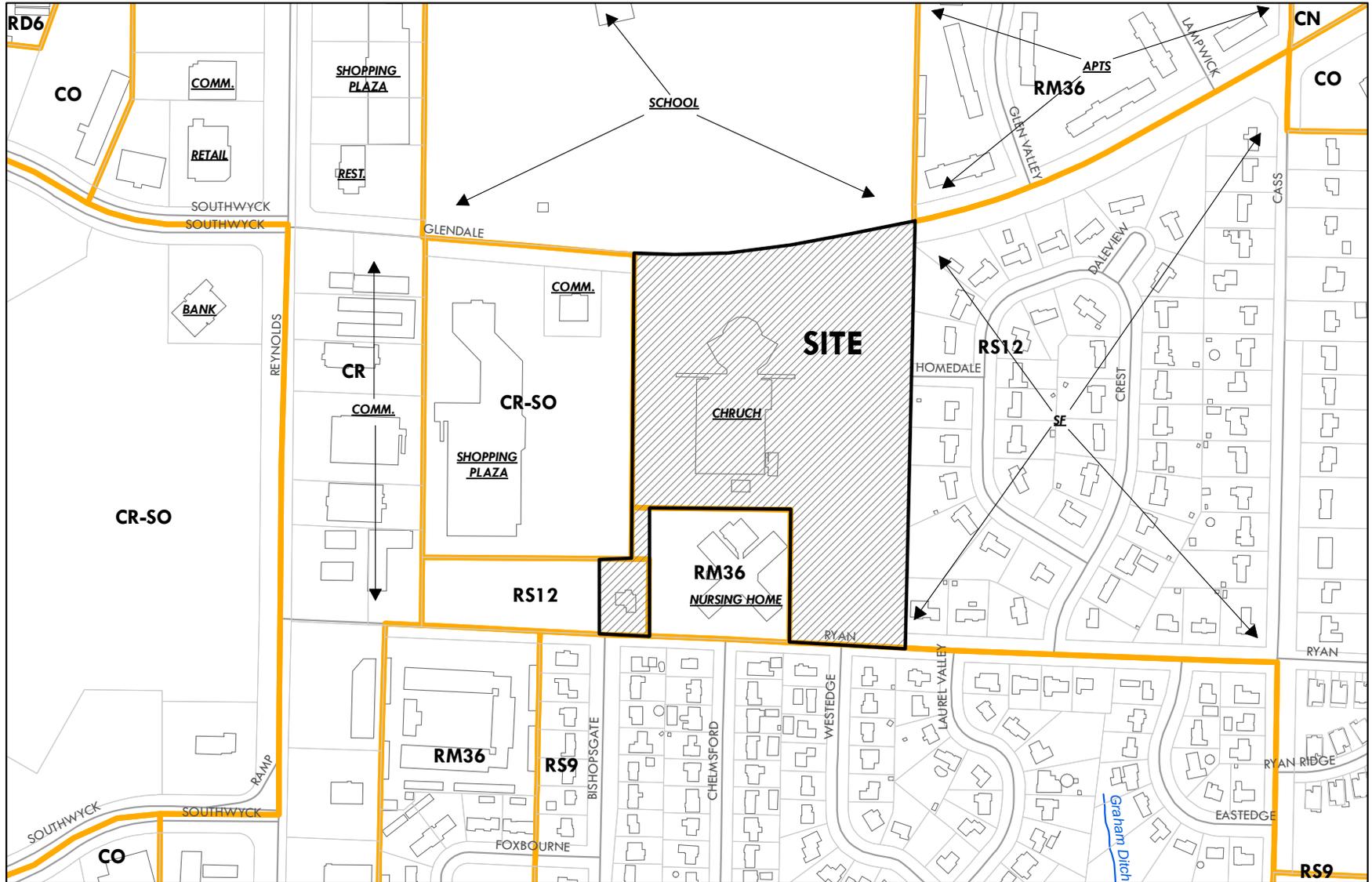
# GENERAL LOCATION

SUP-6025-13  
ID 141



# ZONING & LAND USE

SUP-6025-13  
ID 141

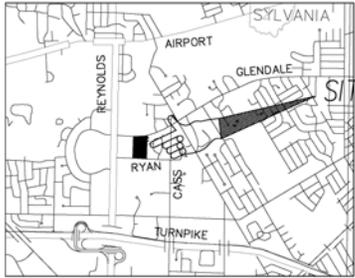


# SITE PLAN

**SUP-6025-13**  
ID 141



## SUP REQUEST FOR CHARTER SCHOOL EXISTING SITE LAYOUT



LOCATION MAP  
SCALE: N.T.S.

### LEGAL DESCRIPTION FOR SITE (20-01824)

0.417 PART OF THE NORTHWEST 1/4 OF SECTION 34 OF TOWN 2, UNITED STATES RESERVE IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, BOUNDED AND DESCRIBED AS FOLLOWS:

### EXISTING SITE CONDITIONS:

ZONING: RS - RESIDENTIAL  
AREA: 15.2 AC. ±  
PROPOSED USE: CHARTER SCHOOL

THE 86,600 SF BUILDING WILL BE USED AS A CHARTER SCHOOL, PREVIOUSLY USED AS A CHURCH AND DAY CARE.

HOURS OF OPERATION:  
M-F 8AM TO 6PM

THERE WILL BE NO SITE MODIFICATION FOR THIS SITE. EXISTING SITE FEATURES WILL BE USED, INCLUDING SHARED PARKING LAYOUT.

### BUILDINGS

EXISTING BUILDING: ONE STORY, 86,800 ± SF

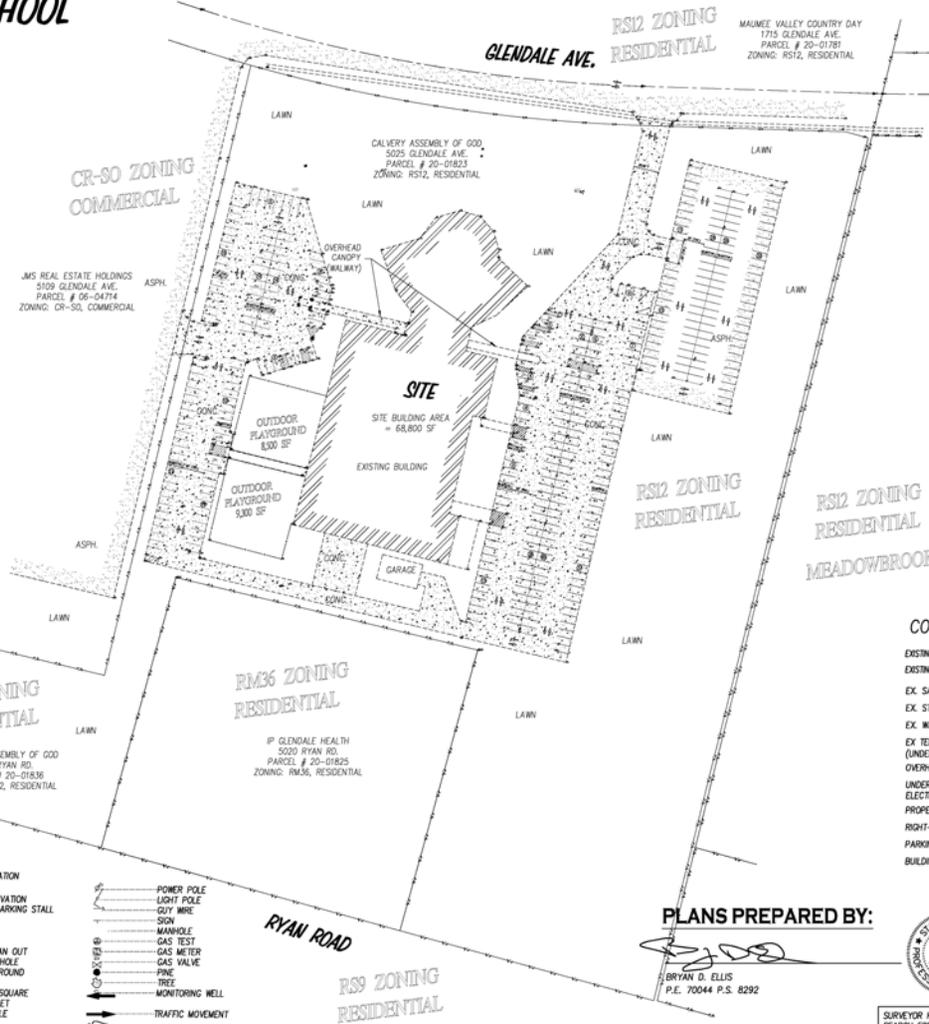
### REQUIRED PARKING (RS12 ZONING)

REQUIRED ACCESSIBLE PARKING BY ADA (208.2) WITH BUILDING ADDITION  
TOTAL PARKING 300 TO 400 + 8 ACCESSIBLE SPACE (10%20)  
TOTAL = 1 VAN ACCESSIBLE SPACE  
MINIMUM 1 IN 8 ACCESSIBLE SPACES MUST BE VAN ACCESSIBLE (10%20)(4008.2.4)

TOTAL PROVIDED PARKING  
366 STANDARD SPACES + 5 VAN ACCESSIBLE + 21 ACCESSIBLE  
392 TOTAL SPACES PROVIDED

### LEGEND

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>EXISTING ELEVATION</li> <li>PROPOSED ELEVATION</li> <li>ACCESSIBLE PARKING STALL</li> <li>FLOOD LIGHT</li> <li>TRANSFORMER</li> <li>STEEL POST</li> <li>SANITARY CLEAN OUT</li> <li>SANITARY MANHOLE</li> <li>CATCH BASIN ROUND</li> <li>CURB INLET</li> <li>CATCH BASIN SQUARE</li> <li>ELECTRIC OUTLET</li> <li>STORM MANHOLE</li> <li>FIRE HYDRANT</li> <li>WATER MANHOLE</li> <li>WATER VALVE</li> <li>ELECTRIC MANHOLE</li> </ul> | <ul style="list-style-type: none"> <li>POWER POLE</li> <li>LIGHT POLE</li> <li>GUY WIRE</li> <li>SOCK</li> <li>MANHOLE</li> <li>GAS TEST</li> <li>GAS METER</li> <li>GAS VALVE</li> <li>FIRE</li> <li>TREE</li> <li>MONITORING WELL</li> <li>TRAFFIC MOVEMENT</li> <li>PROPOSED OVERLAND FLOW</li> <li>EXISTING OVERLAND FLOW</li> <li>EXISTING CONTROL POINT</li> </ul> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



- ### CONVENTIONAL SIGNS
- EXISTING NATURAL GAS
  - EXISTING FENCE
  - EX. SANITARY
  - EX. STORM
  - EX. WATERLINE
  - EX TELEPHONE LINE (UNDERGROUND)
  - OVERHEAD LINES
  - UNDERGROUND ELECTRIC
  - PROPERTY LINE
  - RIGHT-OF-WAY LINE
  - PARKING SETBACK
  - BUILDING SETBACK

### PLANS PREPARED BY:

BRYAN D. ELLIS  
P.E. 70044 P.S. 8292



SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENT OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

DATE	6-29-13
ISSUED FOR:	1ST SUBMISSION
NO.	1

GLASS CITY ENGINEERING & SURVEYING, LLC  
2105 PARKFIELD ST.  
TOLEDO, OHIO 43607  
419-283-8362 FAX 419-539-9867  
EMAIL: BLACKBIRD\_1@MSN.COM

GLENDALE CHARTER SCHOOL  
3665 GLENDALE AVE.  
CITY OF TOLEDO, LUCAS CO., OH

EXISTING SITE CONDITIONS

DRAWN BY: BOE  
JOB NUMBER: 664-1201  
REVIEWED BY: BOE

SP-1/1

C:\Users\Project3\316824-1301-Corner\New\664-1201-Corner.dwg 7/2/2013 9:10:35 AM EDT

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REF: Z-6019-13  
DATE: August 8, 2013

## GENERAL INFORMATION

### Subject

- Request - Request for zone change from RS6 Single Family Residential to POS Parks and Open Space
- Location - 1252 Wildwood Road and 1246 Opal Street
- Applicant - Tina Yoppolo  
Toledo Unleashed  
3713 Westchester Road  
Toledo, OH 43615
- Contact - Jeanette Morell  
City of Toledo Division of Real Estate  
One Government Center Ste. 2200  
Toledo, OH 43614
- Architect - William Steele  
2529 Talmadge Road  
Ottawa Hills, OH 43606

### Site Description

- Zoning - RS6 Single Family Residential
- Area - ± 4.29 acres
- Frontage - ± 855' along Anthony Wayne Trail
- Existing Use - Undeveloped
- Proposed Use - Dog Park

### Area Description

- North - Woodsdale Park / POS
- South - Mixed Residential Duplex District / RD6
- East - Mixed Residential Duplex District / RD6
- West - Single Family Residential / RS6

**GENERAL INFORMATION (cont'd)**

Parcel History

- Z-73-64 - Request for a special use permit for the erection of a Youth Center and Indoor Swimming Pool for the South Toledo Y.M.C.A., located N.W. of the Anthony Wayne Trail and N.E. of Wildwood Road. Res. 73-64 approved by Plan Commission on 4/30/64.
  
- Z-131-68 - Request for an amendment to a special use permit granted to the South Toledo Y.M.C.A. Res. 131-68 approved by Plan Commission on 5/16/68.
  
- SUP-294-78 - Request for an amendment to a special use permit granted by Ord. 370-64 amended per Ord. 528-68. for the South Toledo YMCA. Res. 294-78 approved by Plan Commission on 1/11/79, City Council approved on 1/24/79, Ord. 80-79.
  
- SUP-6012-99 - Request for an amendment to a special use permit granted by Ord.370-64, amended. Accepted request to withdraw on 11/4/99.
  
- SUP-6022-13 - Request for an amendment to a special use permit granted by Ord.370-64, amended.

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 RS6 Single Family Residential to POS Parks and Open Space for a site located at 1252 Wildwood Road and 1246 Opal Street. The ±4.29 acre parcel, formerly the site of the South Toledo YMCA, is zoned single family residential and undeveloped with the exception of a shelter pavilion. A companion case for a special use permit accompanies this case.

**STAFF ANALYSIS (cont'd)**

The applicant is requesting the zone change to facilitate the development of a dog park on this site. The properties will be maintained by Toledo Unleashed, a volunteer based organization that will lease the properties from the City of Toledo. The dog park will consist of an outdoor dog recreation area with separate running areas for large dogs and small dogs. The entire dog park will be enclosed by a chain link fence and will be accessed by a key card. Additional fencing will separate the large dogs from the small dogs. Dogs and owners will go through a screening process and pay an annual fee to use the park.

Surrounding land uses include single family residential to the east of the property across the Anthony Wayne Trail; Woodsdale Park to the north; single family homes to the west and south of the property across the Anthony Wayne Trail.

The Toledo 20/20 Comprehensive Plan designates the area for Parks and Open Space. The zone change is suitable for this location because it conforms to the 20/20 Comprehensive Plan and is compatible with the zoning and land uses that are in the immediate area of the site.

A neighborhood meeting is scheduled for July 25, 2013 to be held on the site at 6:30 pm. The purpose of this meeting is to inform the neighboring community of the request for a zone change and special use permit. The intentions of the applicant will be relayed and any issues or concerns are to be addressed.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommends approval of Z-6019-13, a request for a zone change from RS6 single family residential to POS Parks and Open Space, for sites located at 1252 Wildwood Road and 1246 Opal Street, to the Toledo City Council, for the following three (3) reasons:

1. The zone change use conforms to the Toledo 20/20 Comprehensive Plan.
2. 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); and
3. The proposed POS Parks and Open Space zoning is compatible with the zoning districts within the general vicinity of the site (TMC§1111.0606(C) Review and Decision Making Criteria).

ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-6019-13  
DATE: August 8, 2013  
TIME: 2:00 P.M.

REF: Z-6019-13. . .August 8, 2013

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING

DATE: September 11, 2013

TIME: 4:00 P.M.

GP/ks

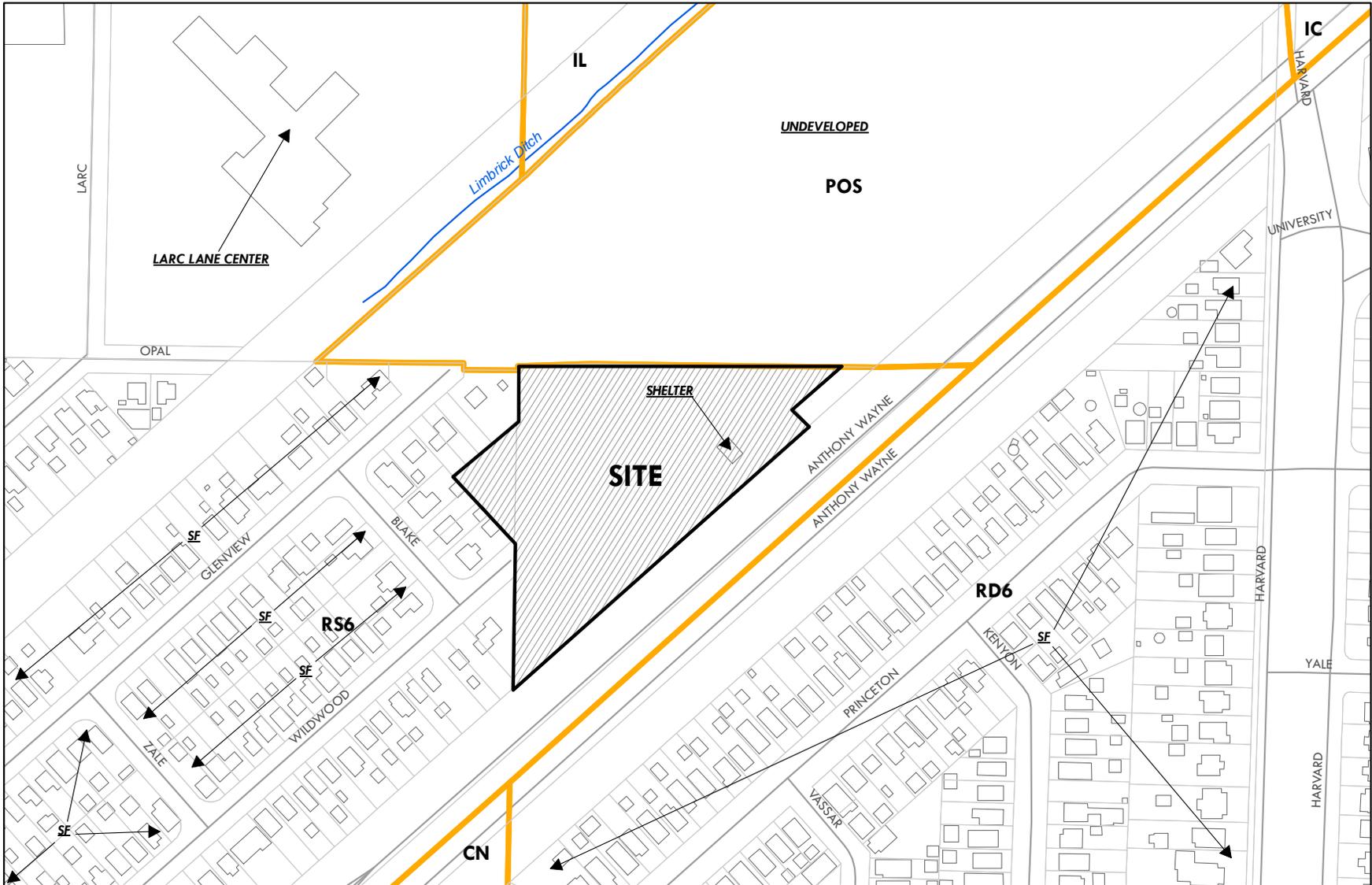
Three (3) sketches follow

One (1) exhibit follows



# ZONING & LAND USE

SUP-6022-13  
Z-6019-13  
ID 34



3-6,4-7

## GENERAL INFORMATION

### Subject

- Request - Request for a Special Use Permit for a Dog Park
- Location - 1252 Wildwood Road and 1246 Opal Street
- Applicant - Tina Yoppolo  
Toledo Unleashed  
3713 Westchester Road  
Toledo, OH 43615
- Contact - Jeanette Morell  
City of Toledo Division of Real Estate  
One Government Center Ste. 2200  
Toledo, OH 43614
- Architect - William Steele  
2529 Talmadge Road  
Ottawa Hills, OH 43606

### Site Description

- Zoning - RS6 Single Family Residential
- Area - ± 4.29 acres
- Frontage - ± 260' along Wildwood Road
- Existing Use - Undeveloped
- Proposed Use - Dog Recreational Park

### Area Description

- North - Woodsdale Park/ POS
- South - Mixed Residential / RD6
- East - Mixed Residential / RD6
- West - Single Family Homes / RS6

### Parcel History

- Z-73-64 - Request for a special use permit for the erection of a Youth Center and Indoor Swimming Pool for the South Toledo Y.M.C.A., located N.W. of the Anthony Wayne Trail and N.E. of Wildwood Road. Res. 73-64 approved by Plan Commission on 4/30/64.

**GENERAL INFORMATION (cont'd)**

Parcel History (cont'd)

- Z-131-68 - Request for an amendment to a special use permit granted to the South Toledo Y.M.C.A. Res. 131-68 approved by Plan Commission on 5/16/68.
- SUP-294-78 - Request for an amendment to a special use permit granted by Ord. 370-64 amended per Ord. 528-68. for the South Toledo YMCA. Res. 294-78 approved by Plan Commission on 1/11/79, City Council approved on 1/24/79, Ord. 80-79.
- SUP-6012-99 - Request for an amendment to a special use permit granted by Ord.370-64, amended. Accepted request to withdraw on 11/4/99.
- Z-6019-13 - Request for a zone change from RS6 Single Family Residential to POS Parks and Open Space.

Applicable Plans and Regulations

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

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit for a dog park (Community recreation, active) to be located at 1252 Wildwood Road and 1246 Opal Street. The ±4.29 acre site is zoned single family residential and is undeveloped with the exception of a shelter pavilion. A companion case for a zone change from RS6 Single Family Residential to POS Parks and Open Space accompanies this case.

The applicant is requesting the special use permit to facilitate the development of a dog park. The properties will be maintained by Toledo Unleashed, a volunteer based organization that will lease the properties from the City of Toledo. The dog park will consist of an outdoor dog recreation area with separate running areas for large dogs and small dogs. The entire dog park will be enclosed by a chain link fence and will be accessed by a key card. Additional fencing will separate the large dogs from the small dogs. Dogs and owners will go through a screening process and pay an annual fee to use the park. No building or parking lot modifications are proposed for the site. The applicant intends to utilize the existing Woodsdale Park for access and parking.

**STAFF ANALYSIS (cont'd)**

Surrounding land uses include single family residential to the east of the property across the Anthony Wayne Trail; Woodsdale Park to the north; single family homes are to the west and south of the property across the Anthony Wayne Trail.

Per TMC§1106.0802(C) a 50' setback is required along the western property line to buffer the abutting residential neighborhood. A solid 7' high board-on-board fence shall be installed along western side of the dog recreation area to separate and screen the residential neighborhood from the dog park. The 50 foot setback, fence and landscaping are intended to provide a buffer and screening for the neighborhood.

The Toledo 20/20 Comprehensive Plan designates the area for Parks and Open Space land uses. The special use permit is suitable for this location because it conforms to the 20/20 Comprehensive Plan and is compatible with the zoning and land uses that are in the immediate area of the site.

A neighborhood meeting is scheduled for July 25, 2013 to be held on the site at 6:30 pm. The purpose of this meeting is to inform the neighboring community of the request for a zone change and special use permit. The intentions of the applicant will be relayed and any issues or concerns are to be addressed.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommends approval of SUP-6022-13, a special use permit for a dog recreation park for a site located at 1252 Wildwood Road and 1246 Opal Street, to the Toledo City Council, for the following three (3) reasons:

1. The proposed use conforms to the Toledo 20/20 Comprehensive Plan.
2. The proposed use meets the stated purpose of this Zoning Code (TMC§1111.0706(A) Review and Decision Making Criteria); and
3. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B) Review and Decision Making Criteria).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-6022-13, a request for an amendment to a Special Use Permit, granted via Ord. 370-64, for the development of a dog recreational park located at 1252 Wildwood Road and 1246 Opal Street, to the Toledo City Council, subject to the following seven (7) conditions:

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

**STAFF RECOMMENDATION** (cont'd)

Engineering Services

No comments and/or objections to the site plan.

Sewer & Drainage Services

No comments and/or objections to the site plan.

Fire Prevention

No comments and/or objections to the site plan.

Transportation

No comments and/or objections to the site plan (confirmed 7/25/13)

Building Inspection

1. Construction and/or erection of any building, on this site will require stamped construction documents submitted to the Division of Building Inspection for plan review and approval demonstrating that the project is in compliance with the Ohio Building Code (OBC) and the associated mechanical, electrical and fire codes.

Plan Commission

2. Proposed fencing along dog run areas as depicted on site plan shall be installed and maintained indefinitely.
3. Fence on west side of recreation area shall provide adequate screening to buffer adjacent to the residential neighborhood. Fence type, height and material shall be subject to review of the Planning Director upon consultation of neighboring residents.
4. Pursuant to TMC§1106.0802(C) *Intensity and Dimensional Standards* – The dog run area shall be set back a minimum 50' from the RS6 single family residential district to the west.
5. If applicable, 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.

**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

6. 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.
7. 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-6022-13  
DATE: August 8, 2013  
TIME: 2:00 P.M.

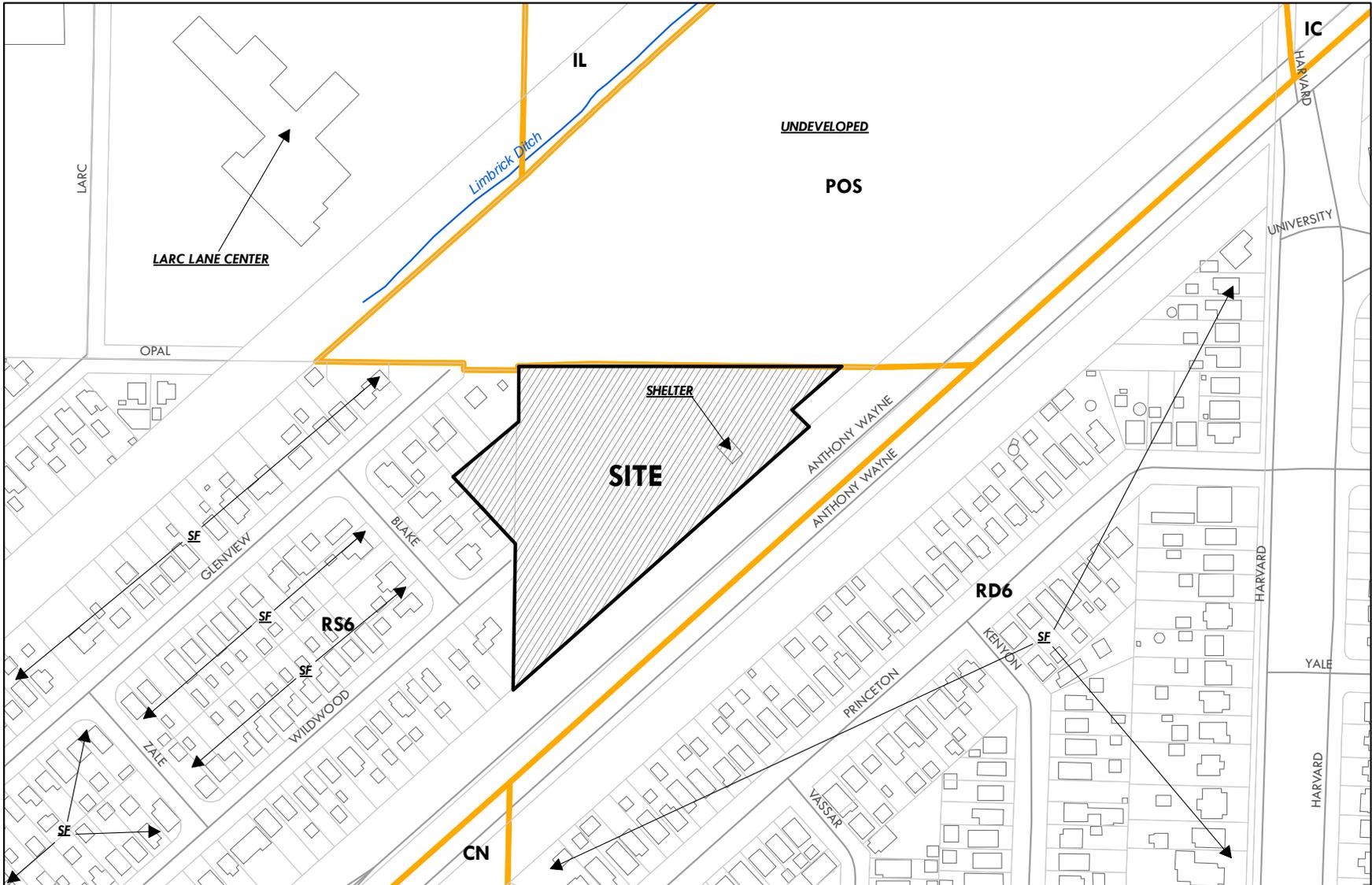
CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: September 11, 2013  
TIME: 4:00 P.M.

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



# ZONING & LAND USE

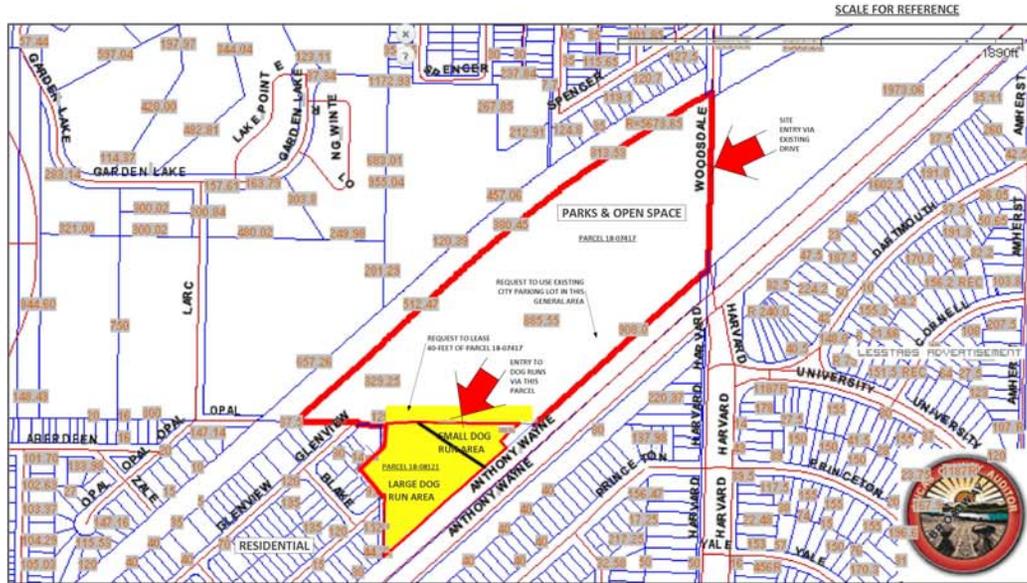
SUP-6022-13  
Z-6019-13  
ID 34



3-6,4-7

# SITE PLAN

**SUP-6022-13**  
**Z-6019-13**  
 ID 34



**GENERAL INFORMATION:**

SPECIAL USE PERMIT REQUESTED.  
 LEASING OF CITY PROPERTY FOR DOG RUN AREAS.  
 NO BUILDING CONSTRUCTION REQUESTED BY THIS TIME.  
 REQUEST IS BEING MADE FOR FULL PARCEL 18-08121, AND PARTIAL OF 18-08117.  
 PARKING WILL BE ON EXISTING CITY PROPERTY PARCELS 18-08117.  
 LANDSCAPING SHALL REMAIN IN ITS NATURAL STATE.  
 GRASSY AREAS SHALL BE MOWED AND MAINTAINED BY TENANT.  
 SMALL EXISTING BUILDING ON PREMISES SHALL REMAIN AS-IS.

**LEGAL DESCRIPTIONS**

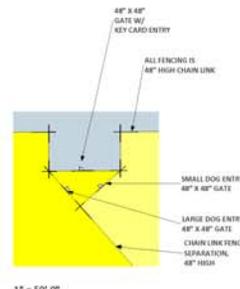
ZONING DESCRIPTION - SINGLE FAMILY RESIDENCE  
 1252 WILLOW ROAD PARCEL 18-08121:

LEGAL DESCRIPTION:  
 3.16 50% 1/4 PT LAWRENCE LANDS THY PT NE 1/4 NW OF AHD. C & LE BY EXC ICE IN NE COR 41 FT WIDE & 200.00 FT ON NW LINE & EXC TO NW COR. 5 FT ON W LINE BY 129.9 FT ON SE LINE & ADJ STS VAC & LOT 82 IN GLENVIEW ADDITION

ZONING DESCRIPTION - PARKS AND OPEN SPACE

2226 WOODDALE AVE. PARCEL 18-07412:

LEGAL DESCRIPTION:  
 3.16 NE 1/4 PT LAWRENCE LANDS PT BET WABASH RR & C & L E BY R/WALSO TRU NW COR NE 1/4 SE 1/4 SEC 16 & BEING 5 FT OWN LINE BY 129.9 FT ON N LINE & FT W 1/2 SE OF RR & ETC.



AERIAL VIEW OF SITE



07/3/2013  
 Ohio License 97-11770  
 Exp. Dec. 2013

July 3, 2013 issued for printing  
 review

**TOLEDO UNLEASHED**  
 2132 Willow Road  
 Toledo, Ohio 43614

William R. Steele  
 Architect  
 2529 Talbotville Rd.  
 Columbus, OH 43260  
 614.294.5149  
 www.williamrsteele.com  
 Ohio License 11770  
 Expired 12/13  
 Copyright 2013  
 All rights reserved  
 July 1, 2013



**SP-1**

3-7,4-8

# EXHIBIT A

**SUP-6022-13**  
**Z-6019-13**  
ID 34



## SITE PLAN SUBMITTAL

For

### TOLEDO UNLEASHED

July 8, 2013

SITE PARCELS 18-08121, AND 18-07417 (PARTIAL)

ASSESSOR 06-149-002, AND 06-911-002

TENANT	ARCHITECT
Toledo Unleashed	William R. Steele
Tina Yoppolo, President	HIREarchi
3713 Westchester Rd.	2529 Talmadge Road
Toledo, Ohio 43615	Ottawa Hills, Ohio 43606
419-346-4336	419-704-5149
cmyoppolo@bex.net	<a href="mailto:wrsteele@HIREarchi.com">wrsteele@HIREarchi.com</a>
<a href="http://www.toledounleashed.org">www.toledounleashed.org</a>	Ohio Architect 11770, Expire 12/13

Dear City of Toledo,

As architect for Toledo Unleashed a non-profit organization, we proudly submit this letter of intent for the above parcels.

President of Toledo Unleashed, Tina Yoppolo, has been in contact with Dennis Garvin. Toledo Unleashed intends to 'lease' the parcels. The intent of the site is to offer dog running areas for both large and small dogs. No buildings are being constructed at this time. The entire perimeter will be fenced with chain link. Additional fencing will separate the large and small dog areas.

Dogs and owners will go through a screening process and pay an annual fee to use the park. Dogs must have a Lucas County dog tag. Dogs must be spayed or neutered and current with all shots and released by a professional veterinarian. Failure of these items is cause for rejection of application for the dog park. Park entry is by key card. No manager or supervisor from Toledo Unleashed will be on site during open hours.

**Toledo Unleashed Project**  
The WR Steele Company LLC  
2529 Talmadge Rd.  
Ottawa Hills, Ohio 43606  
419.704.5149  
[wrsteele@HIREarchi.com](mailto:wrsteele@HIREarchi.com)

# EXHIBIT A

SUP-6022-13  
Z-6019-13  
ID 34



Toledo Unleashed intends to maintain the properties requested.

Toledo unleashed will have liability insurances in place.

If there are questions, please do not hesitate to call either Tina or myself. We are happy to answer any questions!

Sincerely,

ARCHITECT

A handwritten signature in purple ink that reads "WR STEELE". The signature is stylized with a horizontal line underneath.

William R. Steele

Ohio License #11770, Expiration 12/13

Toledo Unleashed Project  
The WR Steele Company LLC  
2529 Talmadge Rd.  
Ottawa Hills, Ohio 43606  
419.704.5149  
wrsteele@HIREarchi.com

**GENERAL INFORMATION**

Subject

- Request - Zone change from CR Regional Commercial & IG General Industrial to RM24 Multi-Dwelling Residential
- Location - 1230 N. Westwood, 1050 N. Westwood & 2603 Dorr Street
- Owner - Kury Housing  
5309 Transportation Blvd.  
Cleveland, Ohio 44125
- Applicant - Aaron Pechota  
NRP Group  
5309 Transportation Blvd.  
Cleveland, Ohio 44125
- Engineer - Mannik & Smith Group  
1800 Indian Wood Circle  
Maumee, OH 43537

Site Description

- Zoning - CR Regional Commercial & IG General Industrial
- Area - ± 10.9 acres
- Frontage - ± 300' on Dorr Street  
± 800' on Westwood Avenue
- Existing Use - Commercial, Office and Industrial Uses
- Proposed use - Multi-dwelling Student Housing Complex

Area Description

- North - University of Toledo / IG
- South - Industrial / IL, IG
- East - Industrial / IG
- West - Commercial, Apartments, Light Industrial / CR, RM36, IL

**GENERAL INFORMATION (cont'd)**

Parcel History

- |            |   |                                                                                                                             |
|------------|---|-----------------------------------------------------------------------------------------------------------------------------|
| Z-12004-11 | - | Request for zone change from IG General Industrial to RM24 Multi-dwelling Residential (Withdrawn by Applicant)              |
| SPR-49-11  | - | Request for major site plan review for a multiple building multi-dwelling student housing facility (Withdrawn by Applicant) |
| V-247-13   | - | Request to Vacate Kury Avenue from Dorr Street to Westwood Avenue (Companion Case)                                          |
| SPR-26-13  | - | Request for major site plan review for a multiple building multi-dwelling student housing facility (Companion Case)         |

Applicable Regulations

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

**STAFF ANALYSIS**

The applicant is requesting a zone change from CR Regional Commercial and IG General Industrial to RM24 Multi-dwelling Residential for a site located at 1050 N. Westwood Avenue, 1230 N. Westwood Avenue and 2603 Dorr Street. The 10.9-acre site consists of three (3) lots and the proposed vacated Kury Avenue. A companion major site plan review and a street vacation application accompany this case.

The site is located near the southeastern fringe of the University of Toledo. The neighborhood to the west of the site includes a mixture of land uses including commercial (along the Dorr Street frontage), single-family homes, and light industrial uses. To the south and east are several industrial uses.

The applicant is requesting a zone change to facilitate the development of a multi-dwelling student-housing complex. The site is currently occupied by several industrial buildings. The complex will consist of 200 apartment units (596 beds) dispersed among eight (8) buildings. There is a common area for amenities in the center courtyard. A zone change is necessary, as residential uses are not permitted in the IG General Industrial zoning district.

**STAFF ANALYSIS (cont'd)**

The proposed development consists of six (6) 3-story and two (2) 4-story buildings ranging from 36' 6" to 56' 10½" in height. Pursuant to TMC§1106.0100, the maximum height of structures in the RM24 Districts is 35 feet. The 4-story buildings are closest to the Dorr and Westwood intersection. The applicant has requested a waiver of the maximum height provision. Staff encouraged the applicant to request the RM24 District with a height waiver over the more intensive RM36 District. The areas exceeding 50' in height appear to be the staircase towers on the 4-story structures. The main parapets of both 4-story buildings do not exceed 47' 2". As a result, staff supports a height waiver not to exceed 56', 10½".

Per TMC§1106.0302.B, in multiple building developments no more than 40% of the gross parcel acreage shall be covered by buildings, street pavement, driveway pavement and/or parking lot pavement. The applicant is requesting a waiver to allow for 53% of the gross acreage to be covered. Precedent exists for waiving the coverage percentage in past developments for amounts no greater than 50%. Staff recommends the applicant revise the site layout to reduce parcel coverage not to exceed of 50% of the gross acreage.

The Toledo 20/20 Comprehensive Plan and the Dorr Street Vision Plan target this site for neighborhood commercial and light industrial uses. The Dorr Street Vision plan stresses the need for student housing within close proximity to the University of Toledo, with the caveat that the locations be physically separated from any single-family residential areas. While the subject site is not shown as student housing in the land use section of the Plan, it does meet the criteria for the location of student housing. The site is separated from residential areas to the west and north by major arterials (Dorr Street and Westwood Avenue). It is buffered to the east and south by the proposed bike path and industrial uses. Additionally, abutting commercial and multi-family zoning make this site suitable for the proposed RM24 Multi-Dwelling Residential zoning.

A neighborhood meeting was held on June 11, 2013 to discuss the project and address community questions and concerns. Approximately 30 neighborhood residents, community organizations and business owners attended the meeting.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the waivers requested for the construction of a multi-dwelling student housing complex located at 1230 N. Westwood, 1050 N. Westwood & 2603 Dorr Street:

**Chapter 1106 Intensity and Dimensional Standards**

**Sec. 1106.0101 Residential Districts**

Approve a waiver of the 35-foot maximum height to allow for a maximum building height not to exceed 56' 10½".

**STAFF RECOMMENDATION** (cont'd)

**Sec. 1106.0302(B) Multiple Buildings of Lot – Intensity and Dimensional Standards**

Approve a waiver of the 40% maximum coverage by buildings, street pavement, motor vehicle driveway pavement and parking area pavement, to allow coverage up to 50% of the gross parcel acreage coverage.

The staff further recommends that the Toledo City Plan Commission recommends approval of Z-6023-13, a zone change from CR Regional Commercial & IG General Industrial to RM24 Multi-Dwelling Residential located at 1230 N. Westwood, 1050 N. Westwood & 2603 Dorr Street to the Toledo City Council, for the following three (3) reasons:

1. The site is located near the University of Toledo and is physically separated from nearby single-family residential neighborhoods.
2. The request is similar to existing land uses within the general vicinity of the subject property (TMC 1111.0606.B Review & Decision-Making Criteria).
3. The proposed zone change is consistent with the zoning classification of properties within the general vicinity of the site (TMC §1111.0606.C Review & Decision-Making Criteria).

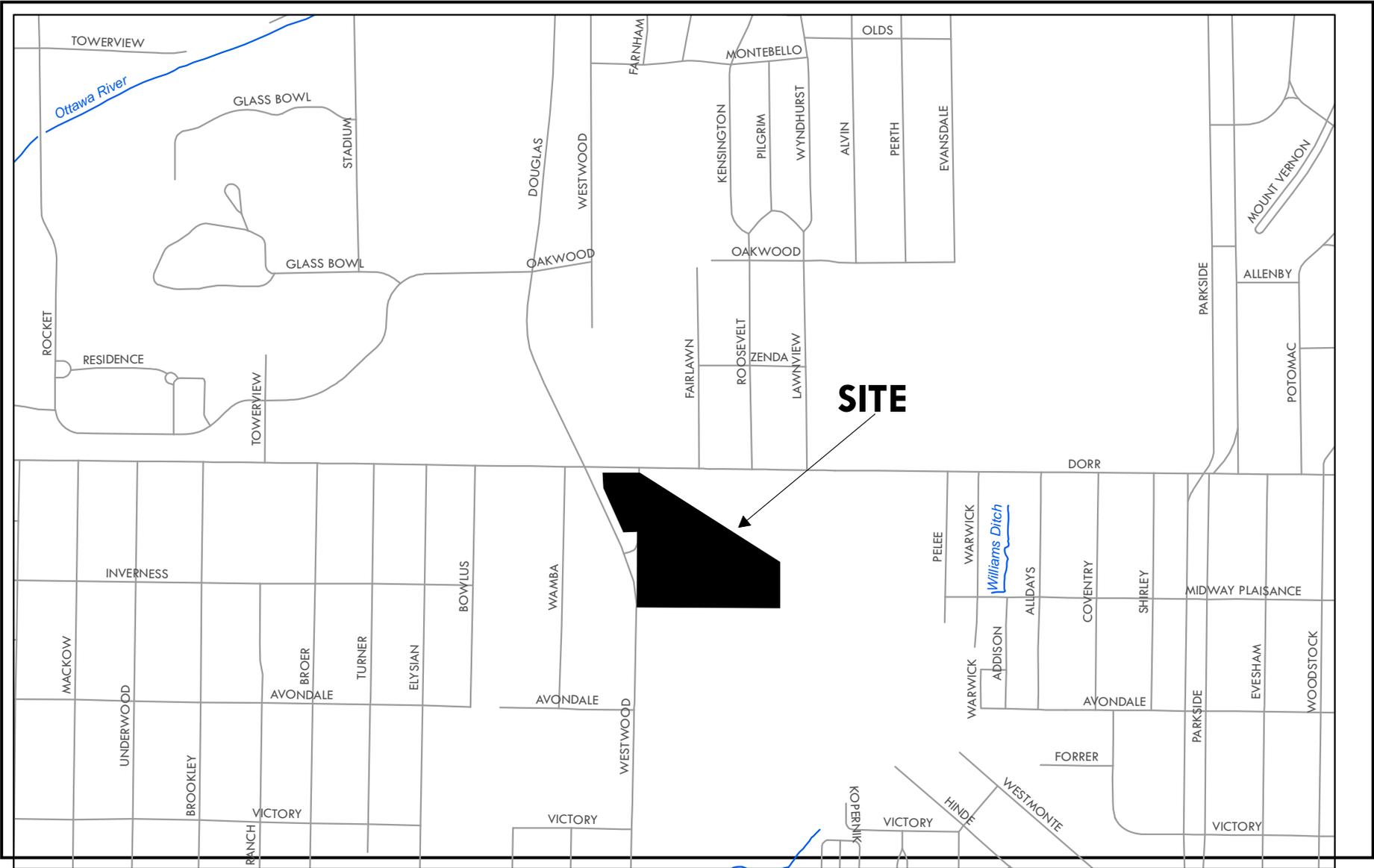
TOLEDO CITY PLAN COMMISSION  
REF: Z-6023-13  
DATE: August 8, 2013  
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: September 11, 2013  
TIME: 4:00 P.M.

BH/ks  
Two (2) sketches follow

# GENERAL LOCATION

Z-6023-13  
ID 47, 52



**SITE**

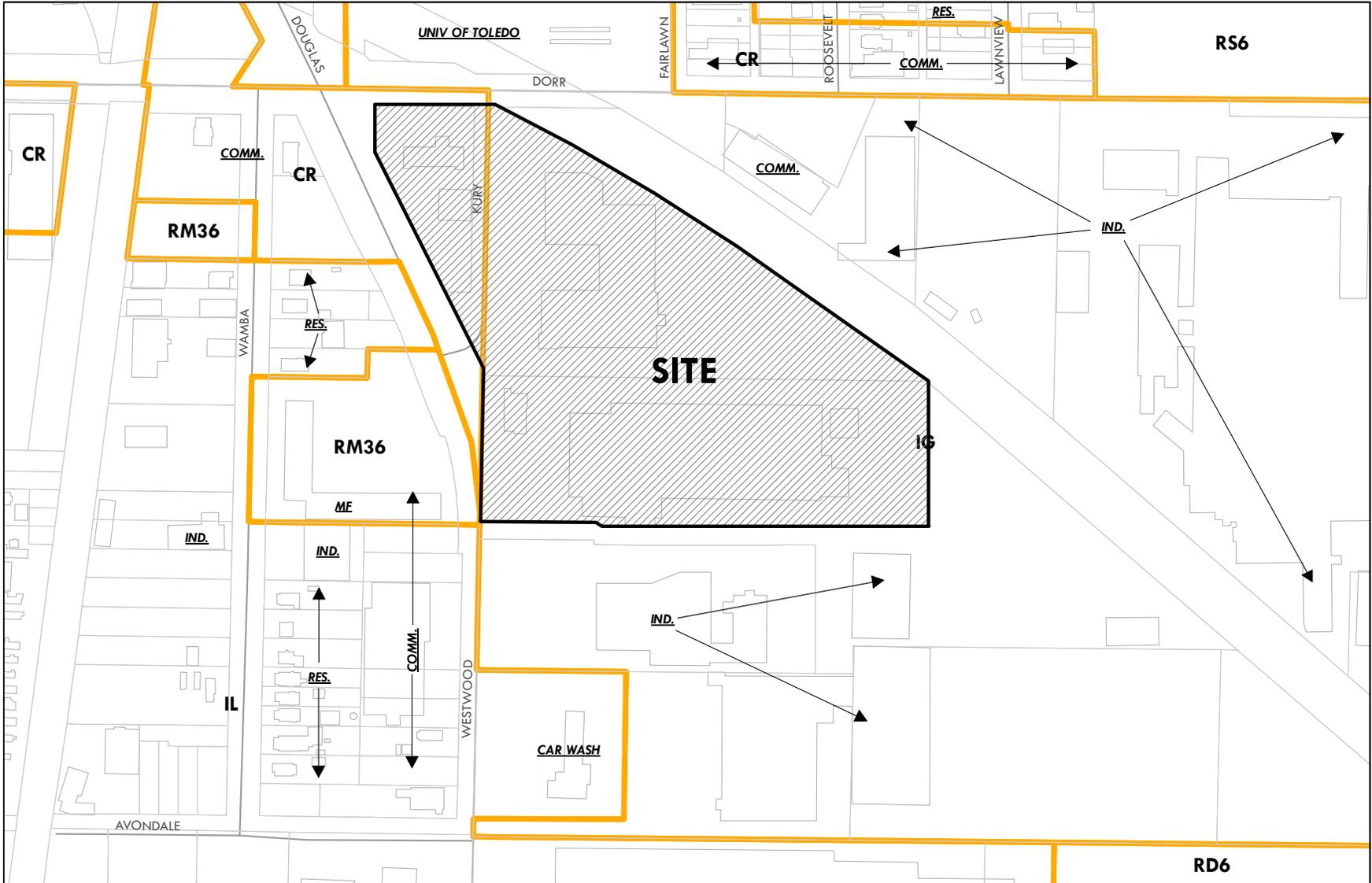
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# ZONING & LAND USE

Z-6023-13  
ID 47, 52



5 - 6



**GENERAL INFORMATION**

Subject

- Request - Vacation of Kury Avenue from Dorr Street to Westwood Avenue
- Owner - Kury Housing  
5309 Transportation Blvd.  
Cleveland, Ohio 44125
- Applicant - Aaron Pechota  
NRP Group  
5309 Transportation Blvd.  
Cleveland, Ohio 44125
- Engineer - Mannik & Smith Group  
1800 Indian Wood Circle  
Maumee, OH 43537

Site Description

- Zoning - CR Regional Commercial & IG General Industrial
- Area - ± 0.73 acres
- Proposed use - Multi-dwelling Student Housing Complex

Area Description

- North - University of Toledo / IG
- South - Industrial / IL, IG
- East - Industrial / IG
- West - Commercial, Apartments, Light Industrial / CR, RM36, IL

Parcel History

- Z-6023-13 - Request for Zone Change from CR Regional Commercial & IG General Industrial to RM24 Multi-dwelling Residential (Companion Case)
- SPR-26-13 - Request for major site plan review for a multiple building multi-dwelling student housing facility (Companion Case)
- V-302-86 - Vacation of Lot #13 right-of-way between Kury and Westwood (PC disapproved 2/19/86, CC disapproved 4-29-87)

## **GENERAL INFORMATION (cont'd)**

### Applicable Regulations

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

## **STAFF ANALYSIS**

The applicant is requesting the vacation of Kury Avenue from Dorr Street to Westwood Avenue. Kury Avenue is .73-acres and approximately 600' in length, and is a remnant stretch of right-of-way from the 1980 realignment of the Westwood/Dorr Street intersection. The vacated right-of-way will be incorporated into a proposed multi-building student housing complex design. Companion zone change and site plan review cases accompany this vacation.

Utility infrastructure is known to exist under the Kury Avenue right-of-way, limiting the use of the area to that of a parking lot or access drive. Utility easements will be required to continuously service this infrastructure.

The Toledo 20/20 Comprehensive Plan and the Dorr Street Vision Plan target this site for neighborhood commercial and light industrial uses. The Dorr Street Vision plan stresses the need for student housing within close proximity to the University of Toledo, with the caveat that the locations be physically separated from any single-family residential areas. While the subject site is not shown as student housing in the land use section of the Plan, it does meet the criteria for the location of student housing. The site is separated from residential areas to the west and north by major arterials (Dorr Street and Westwood Avenue). It is buffered to the east and south by the proposed bike path and industrial uses. Additionally, Kury Avenue is a remnant piece of right-of-way that is not needed for public traffic movement.

## **STAFF RECOMMENDATION**

The staff further recommends that the Toledo City Plan Commission recommend approval of V-247-13, a request to vacate Kury Avenue from Dorr Street to Westwood Avenue, to the Toledo City Council for the following three (3) reasons:

1. Kury Avenue is a remnant piece of right-of-way that is not needed for public traffic movement;
2. The vacated area will be fully incorporated into the redevelopment design.
3. The vacation will not negatively affect properties with the vicinity of the subject property.

The staff recommends that the Toledo City Plan Commission recommend approval of V-247-13, a request to vacate Kury Avenue from Dorr Street to Westwood Avenue, to the Toledo City Council subject to the following eleven (11) conditions:

**STAFF RECOMMENDATION** (cont'd)

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. We object to the vacation due to this vacation due the presence of 6" and 16" public water mains in the right-of-way, which must be maintained by the City of Toledo. However, preliminary layouts for the proposed development which indicate that no buildings or fences will be located in the existing Kury Avenue right of way but only parking lots and driveways may be acceptable if the authorizing vacation ordinance contains the following language which shall be recorded and a notation placed in the remarks section of the County's real estate records:

“That a full width (60 ft.) easement is hereby retained over, across, under and through said vacated area as described in Section 1 herein, for the existing sewer and/or water facilities located in said vacated street, together with any other utilities located therein, as they exist at the time of passage of this Ordinance. All City of Toledo facilities located within said easement are hereby dedicated to the City of Toledo, for City utility use only, to allow for future maintenance, repairs, replacements, etc. and shall not be combined with easements for other utilities. The easement hereby retained by the City of Toledo herein shall be primary in nature to any other utilities located therein, and any easement retained by any other utility as a result of this Ordinance shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing and/or constructing any utilities located within the easement. The property owner shall not construct fences, walls or other barriers, which would impede access onto the easement. No temporary or permanent structure including building foundations, roof overhangs or other barriers denying access, may be constructed on or within the easement. Driveways, parking lots, walkways and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility or costs resulting from the City's removal of any barriers which deny ingress or egress from the easement or which obstruct access to the public utilities located on said property, and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for the removed facilities. Further, any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained by the owner separately from each utility, as to their interest(s) only, by separate, recordable instrument.”

**STAFF RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

2. Eliminate access of Kury Avenue off of Dorr Street by removing the curb around the radii and the pedestrian ramps at both corners. The opening along Dorr Street shall then be closed with full height curb to match the adjacent curb. Additionally, main line sidewalk shall be installed to connect the opening. Access shall also be eliminated along Westwood Avenue by removing the curb around the radii and installing new curb along Westwood Avenue to match the adjacent curb.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph (419) 245-1220.  
  
Contact Scott Bishop at ph. (419) 936-2756 for inspection of above-mentioned items.
4. No objection except that approximately 55 feet (55') of eight-inch (8") public storm sewer exists at the south end of Kury Avenue in the public right-of-way. Acquiring an easement, making a portion of the sewer private or abandoning it could be a solution.
5. We object to this vacation due to the presence of an 8" public sanitary sewer, which must be maintained by the City of Toledo. However, vacation may be acceptable if the conditions in comment 3, above, are followed.

Street Lighting

6. Streetlights within the existing right-of-way along Kury Avenue shall be removed by Toledo Edison at the applicant's expense.

Fire Prevention

7. Vacation will eliminate working hydrant #H20477. Relocation is required if Drive is vacated. Fire Prevention shall approve location of relocated hydrant.

Building Inspection

No comments or objections to vacation.

Division of Transportation

No comments or objections to vacation.

**STAFF RECOMMENDATION (cont'd)**

Sewer & Drainage Services

- 8. For operation and maintenance purposes, 30 foot wide sewer and drain easements (centered 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 stockpiles, 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.

Columbia Gas of Ohio

- 9. Columbia Gas of Ohio (COH) has facilities within the proposed vacation; therefore, must object the vacation unless there is a reservation protecting COH facilities or a right-of-way agreement granted to protect COH facilities.

Buckeye Cablesystem

- 10. Buckeye Cablesystem must maintain vehicular access to the entire pole line that runs north to south along the east side of Kury Avenue.

AT&T

- 11. AT&T would request that rights to construct, reconstruct, modify, supplement, maintain, operate, and/or remove our facilities be retained. We also request the rights of ingress/egress to our facilities with any size equipment deemed necessary to accomplish tasks.

Planning Commission

No comments or objections to vacation.

STREET VACATION  
 TOLEDO CITY PLAN COMMISSION  
 REF: V-247-13  
 DATE: August 8, 2013  
 TIME: 2:00 P.M.

TOLEDO CITY COUNCIL  
 ZONING AND PLANNING COMMITTEE  
 DATE: September 11, 2013  
 TIME: 4:00 P.M.

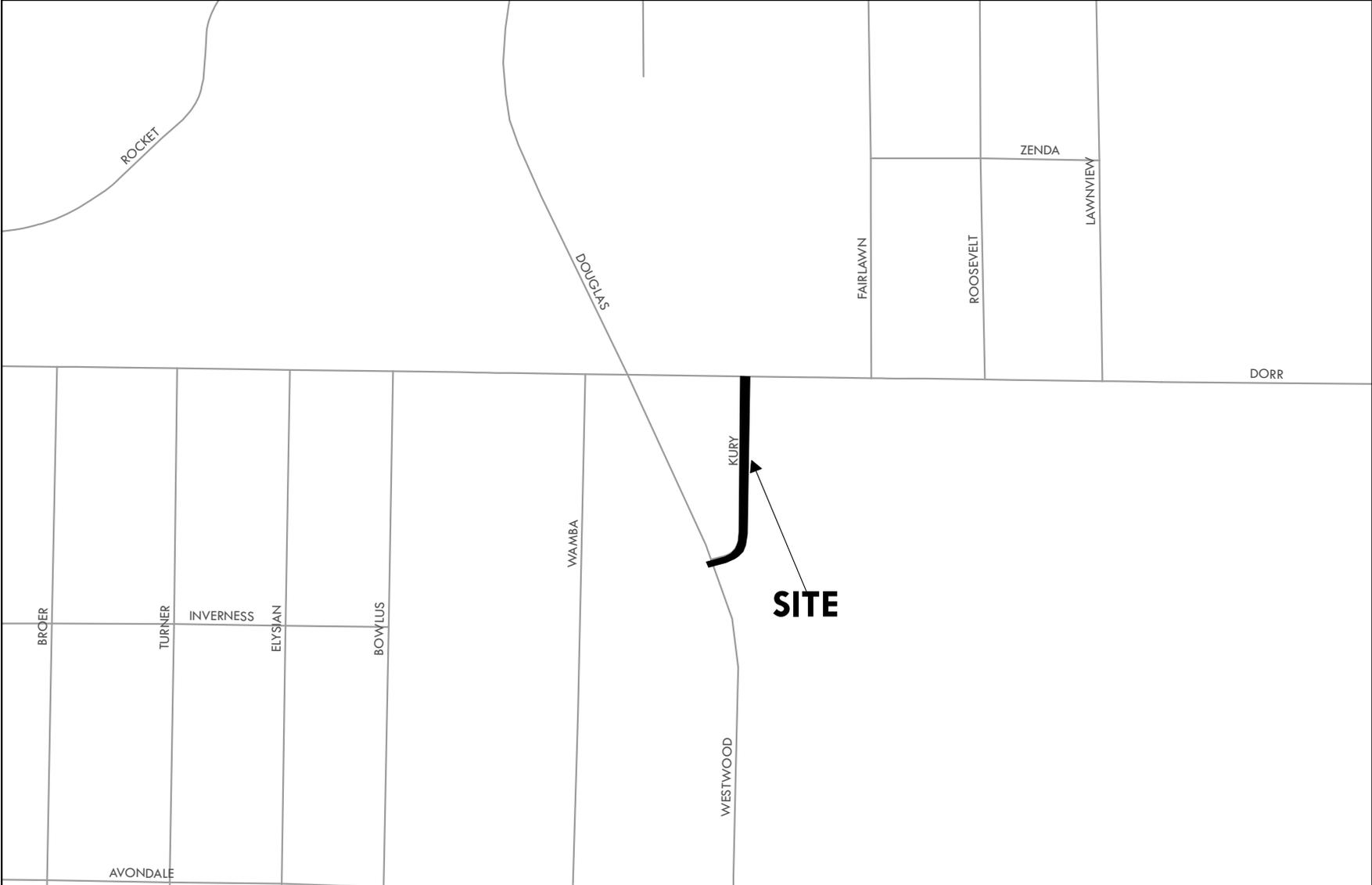
BH/ks  
 Three (3) sketches follow

# GENERAL LOCATION

V-247-13  
ID 47&52



9 - 9

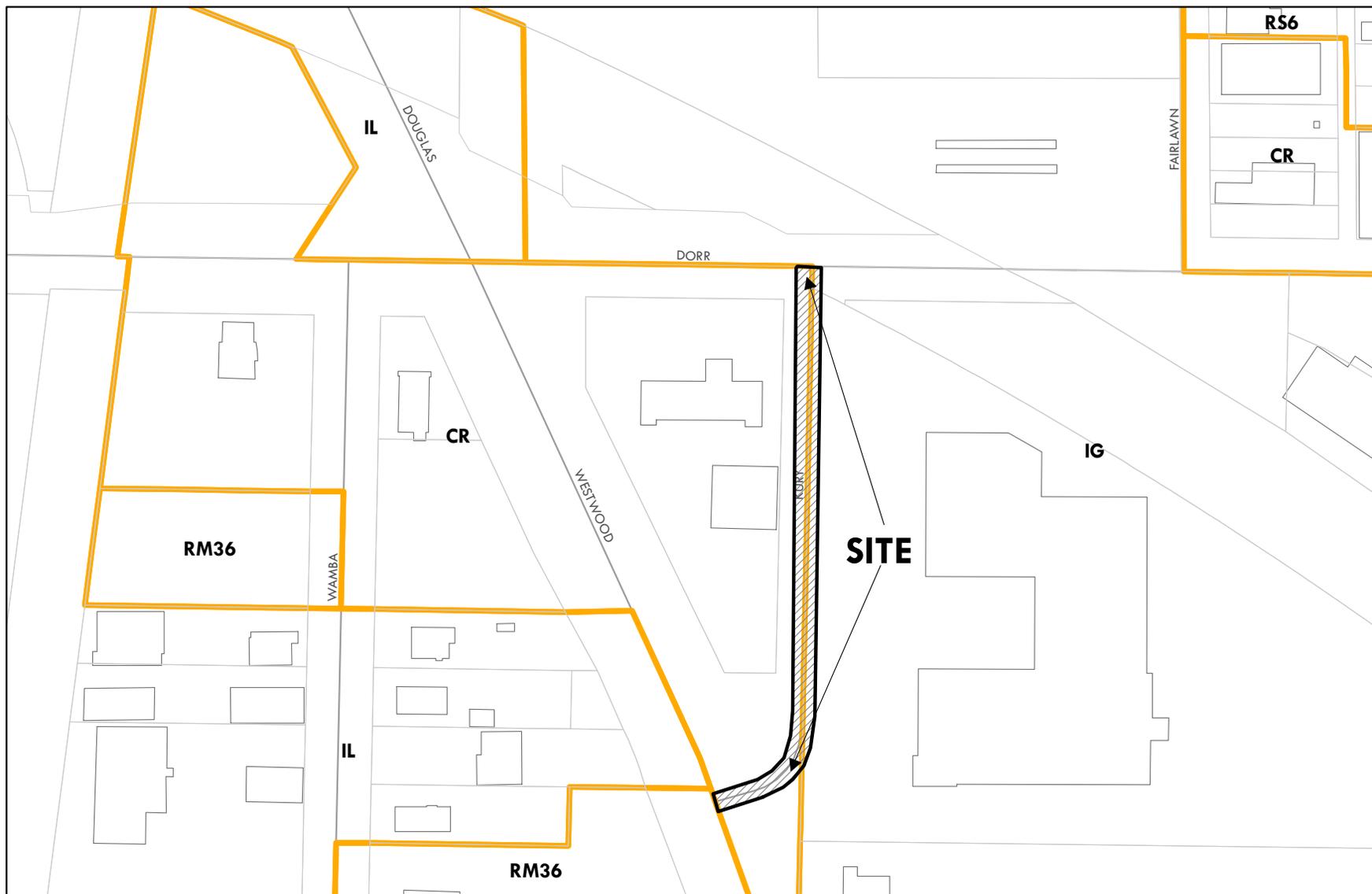


# ZONING & LAND USE

V-247-13  
ID 47&52

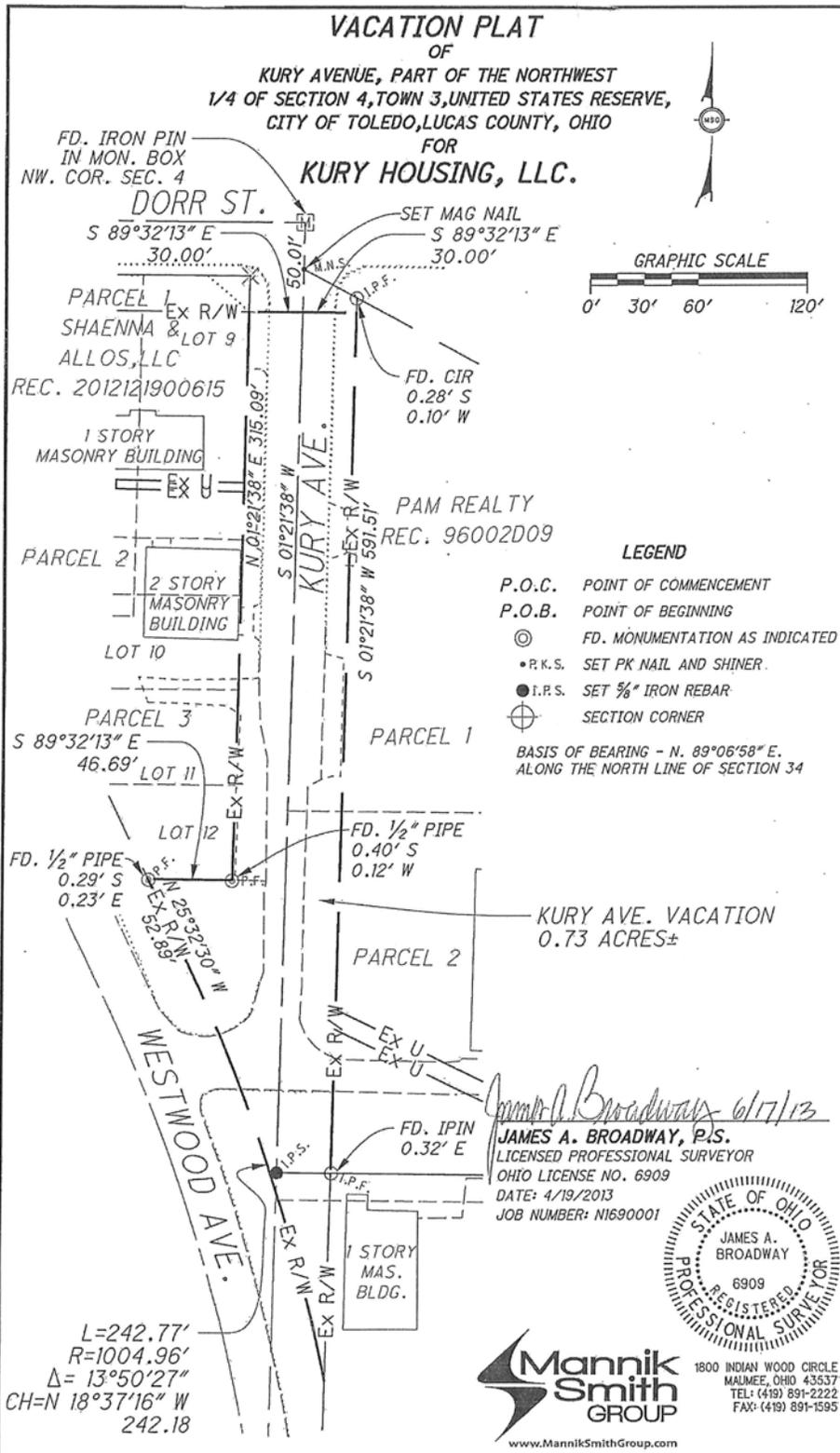


6-7



# VACATION PLAT

V-247-13  
ID 47&52



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**GENERAL INFORMATION**

Subject

- Request - Major Site Plan Review for a 200-Unit Multi-dwelling Student Housing Facility.
- Location - 1230 N. Westwood, 1050 N. Westwood and 2603 Dorr Street
- Owner - Kury Housing  
5309 Transportation Blvd.  
Cleveland, Ohio 44125
- Applicant - Aaron Pechota  
NRP Group  
5309 Transportation Blvd.  
Cleveland, Ohio 44125
- Engineer - Mannik & Smith Group  
1800 Indian Wood Circle  
Maumee, Ohio 43537

Site Description

- Zoning - CR Regional Commercial & IG General Industrial
- Area - ± 10.9 acres
- Frontage - ± 300' on Dorr Street  
± 800' on Westwood Avenue
- Existing Use - Commercial, Office and Industrial Uses
- Proposed use - Multi-dwelling Student Housing Complex

Area Description

- North - University of Toledo / IG
- South - Industrial / IL, IG
- East - Industrial / IG
- West - Commercial, Apartments, Light Industrial / CR, RM36, IL

**GENERAL INFORMATION (cont'd)**

Parcel History

- |            |   |                                                                                                                                 |
|------------|---|---------------------------------------------------------------------------------------------------------------------------------|
| Z-12004-11 | - | Request for zone change from IG General Industrial to RM24 Multi-dwelling Residential (Withdrawn by Applicant)                  |
| SPR-49-11  | - | Request for major site plan review for a multiple building multi-dwelling student housing facility (Withdrawn by Applicant)     |
| V-247-13   | - | Request to Vacate Kury Avenue from Dorr Street to Westwood Avenue (Companion Case)                                              |
| Z-6023-13  | - | Request for Zone Change from CR Regional Commercial & IG General Industrial to RM24 Multi-dwelling Residential (Companion Case) |

Applicable Regulations

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

**STAFF ANALYSIS**

The applicant is requesting Major Site Plan Review approval for multiple buildings on a lot for a site located at 1050 N. Westwood, 1230 N. Westwood and 2603 Dorr Street. The 10.9-acre site is zoned CR and IG and consists of three (3) lots. A companion zone change application to RM24 and a street vacation application accompany this case.

The parcel is currently occupied by several industrial buildings. The applicant is proposing to redevelop the site as a multi-dwelling unit student-housing complex. The complex will consist of 200 units (596 beds) distributed among eight buildings. A major site plan review is required as the applicant is proposing multiple buildings on a lot and the number of proposed units is greater than forty (40).

The development will consist of six (6) 3-story and two (2) 4-story buildings. The 4-story buildings are closest to the Dorr and Westwood intersection. The plan also denotes a clubhouse and common space for a “potential” outdoor swimming pool, volleyball and/or lawn games area(s). Staff recommends these amenities be incorporated into the development. Dumpster facilities will be located on the southeast rear corner of the property.

**STAFF ANALYSIS** (cont'd)

*Parking and Circulation*

The applicant is proposing to vacate Kury Avenue and incorporate the right-of-way into the overall development. Existing utility infrastructure located under Kury Avenue prohibits the use of the vacated right-of-way for permanent structures. Therefore, the right-of-way will be used as an internal circulation drive and access point to the site. The existing access points will be used (minor modifications may occur) and parking spaces will be installed along the drive.

TMC§1107.0304 *Off-Street Parking Schedule "A"* requires one and one-half parking spaces per unit plus one parking space per every ten units for visitor parking. A minimum of 320 spaces is required for the proposed development. The applicant is proposing 494 spaces. The number of proposed parking spaces exceeds the maximum permitted under TMC§1107.0302 *Off-Street Parking Schedule "A" – Maximums*, which indicates that no use may provide more than 150% of the minimum off-street parking requirement. The applicant will be required to reduce the number of spaces provided or submit an alternative-parking plan justifying the need for the proposed number of parking spaces.

Parking will be distributed throughout the development via internal circulation drives. The drives encircle the perimeter of the site in a manner that provides easy access to parking from each of the buildings.

*Coverage*

TMC§1106.0302B *Multiple Buildings on a Lot – Intensity and Dimensional Standards* requires than no more than forty (40) percent of the gross parcel acreage be devoted to coverage by buildings, street pavement, driveway pavement and parking area pavement. The proposed coverage of the site is fifty-three (53) percent, thirteen (13) percent over the maximum allowed. The applicant is requesting a waiver to allow this amount of coverage. Precedent exists for waiving the coverage percentage in similar developments to allow coverage up to 50%. Staff will require the applicant revise the site layout to reduce parcel coverage not to exceed 50% of the gross acreage. The coverage waiver is included with the companion zone change.

*Density*

The proposed RM24 Multi-dwelling Residential zoning district permits twenty (20) units per acre or a maximum of 218 units for the subject property. The applicant is proposing 200 units on the 10.9 acres for a density of 18.3 units per acre. As a result, the proposed density is compliant with TMC§1106.0101 *Residential Districts – Intensity and Dimensional Standards*.

**STAFF ANALYSIS** (cont'd)

Landscaping

A thirty-foot (30') greenbelt is required along all frontages because the site is greater than five (5) acres. The landscape plan indicates compliance with this requirement, offering the required greenbelt along the entire length of the Westwood Avenue and Dorr Street frontages. The applicant is proposing a combination of deciduous and conifer trees in addition to shrubs, grasses and perennials throughout the greenbelt, buffers and interior landscaping. The landscape plan submitted indicates the use of street trees within the Westwood right-of-way. Pursuant to TMC§1108.0202 *Frontage Greenbelts* – planting require to meet this requirement shall not be located within the public right-of-way except those districts defined in TMC§1108.0300. A revised landscape plan shall be submitted indicating the shifting of these trees from the public right-of-way into the greenbelt.

A Type A landscape buffer is required along the southern and eastern property lines where the site abuts industrial zoning. Type A buffers are required to be twenty-five feet (25') in width or ten feet (10) with a solid fence. The applicant is providing a fence along both property lines abutting industrial zoning. In addition, various widths of ten (10') to twenty feet (20') are provided. Two (2) gates will also provide access to the proposed trail along the eastern side of the property.

Interior site landscaping requirements for multi-dwelling residential include one (1) tree per 500 square feet of building coverage. In addition, twenty (20) square feet of interior landscaping are required per parking space. The applicant has indicated that 264 trees and 527 shrubs will be provided, indicating compliance with both requirements. Pursuant to TMC§1108.0406 *Irrigation/Watering* Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition and shall be required for projects of over ½ acre in site area.

Building Design

New multi-dwelling developments are required to comply with two (2) design standards as set forth in TMC§1109.0100 *Multi-Dwellings and Duplexes*. First, the buildings must face either a street or driveway and have a main entrance facing the street or driveway. This front entrance should include certain architectural elements that emphasize the entrance. The renderings included with this application meet the requirement for entrance architectural elements.

The second design standard requires that connecting walkways be provided for internal pedestrian circulation, connecting the buildings to the parking area and the overall development. Each building has a sidewalk that runs parallel to it and connecting it to a parking area as well as the other building and common areas of the proposed development. The applicant is also providing two (2) access points onto the future bike path to the east of the development.

**STAFF ANALYSIS (cont'd)**

The color renderings indicate the use of various materials including brick veneers, cement board and vinyl siding throughout the development. Architecturally, varying roof heights, and recesses are used to help break the mass of the buildings and provide the buildings with architectural character.

The two (2) 4-story buildings located closest to the corner of Dorr and Westwood (visible from the right-of-way) will be required to use predominantly “high quality” materials, subject to the review and approval of the Planning Director.

*Building Height*

The maximum building height in the RM24 zoning district is thirty-five (35) feet. Elevations submitted to the Plan Commission indicate the height of the tallest four (4) story building is 56 feet 10 ½ inches. Staff is supportive of a waiver to allow for the maximum height to not exceed 56 feet 10 ½ inches. Staff encouraged the applicant to pursue RM24 zoning with building height waivers in lieu of a more intensive zoning district and the height waiver is included with the companion zone change.

*Recommendation*

The Toledo 20/20 Comprehensive Plan and the Dorr Street Vision Plan target this site for neighborhood commercial and light industrial uses. The Dorr Street Vision plan stresses the need for student housing within close proximity to the University of Toledo, with the caveat that the locations be physically separated from any single-family residential areas. While the subject site is not shown as student housing in the land use section of the Plan, it does meet the criteria for the location of student housing. The site is separated from residential areas to the west and north by major arterials (Dorr Street and Westwood Avenue). It is buffered to the east and south by the proposed bike path and industrial uses. Additionally, its proximity to the University and abutting commercial and multi-family zoning make the site suitable for the proposed multi-family development.

A neighborhood meeting was held on June 11, 2013 to discuss the project and address community questions and concerns. Approximately 30 neighborhood residents, community organizations and business owners attended the meeting.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission approve SPR-26-13, a request for a major site plan review for a 200-Unit multi-dwelling student housing facility for a site located at 1230 N. Westwood, 1050 N. Westwood and 2603 Dorr Street for the following one (1) reason:

1. The property development is appropriate due to the site’s proximity to the University and the compatibility of surrounding zoning and land uses.

**STAFF RECOMMENDATION** (cont'd)

The staff recommends that the Toledo City Plan Commission recommend approval of SPR-26-13, a request for a major site plan review for a 200-Unit multi-dwelling student housing facility for a site located at 1230 N. Westwood, 1050 N. Westwood and 2603 Dorr Street, 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.

Division of 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 the current City of Toledo Construction Standards Specifications; The Toledo Municipal Code; and The Americans with Disabilities Act Guidelines.
2. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, the Toledo Municipal Code, and The Americans with Disabilities Act Guidelines. A minimum four (4) feet wide concrete sidewalk shall be constructed along the frontage of Westwood Avenue.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with eight (8) inch thick concrete per the City of Toledo Construction Standards and Specifications. **No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph. (419) 245-1220.

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

5. Water service is available subject to the Rules and Regulations of the Department of Public utilities.
6. All existing water services to structures removed from the site will be abandoned by the City of Toledo at the owner/developer's expense.

**STAFF RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

7. Plans for the water services shall be submitted to the Division of Engineering Services for review and approval.
8. Maintain ten (10) feet of horizontal clearance between proposed water service and sanitary or storm sewers. Maintain four (4) feet of horizontal clearance between proposed water service and any other underground utility. Maintain eighteen (18) inches of vertical clearance between proposed water service and any underground utility.
9. Contact the City of Toledo Fire Prevention Bureau to confirm fire protection requirements for this site.
10. Fire riser and meter setting details, including meter bypass and backflow preventers, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602.
11. New fire, domestic, and irrigation taps will be installed by the City of Toledo at the owner/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. If existing public water facilities are in conflict and must be relocated, they will be relocated by the City of Toledo at the owner's cost.
14. Per the Ohio EPA, drain holes on hydrants (new and existing) that will be within ten (10) feet of a storm sewer shall be plugged.
15. It is the responsibility of the owner/developer to verify that the available water flow and pressure in the area meet the anticipated demands of the facility.
16. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities and Public Service; the Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the "Subdivision Rules & Regulations" of the Toledo-Lucas County Plan Commission; the City of Toledo Infrastructure Design Plan." All disturbed land areas over one (1) acre must submit an NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above.

**STAFF RECOMMENDATION** (cont'd)

Division of Engineering Services (cont'd)

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

Contact Information is:

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

**STAFF RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

22. Post construction storm water Best Management Practices shall be incorporated into the design to provide treatment of runoff prior to discharging into the City's system. Designs incorporating low impact development solutions such as grassy swales, and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and often much less costly. Designs incorporating wet ponds, extended detention, bio-retention, or grassy swales are eligible for a thirty (30) percent reduction in the property's storm water utility fee.
23. 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.
24. Any existing sewers under proposed buildings shall be relocated or abandoned. The developer shall verify any sewers to be abandoned are no longer in service.
25. The 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.
26. Any kills that are 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.

Fire Prevention

27. Fire hydrants are required to be located within 350' of all portions of all buildings and structures.
28. Fire vehicle access is required throughout housing facility.
29. Building address numbers are required.

Sewer & Drainage Services

30. For operation and maintenance purposes, twenty (20) foot wide sewer and drain easements (centered on the pipe), for City use, shall be retained along the existing sewers and drains located within the development. City access to the easement area shall not be denied by fences, walls, material stockpiles 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.

**STAFF RECOMMENDATION (cont'd)**

Building Inspection

31. Construction and/or erection of any buildings(s) on this site will require submission of stamped construction documents to the Division of Building Inspection for plan review and approval showing the construction to be in compliance with the Ohio Building Code (OBC) and the associated mechanical, electrical and fire codes. All construction must comply with Federal ADA regulations.

Division of Transportation

32. The existing driveway access easement shall be revised to reflect proposed drive location.
33. Crumbling and deteriorating curbs and sidewalks should be rebuilt in accordance with City of Toledo Construction Standards.
34. Existing unused drive approaches shall be completely removed and new curbs and sidewalks shall be installed in accordance with City of Toledo Construction Standards.
35. If not already established, cross access agreements shall be formalized with the adjacent property owners.
36. ADA parking stalls shall be provided in accordance with the Americans with Disabilities Act Guidelines and the Toledo Municipal Code. All ADA parking spaces shall be designated with a sign visible from the driver's seat and must be mounted in front of the parking space at a minimum height of 60 inches to the bottom of the sign.

Plan Commission

37. The applicant shall reduce the provided parking to less than 150% or submit an alternative-parking plan to the Planning Director.
38. Maximum building height is not permitted to exceed 56 feet 10 ½ Inches. This height is subject to approval of the height waiver included with the companion zone change.
39. Site plan review is subject to the vacation of Kury Avenue and zone change applications.

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

40. Gross parcel acreage coverage shall not exceed 50% by buildings, street pavement, driveway pavement and parking area pavement; **a revised site plan shall be submitted indicating compliance with this condition.** This coverage is subject to approval of the coverage waiver included with the companion zone change.
41. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscaping area.
42. 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.
43. The building materials should meet the requirements of TMC 1109.0500 Building Façade Materials and Color. Elevations shall be submitted to meet the approval of the Planning Director. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors. The submitted elevations appear to meet the requirements of TMC 1109.0500 Building Façade Materials and Color.
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 Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely
45. 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. In addition to the other landscape requirements for buffer areas, frontage greenbelts, and landscaping for parking lot areas, the following shall be provided: one 2-inch caliper tree for every 500 square feet of building coverage (footprint); foundation plantings along all portions of the building that are visible from the public rights-of-way; and landscaping at all major building entrances; **acceptable as depicted on landscape plan, “all landscaping located in the right-of-way shall not be permitted and will not be counted towards the landscaping requirement, changes shall be noted on revised landscape plan”.**

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

- b. 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; **acceptable as depicted on landscape plan.**
- c. All parking spaces must be within 100 linear feet of a landscaped area;
- d. 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 landscape plan.**
- e. Topsoil must be back filled to provide positive drainage of the landscape area; **shall be noted on revised landscape plan.**
- 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; **shall be noted on revised landscape plan.**
- g. Landscape terminal islands must be provided at the end of each parking row; **acceptable as depicted on landscape plan.**
- h. Two canopy trees and six shrubs are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot; **shall be noted on revised landscape plan.**
- i. Frontage greenbelts shall be constructed of grass, trees and shrub plantings. Greenbelt frontage landscaping shall be a minimum width of 30 feet, constructed of a solid evergreen hedge and provide a minimum of one tree for every 30 feet of frontage. Trees are not required to be evenly spaced and may be clustered; **acceptable as depicted on landscape plan.**
- j. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10') in width; **acceptable as depicted on landscape plan.**

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

- k. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **acceptable as depicted on landscape plan.**
  - l. 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.**
  - m. Type A Landscape buffers shall be twenty-five feet (25') in width or ten feet (10') wide with a solid fence; **the landscape plan as submitted shall be revised to indicate the exact width.**
  - n. The location, height and materials of any fencing to be installed and maintained; **Fence shall be solid board-on-board and shall be depicted as such in revised Landscape Buffers that are less than twenty-five (25) feet in width.**
  - o. 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); **acceptable as depicted on landscape plan.**
  - p. The location, lighting and size of any signs, all signage is subject to TMC§1387.
46. 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.
47. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

REF: SPR-26-13. . .August 8, 2013

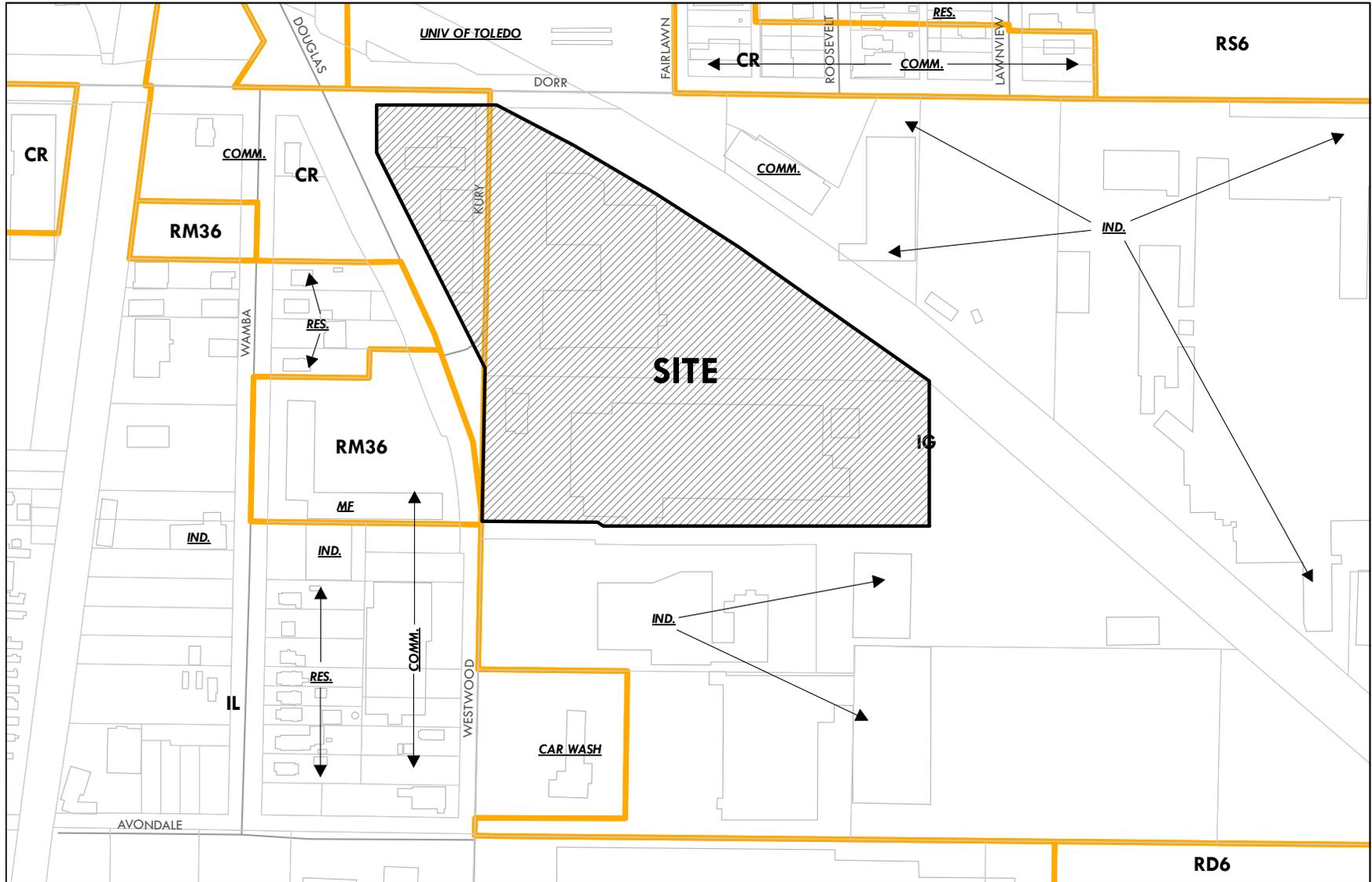
MAJOR SITE PLAN REVIEW  
TOLEDO CITY PLAN COMMISSION  
REF: SPR-26-13  
DATE: August 8, 2013  
TIME: 2:00 P.M.

BH/ks  
Six (6) sketches follow



# ZONING & LAND USE

SPR-26-13  
ID 47, 52







# ELEVATION

**SPR-26-13**  
ID 47, 52

\*ALL COLOR SELECTIONS SUBJECT TO  
REFINEMENT AND SELECTION OF ACTUAL  
BUILDING MATERIALS BY ARCHITECT



**BRAUN & STEIDL**  
architects

**TOLEDO STUDENT HOUSING**  
DORR ST. AND WESTWOOD AVE., TOLEDO, OH  
6.24.2013 PLANNING COMMISSION  
7.05.2013 REVISION

the  
**NRP**  
group LLC

**BUILDINGS**  
1 & 2

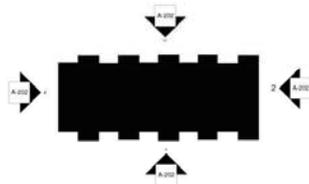
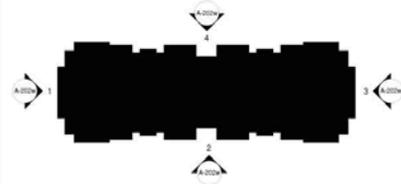
A-201

7 - 19

# ELEVATION

**SPR-26-13**  
ID 47, 52

\*ALL COLOR SELECTIONS SUBJECT TO  
REFINEMENT AND SELECTION OF ACTUAL  
BUILDING MATERIALS BY ARCHITECT



**Walk Ups Elevation 1**  
1/16" = 1'-0"

1  
A-202



**Walk Ups Elevation 3**  
1/16" = 1'-0"

3  
A-202



**TOWNHOME ELEVATION 4**  
1/16" = 1'-0"

4  
A-202



**TOWNHOME ELEVATION 3**  
1/16" = 1'-0"

3  
A-202



**Walk Ups Elevation 2**  
1/16" = 1'-0"

2  
A-202



**Walk Ups Elevation 4**  
1/16" = 1'-0"

4  
A-202



**TOWNHOME ELEVATION 2**  
1/16" = 1'-0"

2  
A-202



**TOWNHOME ELEVATION 1**  
1/16" = 1'-0"

1  
A-202

**BRAUN & STEIDL**  
architects

**TOLEDO STUDENT HOUSING**  
608R ST. AND WESTWOOD AVE., TOLEDO, OH  
6.24.2013 PLANNING COMMISSION  
7.05.2013 REVISION

the **NRP** group LLC

WALKUPS  
(BLDG. 3,4,8)  
TOWNHOMES  
(BLDG. 5,6,7)

A-202

**GENERAL INFORMATION**

Subject

- Request - Zone Change from RM36 Multi-Dwelling Residential to CR Regional Commercial
- Location - 1056 Woodville Road
- Applicant - Ahmed Tawil  
ANT Properties LLC  
1000 Woodville Road  
Toledo, OH 43605
- Attorney - Cherrefe Kadri  
1109 Adams Street  
Toledo, OH 43604
- Engineer - Curtis Hong  
Hong Inc.  
300 Phillips Avenue, Suite 4  
Toledo, OH 43612

Site Description

- Zoning - RM36 Multi-Dwelling Residential
- Area - +/- .10 ac.
- Frontage - +/- 40' on Woodville Road
- Existing Use - Single-family Residential
- Proposed Use - Used Auto Sales

Area Description

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

Parcel History

- SUP-6017-13 - Special Use Permit for the expansion of a used car lot (Companion Case)

**GENERAL INFORMATION (cont'd)**

Applicable Regulations

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

**STAFF ANALYSIS**

The request is for a zone change from RM36 Multi-Dwelling Residential to CR Regional Commercial at 1056 Woodville Road to expand an adjacent used auto sales lot. The existing single-family residence on-site will be removed and paved for auto display use. A Special Use Permit application accompanies this case.

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

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. 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. Additionally, the proposed zoning is not out of character with the zoning of parcels to the West of the site. The proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 Review and Decision-making Criteria.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of Z-6018-13, a zone Change from RM36 Multi-Dwelling Residential to CR Regional Commercial 1056 located at Woodville Road to the Toledo City Council for the following two (2) reasons:

1. The parcels to the northwest were recently rezoned for the used auto sales lot and Woodville Road is increasingly commercial in nature; and
2. The proposed zone change is consistent with the zoning classification of properties within the general vicinity of the site (TMC §1111.0606.C Review & Decision-Making Criteria).

REF: Z-6018-13. . .August 8, 2013

TOLEDO CITY PLAN COMMISSION

REF: Z-6018-13

DATE: August 8, 2013

TIME: 2:00 P.M.

TOLEDO CITY COUNCIL

ZONING AND PLANNING COMMITTEE

DATE: September 11, 2013

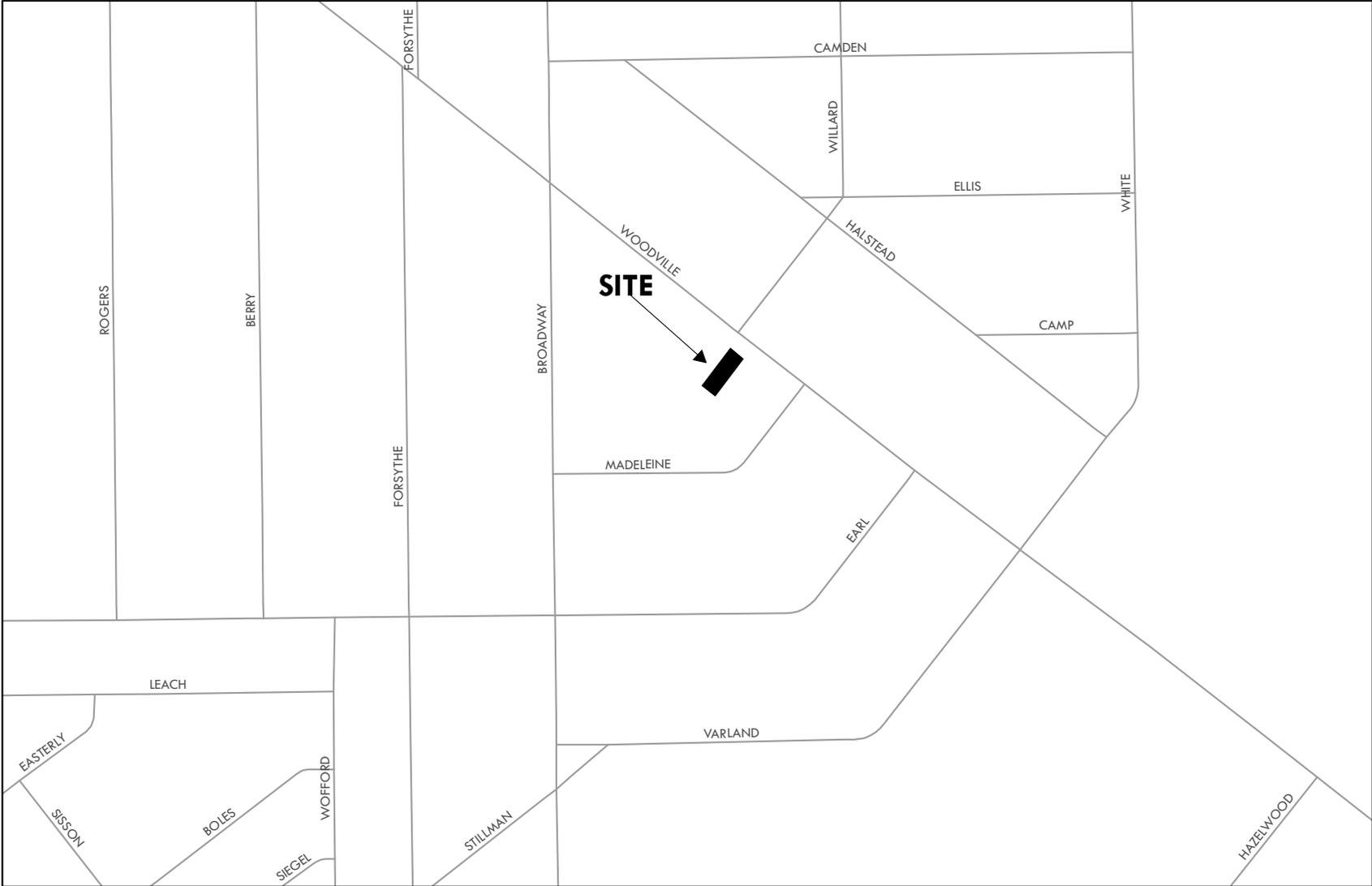
TIME: 4:00 P.M.

BH/ks

Two (2) sketches follow

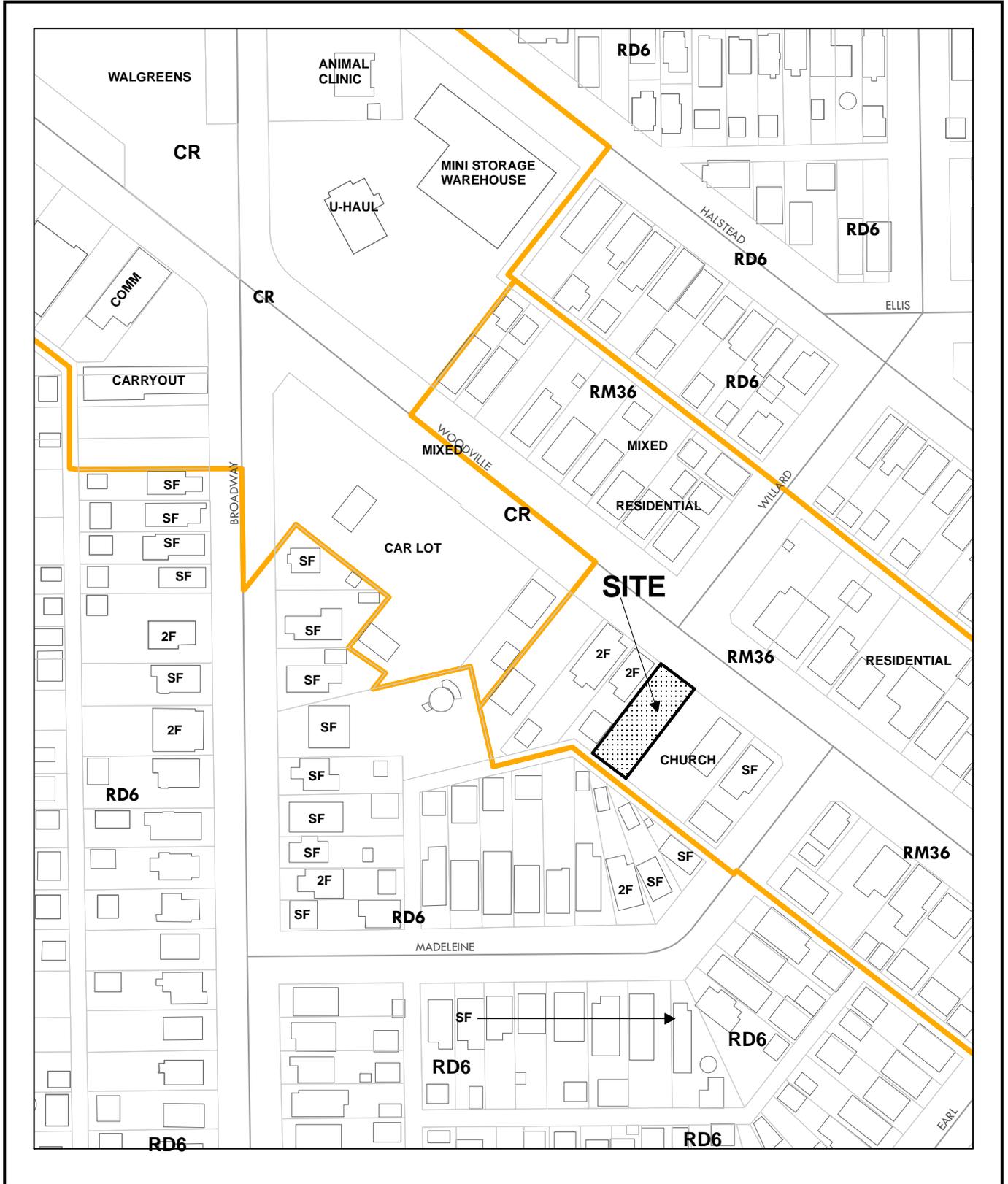
# GENERAL LOCATION

Z-6018-13  
ID 30



# ZONING AND LAND USE

Z-6018-13  
ID 30



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**GENERAL INFORMATION**

Subject

- Request - Special Use Permit for an expansion of an existing used auto sales lot
- Location - 1056 Woodville Road
- Applicant - Ahmed Tawil  
ANT Properties LLC  
1000 Woodville Road  
Toledo, OH 43605
- Attorney - Cherrefe Kadri  
1109 Adams Street  
Toledo, OH 43604
- Engineer - Curtis Hong  
Hong Inc.  
300 Phillips Avenue, Suite 4  
Toledo, OH 43612

Site Description

- Zoning - RM36 Multi-Dwelling Residential
- Area - ± 1.42 ac.
- Frontage - ±496' on Woodville Road  
±166' on East Broadway
- Existing Use - Used Auto Sales Lot & Mixed Residential
- Proposed Use - Used Auto Sales Lot
- Parking Required - 13 total required spaces (1 per 5000 square feet of open sales area (41,020 sq ft) plus 1 per 500 square feet of enclosed sales area (910 sq ft), plus 1.5 per service bay (2 service bays))
- Parking Provided - 19 spaces

Area Description

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

**GENERAL INFORMATION (cont'd)**

Parcel History

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

**GENERAL INFORMATION (cont'd)**

Parcel History (cont'd)

- SUP-10009-07 - Amendment to special use permit for new garage at used auto sales lot. Application denied due to deficient site plan. Building constructed without special use permit. (Withdrawn incomplete application 11/28/07)
  
- Z-1002-12 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial. (PC approved 3/8/12, Ord. 217-12, 4/28/12)
  
- SUP-5005-12 lot - Request for special use permit for used auto sales (PC approved 7/12/12, Ord. 453-12, 9/28/12)
  
- Z-11009-12 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial for 1048 Woodville Road. (PC approved 5/9/13, Ord. 319-13, 6/25/13)
  
- Z-3003-13 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial for 1050 & 1054 Woodville Road. (PC approved 5/9/13, Ord. 320-13, 6/25/13)
  
- SUP-3002-13 - Request for special use permit to expand used auto sales lot (PC approved 5/9/13, Ord. 321-13, 6/25/13)
  
- Z-6018-13 - Zone change from RM36 Mutli-Dwelling Residential to CR Regional Commercial for 1056 Woodville Road. (Companion Case)

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 1056 Woodville Road. The overall site is irregular in shape and has frontage on Woodville Road and East Broadway. The current site contains a single-family home that will be razed prior to being graded and paved. A companion zone change accompanies this case.

**STAFF ANALYSIS** (cont'd)

The parent used auto sales lot was established in 2001 and has gradually expanded to five (5) lots fronting on Woodville Road. The current applicant purchased the site in 2011 and has continued to expand the site via SUP-5005-12 & SUP-3002-13. The applicant has worked with staff to resolve issues of non-compliant landscaping.

Surrounding land uses include a mixture of one and two-family homes and a church in the immediate area of the subject property. The corner of Broadway and Woodville Road is developed with commercial uses. The applicant has indicated that current negotiations are taking place to acquire the church property.

The applicant has indicated they would like to extend the landscape waivers previously granted by City Council to the newly acquired property. These waivers will permit a seven-foot (7') greenbelt along the newly acquired Woodville Road frontage, the type A buffer along the rear of the property will have a 6-foot (6') board-on-board fence and 10-feet (10') of grass and the 50-foot separation measured along street frontage between any open display sales lot and a residential district boundary will be reduced to a ten-foot (10') grass buffer with a 6-foot (6') board-on-board fence. Staff is supportive of extending these waivers to the 1056 Woodville Road property.

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential 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. Additionally, the proposed zoning is not out of character with the zoning of parcels to the west of the site. 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-6017-13, a special use permit for the expansion of a used car lot located at 1056 Woodville Road, to Toledo City Council for the following two (2) reasons:

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

**STAFF RECOMMENDATION** (cont'd)

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 1056 Woodville Road:

**Chapter 1108 Landscaping and Screening**

**Sec. 1108.0202 Frontage Greenbelt – B. Requirements**

Approve a waiver of 8' of the 15' frontage greenbelt, to allow a 7' frontage greenbelt with at least 2' on the outside of the fence.

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

Approve a waiver of 10' of the required 10' Type A landscape buffer.

**Chapter 1104 Use Regulations**

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

Approve a waiver of the required 50' Separation between any open display sales lot and a residential district boundary line to allow a 10' grass buffer with a 6' wooden fence.

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-6017-13, a Special Use Permit for an expansion of an existing used car lot located at 1056 Woodville Road to the Toledo City Council subject to the following thirty-two (32) conditions:

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

Engineering Services

1. All **existing 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 the current City of Toledo Construction Standards Specifications; The Toledo Municipal Code; and The Americans with Disabilities Act Guidelines.
2. Existing drives along Woodville Road that will not be reused shall be removed and the area restored to match the adjacent landscape. Curb drops through unused drives shall be removed and replaced with full height curb to match the adjacent curb.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph. (419) 245-1220.

**STAFF RECOMMENDATION** (cont'd)

Engineering Services (cont'd)

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

4. Existing water services to structures removed from the site will be abandoned by the City of Toledo at the owner/developer's expense.
5. Storm drainage service for this site is available subject to: the Criteria and Regulations of the Departments of Public Utilities and Public Service; the Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; the Toledo City Charter; the "Subdivision Rules & Regulations" of the Toledo-Lucas County Plan Commission; the City of Toledo Infrastructure Design Plan." All disturbed land areas over one (1) acre must submit an NOI to and obtain a permit from the Ohio EPA. Storm water detention will be required in accordance with the above. Subject site is within a combined sewer area. Therefore a storm water design is not required to include a design for water quality which instead will be handled at the City of Toledo wastewater treatment plant.
6. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately one hundred feet (100') from the development boundaries if requested. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
7. No construction work, including grading, will be permitted without approved plans and inspection.
8. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at [www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewProcess/tabid/355/Default.aspx](http://www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewProcess/tabid/355/Default.aspx). It is advised that consulting engineers, architects, and developers contact the Department of Public Utilities, the Department of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of the City of Toledo's requirements for the sanitary, storm, water, and roadway utilities. This will in turn help to eliminate costly design time, revisions to drawings, delays in plan reviews and speed-up the plan approval process.

**STAFF RECOMMENDATION (cont'd)**

Engineering Services (cont'd)

Contact Information is:

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

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

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

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

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

9. 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.
10. Any existing sewers under proposed buildings shall be relocated or abandoned. The developer shall verify any sewers to be abandoned are no longer in service.
11. Post construction storm water Best Management Practices shall be incorporated into the design to provide treatment of runoff prior to discharging into the City's system. Designs incorporating low impact development solutions such as grassy swales, and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and often much less costly. Designs incorporating wet ponds, extended detention, bio-retention, or grassy swales are eligible for a 30 percent (30%) reduction in the property's storm water utility fee.
12. Any kills that are 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 & Drainage Services

Comments not received at this time.

Fire Prevention

13. Key boxes for locked gates may be required for fire department vehicle access.
14. Facility address is required.

**STAFF RECOMMENDATION (cont'd)**

Building Inspection

15. Any alterations of or additions to any existing structures or construction of any new structures on the site will require submission of stamped construction documents be to the Division of Building Inspection for plan review and approval, showing the improvements to be in compliance with the Ohio Building Code and its associated mechanical, electrical and fire codes.

Division of Transportation

16. All existing unused drive approaches shall be removed and the curb and sidewalk shall be restored in accordance with the City of Toledo Construction Standards.
17. The 5 parking stalls that “T” into adjacent stalls in the southeastern most portion of the lot shall not be allowed.
18. The parking stalls that are right adjacent (parallel) to the perimeter curbing in the southern portion of the lot need to have at least a 4 foot backing area extension to allow maneuverability.
19. Drive aisles shall be a minimum of 25’. Some of the aisles do not appear to meet this dimension.
20. ADA parking stalls shall be provided in accordance with the Americans with Disabilities Act Guidelines and TMC 1107.1701. Any ADA parking spaces shall be designated with a sign visible from the driver’s seat and must be mounted in front of the parking space at a minimum height of 60 inches to the bottom of the sign.

Plan Commission

21. The applicant shall install planting as outlined in the approved plans of SUP-5005-12 & SUP-3002-13.
22. 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.
23. 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)

24. A 10-foot separation with a wooden fence shall be measured along Woodville Road and maintained between the open display sales lot and the residential district boundary to the Southeast.
25. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.
26. Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot.
27. Fencing of customer display areas shall conform to TMC 1105.0302, outside storage screening shall comply with TMC 1108.0203.H.
28. All existing and proposed chain link fencing shall contain top and side rails.
29. 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 7' Greenbelt is required along the newly acquired Woodville Road frontage and shall include one tree for every 30' of lot frontage and a solid evergreen hedge;
  - b. A fence is required along the easterly and southerly property lines, where the commercial zoning abuts residential zoning;
  - c. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage;
  - d. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained;
  - e. Thirteen (13) parking spaces shall be denoted and reserved for "Customer Only" and shall not be used for open auto display;
  - f. Dumpster location(s) shall have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks;

**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- g. The location, height and materials for any fencing to be installed and maintained;
  - h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
  - i. The location, lighting and size of any signs.
30. 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.
31. 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.
32. 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.

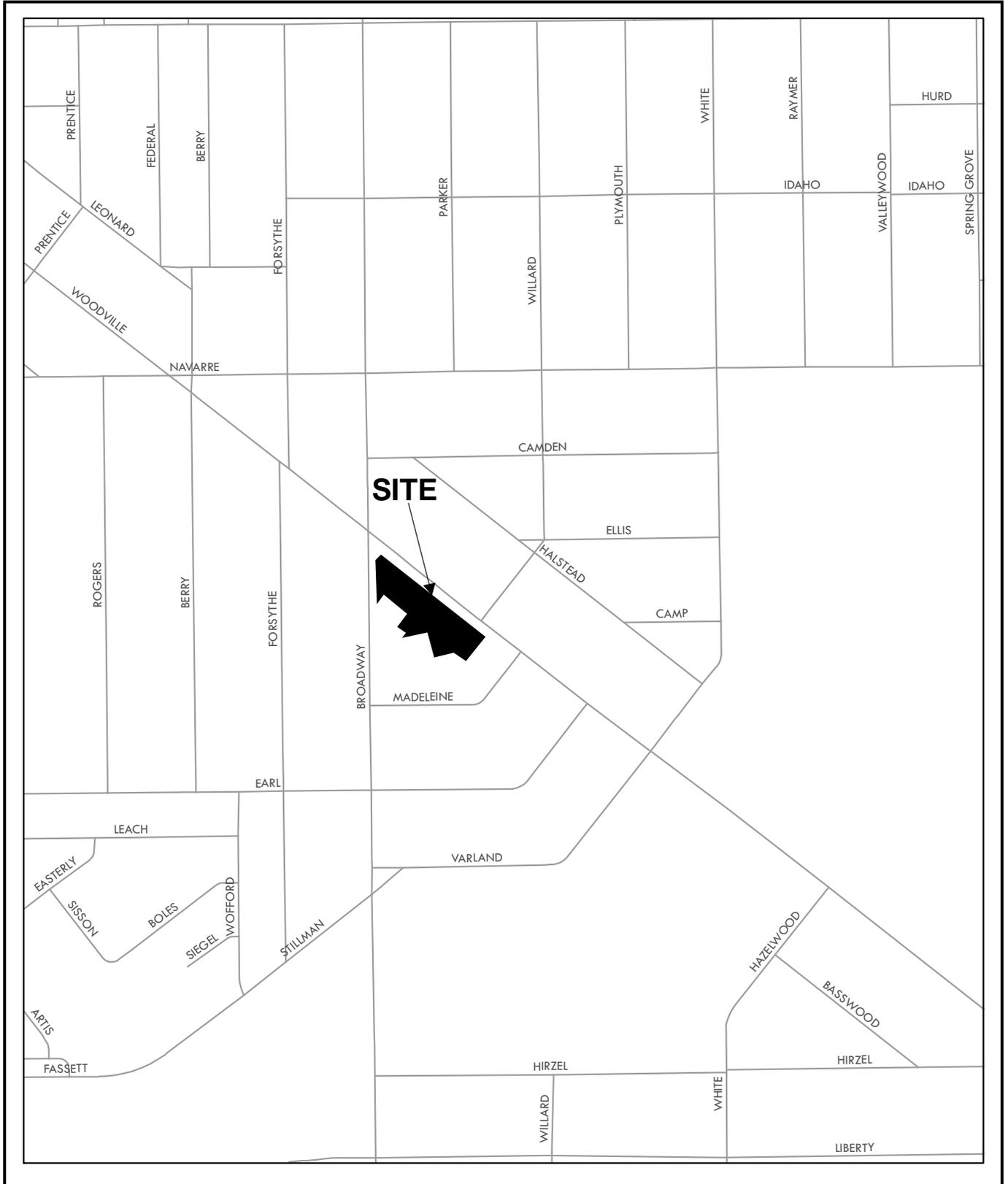
SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-6017-13  
DATE: August 8, 2013  
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: September 11, 2013  
TIME: 4:00 P.M.

BH/ks  
Four (4) sketches follow

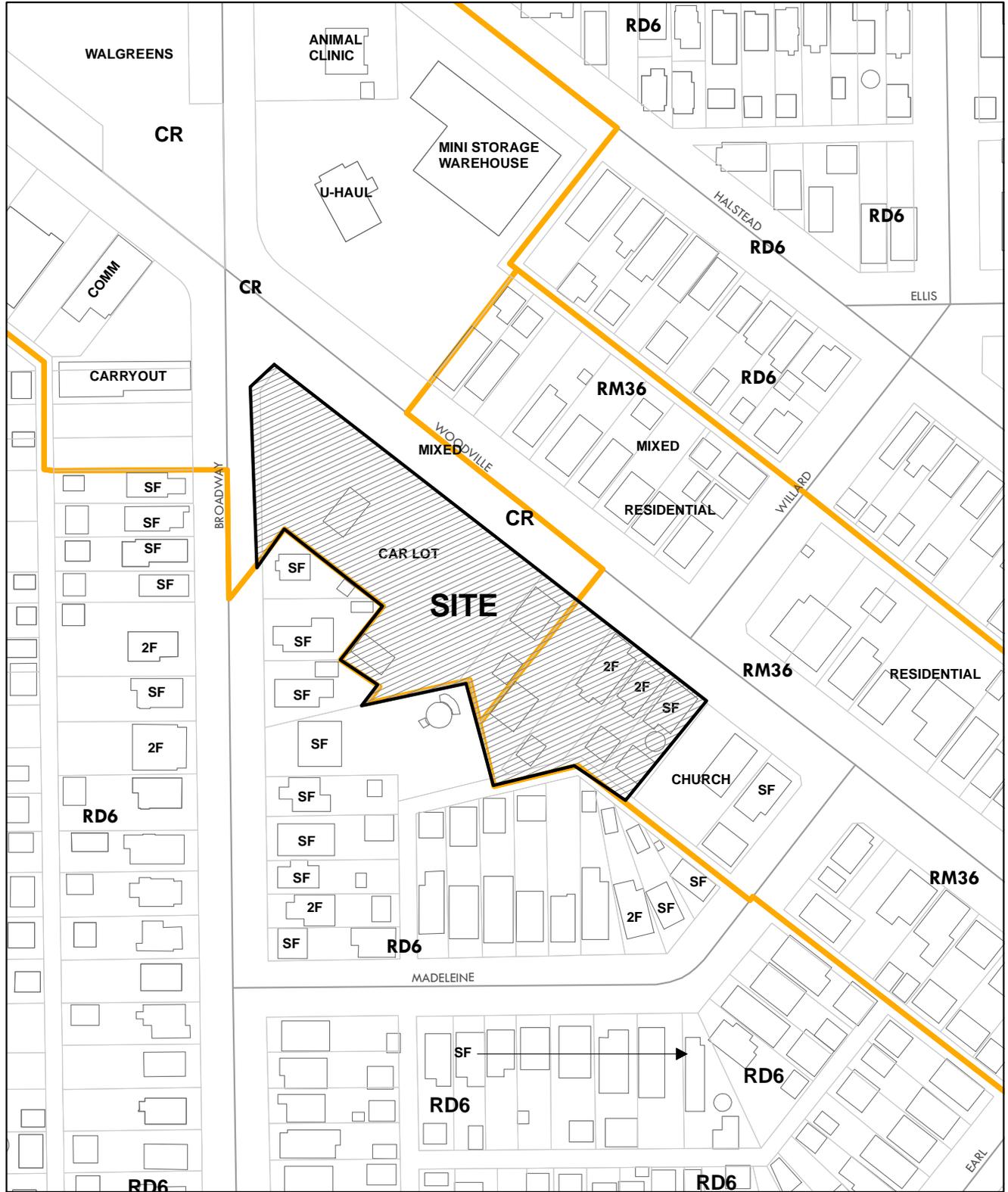
# GENERAL LOCATION

SUP-6017-13  
ID 30



# ZONING AND LAND USE

SUP-6017-13  
ID 30

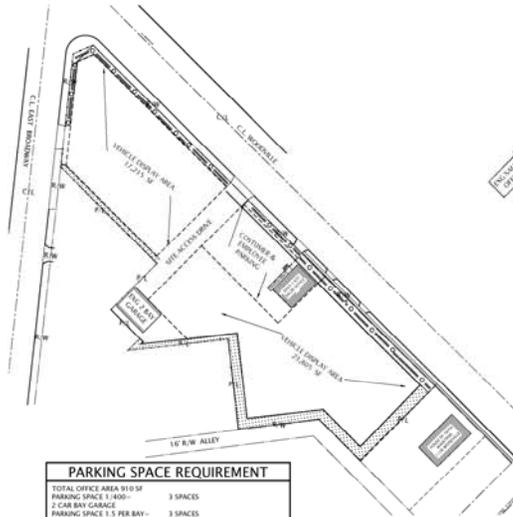


# SITE PLAN

SUP-6017-13  
ID 30



1 LOCATION MAP  
NOT TO SCALE



PARKING SPACE REQUIREMENT	
TOTAL OFFICE AREA 910 SF	
PARKING SPACE 1,400-	3 SPACES
2 CAR BAY GARAGE	3 SPACES
PARKING SPACE 1.5 PER BAY-	9 SPACES
TOTAL DISPLAY AREA - 41,820 SF	
PARKING SPACE 1.75/800 SF -	9 SPACES
TOTAL SPACES REQUIRED -	15 SPACES
TOTAL SPACES PROVIDED -	19 SPACES

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

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

PLANT LEGEND	
1	30" SINKER SOLID HEDGE
2	10' LOCUST TREE @ 30' O.C.
3	GRASS LANDSCAPED AREA

LIGHT DIRECTION LEGEND	
1	LECT DIRECT
2	

**HONG**  
300 Phillips Avenue, Suite #4  
Toledo, Ohio 43612  
Corky Hong  
ph: 419 729 2000  
email: corkyhong@totalink.net



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

REVISION	DATE
1	07.09.13
2	07.09.13
3	
4	
5	
6	
7	

DATE	07.09.13
SCALE	AS NOTED
DRAWN BY	-
CHECKED BY	-
P.R.N.O.	12-010
CAD FILE	12-010.dwg (C0.1)

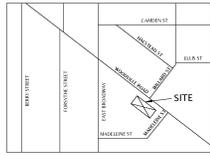
**C0.1**  
SHEET NO. 1

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PLOTTED: 07.09.13

# SITE PLAN CONCEPT

**SUP-6017-13**  
ID 30



**LOCATION MAP**  
NOT TO SCALE

**DEVELOPER:**  
FIRST CHOICE AUTO FINANCE  
1000 WOODVILLE ROAD  
TOLEDO, OH 43605

**NOTE:**  
SPECIAL USE PERMIT AND ZONING  
CHANGE FOR USED AUTOMOTIVE  
SALES LOT

**LEGAL DESCRIPTION**

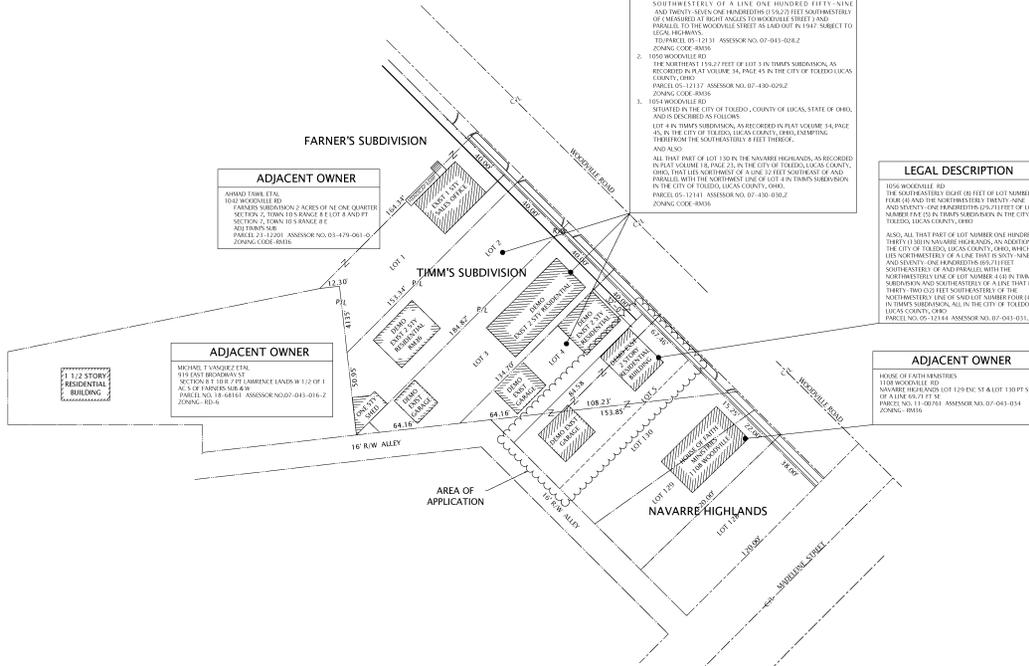
1. 1044 WOODVILLE RD LOT NUMBER TWO (2) AND THAT PART OF LOT NUMBER ED IN THOMP'S SUBDIVISION IN TOLEDO, LUCAS COUNTY, OHIO, DESCRIBED AS FOLLOWS: ALL THAT PART OF SAID LOT NUMBER THREE (3) THAT LIES SOUTH THEREOF, TO-WIT: A LINE ONE HUNDRED (100) FEET AND TWENTY-NINE (29) FEET SOUTH OF THE SOUTHWEST CORNER OF THE WOODVILLE STREET AS Laid out in 1947, SUBJECT TO LOCAL HEADWAYS TO PARCEL (D) 21-131, ASSASSOR NO. 07-043-008.2 ZONING CODE: RB-10.
2. 1000 WOODVILLE RD THE NORTHEAST 150.27 FEET OF LOT 3 IN THOMP'S SUBDIVISION, AS RECORDED IN PLAT NUMBER 34, PAGE 45 IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO. PARCELS (C) 21-131, ASSASSOR NO. 07-043-008.2 ZONING CODE: RB-10.
3. 1054 WOODVILLE RD SITUATED IN THE CITY OF TOLEDO, COUNTY OF LUCAS, STATE OF OHIO, AND DESCRIBED AS FOLLOWS: LOT 4 IN THOMP'S SUBDIVISION, AS RECORDED IN PLAT NUMBER 34, PAGE 45 IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, EXCEPTING THEREFROM THE SOUTHEASTERN 8 FEET THEREOF. AND ALSO: ALL THAT PART OF LOT 130 IN THE NAVARRE HIGHLANDS, AS RECORDED IN PLAT NUMBER 18, PAGE 28 IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, THAT LIES NORTHWEST OF A LINE 22 FEET NORTHWEST OF AND PARALLEL WITH THE NORTHWEST CORNER OF LOT 1 IN THOMP'S SUBDIVISION, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO. PARCELS (C) 21-131, ASSASSOR NO. 07-043-008.2 ZONING CODE: RB-10.

**LEGAL DESCRIPTION**

1056 WOODVILLE RD THE SOUTHWESTERN EIGHT (8) FEET OF LOT NUMBER FOUR (4) AND THE NORTHWESTERN THIRTY-NINE (39) FEET AND TWENTY-NINE (29) FEET OF LOT NUMBER FIVE (5) IN THOMP'S SUBDIVISION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO. ALSO: ALL THAT PART OF LOT NUMBER ONE HUNDRED THIRTY-TWO (132) IN THE NAVARRE HIGHLANDS, AS RECORDED IN PLAT NUMBER 18, PAGE 28 IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, WHICH LIES WESTERLY OF A LINE FIVE (5) FEET WESTERLY OF AND PARALLEL WITH THE NORTHWEST CORNER OF LOT NUMBER ONE (1) IN THOMP'S SUBDIVISION AND SOUTHWESTERLY OF A LINE THAT IS THIRTY-TWO (32) FEET SOUTHWESTERLY OF THE NORTHWEST CORNER OF LOT NUMBER FOUR (4) IN THOMP'S SUBDIVISION, ALL IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO. PARCELS (C) 21-131, ASSASSOR NO. 07-043-008.2 ZONING CODE: RB-10.

**ADJACENT OWNER**

HOUSE OF FATH INDUSTRIES  
1000 WOODVILLE RD LOT 129 ENC 51 A LOT 130 131 SE CORNER OF A LINE 60.77 FT SE PARCELS (C) 21-131, ASSASSOR NO. 07-043-034 ZONING: RB-10



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

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

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

STATE OF OHIO  
CURTIS F. L-19843  
PLANNING COMMISSION

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

REVISION	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

DATE: 07.09.13  
SCALE: AS NOTED  
DRAWN BY: -  
CHECKED BY: -  
JOB NO: 12-010  
CAD FILE: 12-010.dwg (C0.2)

**C0.2**  
SHEET NO. 1  
This drawing is the property of Hong LLC. It shall not be used or reproduced in any way without the written consent of Hong LLC. It shall be held in strict confidence and shall not be used for any other work other than that authorized by Hong LLC. Nothing is intended to make a change to the drawings shown for each subsection. While every attempt has been made to show the accurate presentation of these drawings, the designer, engineer, architect, or contractor is not responsible for any errors or omissions. All dimensions and details shall be first verified and any discrepancies reported to Hong LLC or project consultant. -Cory Hong

**GENERAL INFORMATION**

Subject

- Request - Request for Special Use Permit for operation of a used auto sales lot
- Location - 4365 Hill Avenue
- Owner - Mike Qiblawe  
QNND, LLC  
5855 Dorr Street  
Toledo, OH 43615
- Contact - Kenneth W. Wenninger  
Law Offices of Kenneth W. Wenninger, LLC  
5658 N Main Street, Suite 101  
Sylvania, OH 43560
- Engineer - Huber H Buehrer  
Buehrer Group  
314 Conant Street  
Maumee, OH 43537

Site Description

- Zoning - CR Regional Commercial
- Area - ± .89 Acres
- Frontage - ± 200' along Hill Avenue and  
± 200' along Wenz Road
- Existing Use - Vacant Commercial Restaurant
- Proposed Use - Used Auto Sales Lot

Area Description

- North - Apartment Complex and Greenhouse / RM36 & RS6
- South - Commercial Restaurant and Single-family Residential / CR & RS6
- East - Apartment Complex, Single-family Residential and Greenhouse / CR & RS6
- West - Gas Station and Office / CR

**GENERAL INFORMATION (cont'd)**

Parcel History

Z16-C45	-	Request for zone change from A-4 Rural Residential to C-2 Commercial, (PC approved 2/20/58, Adams Township approved 4/28/58)
T-95-63	-	Request for deed transfer (approved administratively 10/15/63)
SUP-215-82	-	Request for special use permit for gas station with convenience store (PC approved 12/2/82, Ord. 814-82 approved 12/21/82)
SUP-7010-09	-	Request for special use permit for convenience store (Withdrawn)

Applicable Regulations

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

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit to operate a used auto sales lot on a site located at 4365 Hill Avenue. The .89-acre site is located at the southeast corner of Hill Avenue and Wenz Road. The property includes a 4,000 square foot building that will be used as a sales office.

The site requires a total of 9 customer parking spaces in addition to the vehicle display spaces. The site currently has three (3) curb cuts, one (1) along Wenz and two (2) on Hill Avenue. The Division of Transportation is requesting on Hill Avenue curb cut closest to the intersection be removed.

The site is existing and therefore only required to be brought closer into compliance with the landscape requirements of the 2004 zoning code. The applicant is proposing a ten (10) foot wide landscaping strip containing three (3) trees along the Hill Avenue frontage. The applicant is also providing five (5) trees along Wenz Road within the unimproved portion of the right-of-way. Staff supports the location of trees in this area, as the right-of-way along Wenz Road is approximately 50 feet wide and offers a significant landscape buffer. Foundation plantings will be required at the main entrance and a solid evergreen hedge in the frontage greenbelt along Hill Avenue.

**STAFF ANALYSIS (cont'd)**

Surrounding land uses include a multi-family apartment complex and a commercial greenhouse to the North, a multi-family apartment building to the East, a gas station with convenience store to the West and a restaurant and single-family residential neighborhood to the South.

The Toledo 20/20 Comprehensive Plan targets this area for neighborhood commercial land uses. The neighborhood commercial district was established and intended for predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed used may be included. Based on the future land use designation, current zoning, proposed use and location staff has found that the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 *Review and Decision-making Criteria*.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-6020-13, a special use permit for the operation of a used auto sales lot located at 4365 Hill Avenue, to Toledo City Council for the following two (2) reasons:

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

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-6020-13, a request for a Special Use Permit for the operation of a used auto sales lot located at 4365 Hill Avenue, to the Toledo City Council, subject to the following thirty-three (33) 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 the current City of Toledo Construction Standards Specifications; The Toledo Municipal Code; and The Americans with Disabilities Act Guidelines.

**STAFF RECOMMENDATION** (cont'd)

Engineering Services (cont'd)

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, The Toledo Municipal Code, and The Americans with Disabilities Act Guidelines.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with eight-inch thick concrete per The City of Toledo Construction Standards and Specifications. **No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph. (419) 245-1220.  
  
Contact Scott Bishop at ph. (419) 936-2756 for inspection of above-mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for a new water service or modifications to existing water service shall be submitted to the Division of Engineering Services for review and approval.
7. Maintain ten (10) feet of horizontal separation and eighteen (18) inches of vertical separation between water service and sanitary or storm sewer. Maintain four (4) feet of horizontal separation and twelve (12) inches of vertical separation between water service and any other underground utility.
8. Contact the Division of Water Distribution for installation requirements for backflow preventers.
9. New fire, domestic, and irrigation taps will be installed by The City of Toledo at the owner/developer's expense.
10. Storm drainage service for this site is available subject to: the "Criteria and Regulations" of The Departments of Public Utilities and Public Service; The Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; The Toledo City Charter; The "Subdivision Rules & Regulations" of The Toledo-Lucas County Plan Commissions; The City of Toledo Infrastructure Design and Construction Requirements; and "The Comprehensive Ditch Plan". All disturbed land areas over one (1) acre must submit an NOI to and obtain a permit from the Ohio EPA.

**STAFF RECOMMENDATION** (cont'd)

Engineering Services (cont'd)

11. A detailed site-grading plan for this project shall be submitted for approval. The plan shall show the adjacent topography and grades for the land abutting the proposed development for a distance of approximately 100 feet from the development boundaries. All storm drainage must be internal and not run off onto adjacent properties unless approved by The City of Toledo Drainage Engineer.
12. No construction work, including grading, will be permitted without approved plans and inspection.
13. Being in or adjacent to a flood hazard zone, this area is subject to The Toledo Municipal Code, Chapter 1110, which must be complied with in full.
14. Sanitary sewer service for this development is available subject to the “Rules and Regulations” of the Department of Public Utilities.
15. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. The developer shall use existing sanitary tap, when available.
16. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at [www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewProcess/tabid/355/Default.aspx](http://www.ci.toledo.oh.us/Departments/PublicUtilities/DivisionofEngineeringServices/PlanReviewProcess/tabid/355/Default.aspx). It is advised that consulting engineers, architects, and developers contact The Department of Public Utilities, Division of Engineering Services to set up a pre-submittal meeting. This is suggested so that there is a full understanding of The City of Toledo’s requirements for the sanitary, storm, water, and roadway utilities. This will in turn help to eliminate costly design time, revisions to drawings, delays in plan reviews, and speed up the plan approval process.

Contact information is:

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

**STAFF RECOMMENDATION (cont'd)**

Engineering Services (cont'd)

17. Post construction storm water Best Management Practices shall be incorporated into the design to provide treatment of runoff prior to discharging into the City's system. Designs incorporating low impact development solutions such as grassy swales, and bio-retention areas in lieu of curb, storm sewers and underground detention are encouraged and often much less costly. Designs incorporating wet ponds, extended detention, bio-retention, or grassy swales are eligible for a 30 percent reduction in the property's storm water utility fee.
18. The owner shall provide a twenty (20) foot wide easement for public sewer located at the southern corner of the property.
19. The owner shall verify that any abandoned sewers on the site are filled or removed.

Sewer & Drainage Services

No Comments or objections.

Fire Prevention

No Comments or objections.

Division of Transportation

20. The westernmost access drive on Hill Avenue shall be removed. New curbs and sidewalks shall be installed in accordance with City of Toledo Construction Standards.
21. The site plan shall indicate the vehicle display area and the proposed configuration of the vehicles.
22. A minimum of twenty-five (25) feet drive aisle shall be provided in all directions to accommodate two-way traffic.
23. "One-way" and "Do Not Enter" shignage and/or pavement markings shall be installed to the East and South, behind the sales office as appropriate.

**STAFF RECOMMENDATION (cont'd)**

Building Inspection

24. Locating a used auto sales office in a tenant space of a different use group will constitute a change in use. As a requirement of a change of use, a new certificate of occupancy must be issued. The applicant must submit construction drawings stamped by a design professional submitted to the Division of Building Inspection for plan review and approval. The construction documents must show the occupant load of each occupied space as well as the total occupant load, plumbing fixture count, the means of egress and fire safety routes and those items listed in Chapter 106 of the Ohio Building Code. Special inspections of all disciplines, along with fire inspection, must be arranged to confirm that the occupied space complies with the submitted drawings. A new certificate of occupancy will be issued to the tenant space at this location when all inspections are satisfied and approved.
25. Any alterations of or additions to existing structures or construction of a new structure will likewise require submission of stamped construction documents to the Division of Building Inspection for plan review and approval, along with inspections of actual work performed as a requirement of a certificate of occupancy.

Plan Commission

26. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. (TMC 1108.0302.B. Use Regulations).
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. Use Regulations).
28. A dumpster location(s) shall be noted on a revised site plan and have a concrete pad surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.
29. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.
30. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:

**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- a. A 15' frontage greenbelt is required along the Hill Avenue frontage; the greenbelt shall include one tree for every 30' of lot frontage and a solid evergreen hedge to screen the parking lot. Street trees shall be added along the Wenz Road frontage and may be planted in the right-of-way, as depicted; **shall be noted on revised landscape plan.**
  - b. Foundation plantings are required along all main and secondary entrances of the building, and patio areas that are visible from the public right of way, and landscaping at all major building entrances. (TMC 1108.0205.B Landscaping and Screening; **Specifically, landscaping shall be installed at the main entrance point to the building. Landscaping shall also be added at the northwest corner of the site, and shall include a combination of trees and shrubs.**
  - c. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **acceptable as depicted on plan.**
  - d. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage; **shall be noted on revised landscape plan.**
  - e. The location, height and materials for any fencing to be installed and maintained; **shall be noted on revised landscape plan.**
  - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); **shall be noted on revised landscape plan.**
  - g. The location, lighting and size of any signs.
31. 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.**
  32. 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)

33. 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-6020-13  
DATE: August 8, 2013  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: September 11, 2013  
TIME: 4:00 P.M.

BH/ks

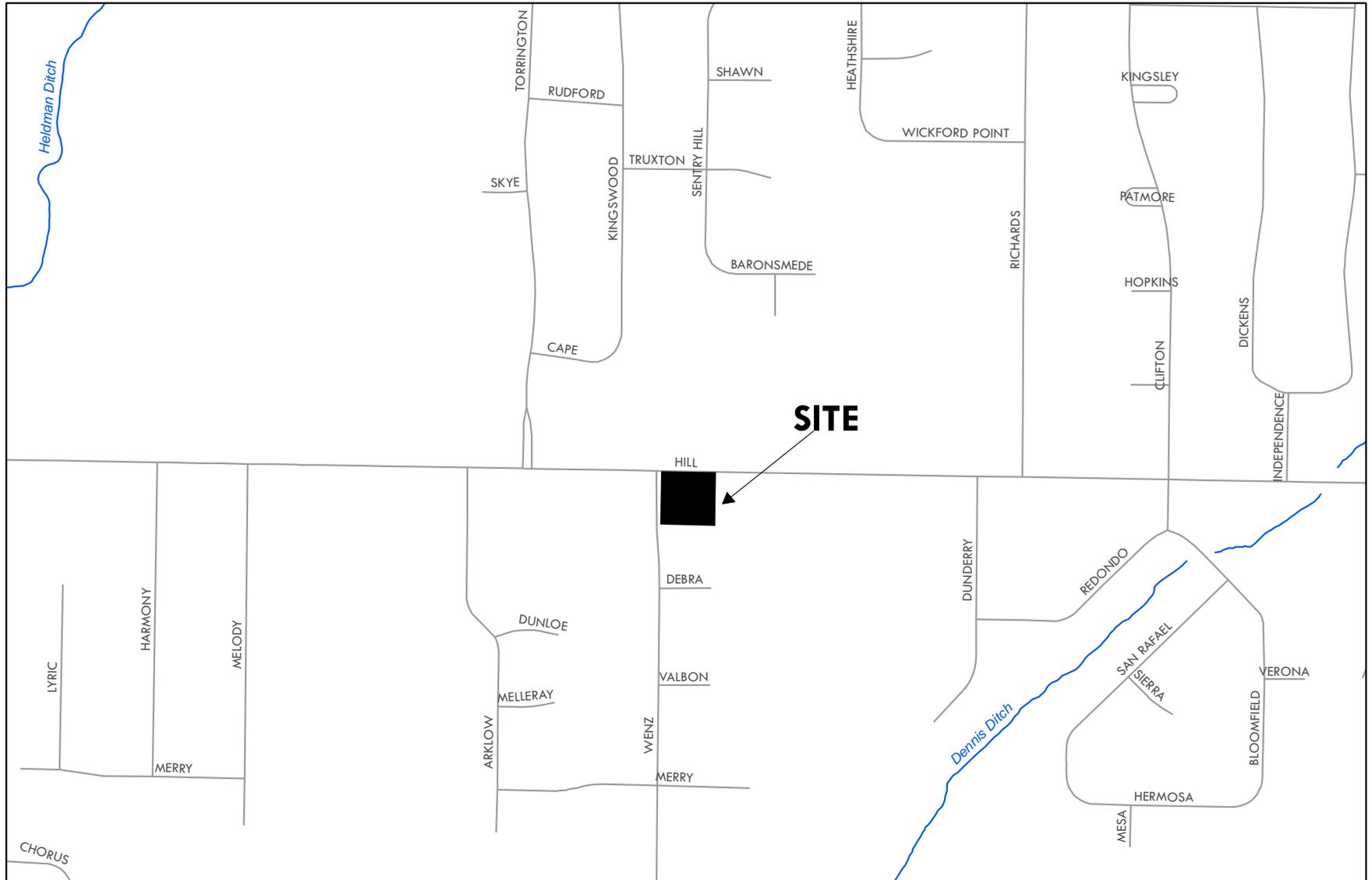
Three (3) sketches follow

# GENERAL LOCATION

SUP-6020-13  
ID 84



10 - 10

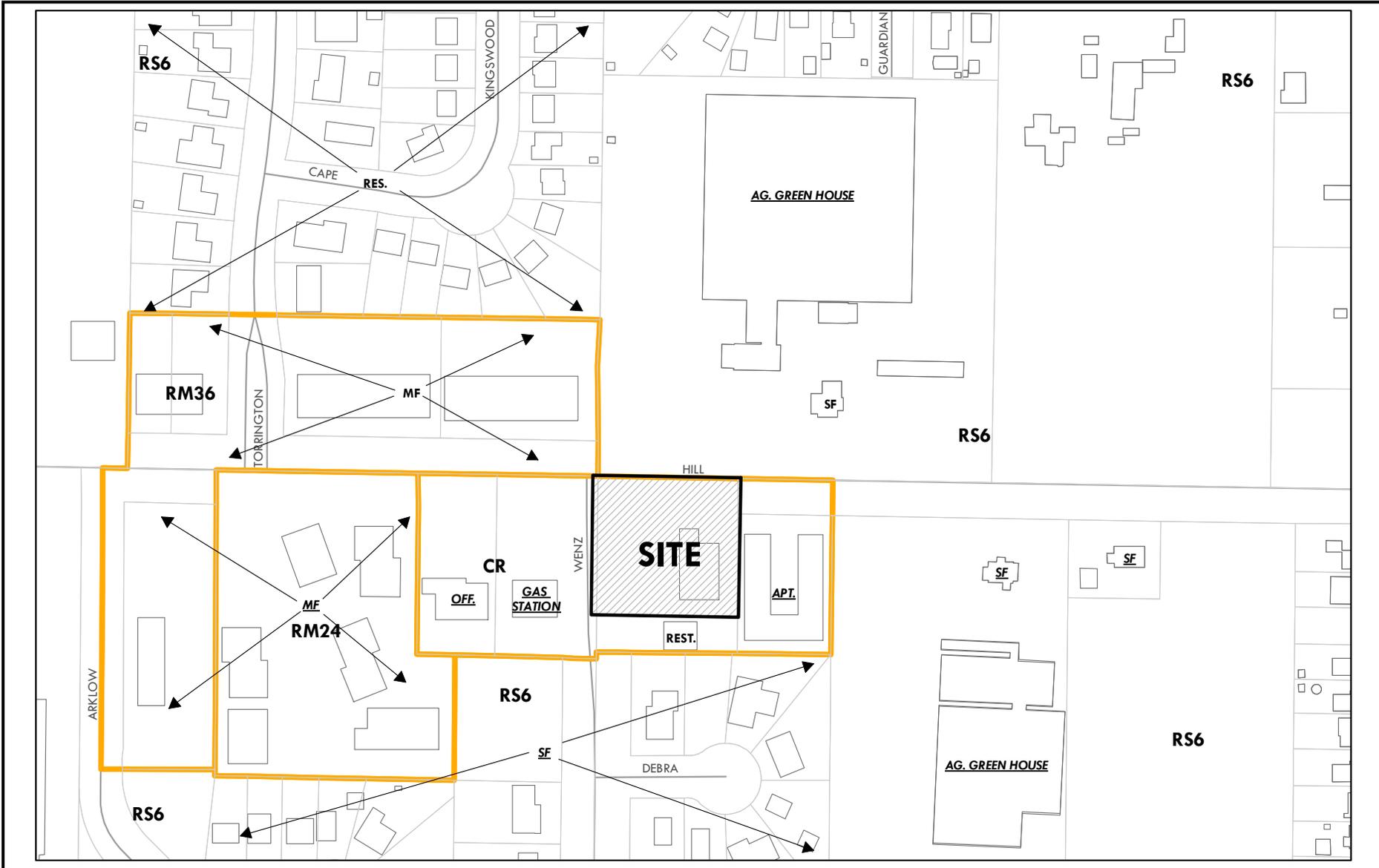


# ZONING & LAND USE

SUP-6020-13  
ID 84

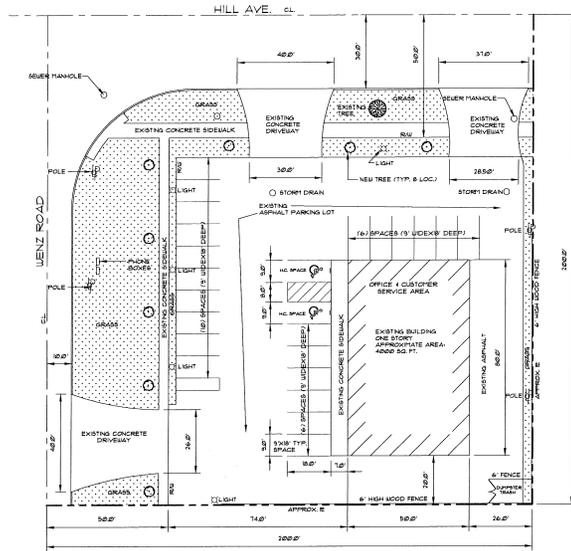


10 - 11



# SITE PLAN

**SUP-6020-13**  
ID 84



**SITE PLAN**  
SCALE: 1"=30'

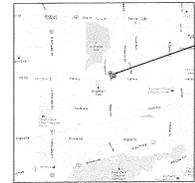


## SITE PLAN FOR 7 WENZ ROAD TOLEDO, OHIO

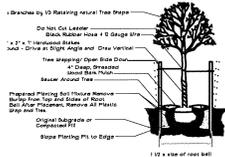
**LEGAL DESCRIPTION:**  
3.71 AC IN N 28P FT W 28P FT EXC PT IN RD  
**PROPOSED USE:** CAR DEALERSHIP  
ADDRESS: 4383 HILL AVE, TOLEDO, OHIO 43605  
**PARCEL NO. 20-2531**  
**ADDRESS NO. 20-2531-000**  
**FRONTAGE 100.0'**  
**DEPTH 100.0'**  
**ACREAGE 0.33 ACRES**

**NOTE:**  
SITE PLAN SHOWS EXISTING CONDITIONS EXCEPT FOR THE PARKING SPACES (PAVING, H.C. SPACES AND NEW TREES)

**PARKING COUNT**  
REGULAR SPACES: 21  
H.C. SPACES: 2  
TOTAL SPACES: 24

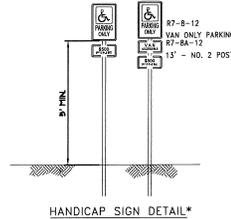


**LOCATION PLAN**  
SCALE: N.T.S.



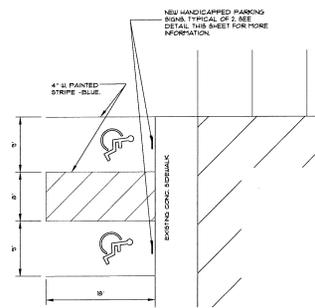
**TREE PLANTING DETAIL**

NEW PLANT LIST				
QUANTITY	PLANTING SPECIFICATIONS	DATE	FILE	LOGS
1	1" x 1" x 1" x 1" x 1" x 1"	06/18/2013		

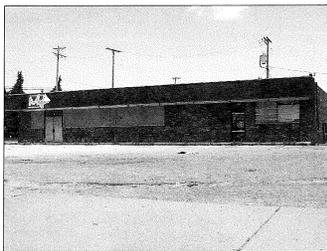


**HANDICAP SIGN DETAIL\***

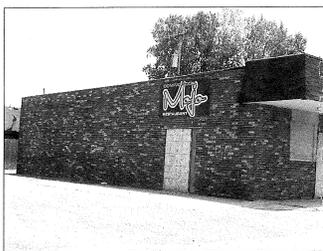
\*Note: All Parking Signs Shall Be Placed 5' Off Face of Curb And Centered on the Parking Space.



**30' STRIPING DETAIL**  
SCALE: 1/8"=1'-0"



**WEST ELEVATION (WENZ ROAD)**  
SCALE: N.T.S.



**NORTH ELEVATION (HILL AVE.)**  
SCALE: N.T.S.



SITE PLAN  
FOR  
7 WENZ ROAD

OHIO

TOLEDO



REVISION SCHEDULE	

ISSUE DATE: 06-18-2013  
JOB NUMBER: 133727

**C1**

**GENERAL INFORMATION**

Subject

- Request - Remove a portion of existing servant's walk, restore portion of service sandstone walk near north entrance and install a curb along existing drive
- Location - 2040 Scottwood Avenue
- Owners - Joe and Pamela Minnich  
2040 Scottwood Avenue  
Toledo, OH 43620
- Appellant - Scott and Tammy Michalak  
2056 Scottwood Avenue  
Toledo, OH 43620

Site Description

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

Parcel History

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

## GENERAL INFORMATION (cont'd)

### Applicable Plans, Regulations

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

## STAFF ANALYSIS

This request is an appeal of the Old West End Historic District Commission's decision to approve OWE-44-12, to remove a portion of existing servant's walk, restore a portion of the service sandstone walk near north entrance and install a curb along the north side of the property against an existing drive, for a site located at 2040 Scottwood Avenue. The appellant is the owner of the property at 2048 Scottwood Avenue.

The applicant's request is for sidewalk modification and curb installation resulting from the installation of a driveway at 2048 Scottwood. The driveway abuts the applicant's side yard. The applicant is proposing to increase the length of the service walk by the north entrance and remove the service in front of the house that leads up to the public sidewalk. Additionally, the applicant is proposing to install a curb to run the length of the property on the north side. In order to install this curb, a grading plan will be required to ensure that the curb at 2040 Scottwood will not detrimentally affect the property at 2048 Scottwood.

**The case was appealed in May and considered by the Toledo City Plan Commissions on June 13<sup>th</sup>. The Plan Commission determined that the OWEHDC motion did not properly address the request, and referred the case back to the OWEHDC for clarification. Specifically, the Toledo City Plan Commission requested the OWEHDC clarify its motion regarding the curb length and the servant's walk restoration as listed on the application.**

**Prior to the May OWEHDC hearing, the applicant submitted a revised site plan for the servant's sidewalk restoration indicating the servant's walk will be replaced with "in kind" sandstone. There was discussion on the servant's walk during the May's OWEHDC meeting, however, it was not included in the OWEHDC's motion.**

**As a note, the motion made by the OWEHDC listing a condition for the curb possibly being a structure. The curb is not considered a structure as determined by COT Building Inspection, therefore, condition number three listed below was removed in the motion for this case at the OWEHDC hearing.**

**STAFF ANALYSIS (cont'd)**

**At the July 8<sup>th</sup> OWEHDC meeting, the case was reconsidered and the applicant presented his case again. The OWEHDC took comments and questions from the commission and the public. The OWEHDC approved OWE-44-12 with the following motion:**

**The second Site Plan Submitted will be used for reference for this motion. 95 feet of sandstone sidewalk will be replaced with "in kind" sandstone (start point for the sandstone sidewalk replacement will be from the public sidewalk).**

**The curb will start at the right-of-way and will stop at the point of curvature, the total length being 111 feet.**

**The curb detail approved was the Type A where the curb will sit 6" above grade, 12" below grade, 6" in width.**

**The description of how the overall project will look is the curb will sit on the property line, 6", 22-24' of green space between the curb and sandstone sidewalk.**

**The appellant submitted a clarification to his appeal on July 15<sup>th</sup> indicating that his initial concern regarding the servant's walk has been resolved. The appellant's concern regarding the curb is now the only focus of this appeal. Specifically, the appellant requests that the Toledo City Plan Commission consider a "meaningful setback" off the property line to ensure that if the curb shall crumble, tilt, roll or deteriorate at anytime, the curb material will fall on the owner's property and would allow the homeowner the proper space to conduct maintenance on their own property if necessary. Otherwise, the homeowner would be trespassing on to the appellant's property in order to clean up any debris or could cause property damage to the appellant's fence.**

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission uphold the decision of the OWEHDC to approve OWE-44-12, a request to remove a portion of existing servant's walk, restore the service sandstone sidewalk near the north entrance and install a free standing curb along the property line located at 2040 Scottwood Avenue as stated in the motion above for the following reason:

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

**STAFF RECOMMENDATION** (cont'd)

The approved curb is subject to the following conditions (*strikethrough conditions were removed at the July 8<sup>th</sup> OWEHDC meeting*).

1. A site-grading plan must be submitted to the City of Toledo Building Inspections.
- ~~2. A survey must be completed and copies provided to the Plan Commissions and City of Toledo Building Inspections to ensure it is on said property.~~
2. A drawing showing the curb detail must be provided to the Plan Commissions and City of Toledo Building Inspections to ensure it does not exceed the Type A curb design that is 6" above grade and 12" below grade.
- ~~3. If the curb is deemed to be a structure then the applicant shall go to the Board of Zoning Appeals for a variance.~~

APPEAL OF OWEHDC DECISION  
TOLEDO CITY PLAN COMMISSION  
REF: OWE-44-12  
DATE: AUGUST 8, 2013  
TIME: 2:00 P.M.

MLM/ks  
Attachments Follow

July 15, 2013

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

RE: Clarification of OWE Case 44-12 Appeal

Dear Mr. Lemon,

Please accept this letter clarifying our appeal of the July 8, 2013 approval of OWE Case 44-12, by the members of Toledo's Old West End Historic District Commission (OWEHDC) to:

- Replace 95 feet of sandstone sidewalk with "in kind" sandstone;
- Install 111 feet of curb to start at the public right-of-way and stop at the point of curvature of the adjoining property's driveway;
- The curb detail approved was the Type A where the curb will sit 6" above grade, 12" below grade, and will be 6" in width,
- The description of how the overall project will visually appear is as follows:
  - The curb will sit on the property line and extend 6" into the applicant's property,
  - Adjacent and South of the curb will be a 22 to 24 inch grass swale,
  - Adjacent and South of the grassy swale will sit the 30 to 32 inch wide restored servant's sidewalk which will align with the recently restored sidewalk located in the tree lawn in the public right of way.

We are clarifying our appeal to confirm our concerns with respect to the installation of the curb and request the Plan Commission amend the decision to install the curb along the property line by requiring a meaningful setback from the property line as a condition of approval. We do not have any concerns with respect to the replacement of the sandstone sidewalk.

We believe the OWEHDC erred in its decision to approve the installation of the curb based on the following:

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

*We believe the proposed curb meets the definition of a “structure” under TMC 1103.0302 and TMC 1116.0191 and should be subject to TMC 1106.0250 - Setback Standards for Residential Districts.*

We reviewed the definition of “structure” under TMC 1103.0302 and TMC 1116.0191 and concluded the curb met the definition of “structure” and would be subject to the setback standards for residential districts as described in TMC 1106.0250 as it did not meet any of the permitted exceptions described in TMC 1106.0250E.

At the May 13, 2013 OWEHDC meeting we raised this question and the need for a setback as a condition for approval of the retaining wall/curb to ensure compliance with TMC 1106.0250 – Setbacks, and ensure the proposed retaining wall/ curb remains strictly on the applicant’s property. Chris J. Zervos, Director of the Department of Inspection and Commissioner of Building Inspection agreed the curb met the definition of a structure, but would not be subject to setback since he considered it to be an element of the lead walkway.

At the July 8, 2013 OWEHDC meeting Mr. Minnich confirmed the curb would in fact not be adjacent to the lead sidewalk, except for a small portion located in the side lot of the property near the North entrance. As such, the curb will be a free standing curb not attached to the driveway at 2048 Scottwood, and not attached to the restored servant’s walk at 2040 Scottwood.

Given the fact the curb meets the definition of a structure under TMC 1103.0302 and TMC 1116.0191 and will be free-standing (not a part of either the servant’s walk or the adjoining property’s driveway) the curb should be subject to the setback standards for residential districts under TMC 1106.0250.

**B. Likelihood of Curb Rotation Warrants Setback from Property Line**

*See attached letter dated June 10, 2013 from The Mannik & Smith Group, Inc.*

The Mannik & Smith Group raised a number of concerns regarding the likelihood for the curb to rotate and move as a result of passive pressures and the normal freeze/thaw cycle of this area of the country. The rotation and movement of the curb would eventually result in the curb extending onto the adjoining property at 2048 Scottwood. Correction of such action would result in infringement onto the property of 2040 Scottwood and possibly lengthy civil litigation.

July 15, 2013  
Mr. Thomas Lemon  
Page 3

In the professional opinion of The Mannik & Smith Group, the curb, if constructed, should be installed with a required setback (recommended at a distance of at least 2 feet from the property line). This will circumvent the likelihood of any future civil litigation. We attempted to raise this issue at the July 8, 2013 OWEHDC hearing, however, the concern remained unaddressed.

As such, we are asking the Toledo-Lucas County Plan Commission to amend the OWEHDC decision to permit the installation of 111 feet of free-standing curb along the property line at 2040 Scottwood and require a setback from the property line based upon the professional opinion of The Mannik & Smith Group.

The amendment to require some meaningful setback will ensure compliance with the intent of the setback requirements of TMC 1106.0250 and circumvent future costly and lengthy civil litigation when the curb moves as a result of the earth's pressures.

Tom, we appreciate your inclusion of the enclosed into the official record of the appeal. We will provide Ms. Molly Maguire with any exhibits and additional materials we would like included in the official record no later than noon on Friday, July 19, 2013.

Should you or any of the members of the Plan Commission have any questions, you may contact us directly at 419-389-2349.

Sincerely,



Scott & Tammy Michalak

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



June 10, 2013

Mr. Scott Michalak  
2056 Scottwood Avenue  
Toledo, Ohio 43620

Re: Property at 2040 Scottwood Avenue

Dear Mr. Michalak:

Pursuant to your request, our office has looked into the proposal from your adjacent neighbor to construct a 6-inch concrete curb along your common property line with your property located at 2048 Scottwood. It is our understanding that it is his desire to construct this curb by burying it 12 inches underground, leaving 6 inches extending above ground (see Figure No. 1). The 6 inches of curb extending above ground would support soil on his property.

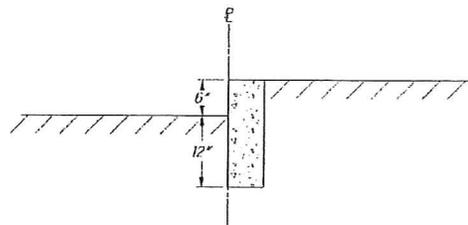


FIGURE NO. 1

The second issue involves the possible rotation of this curb over time. This rotation could be caused by:

1. The curb would likely rotate slightly to engage passive pressures prior to becoming stable under earth loads. The amount of rotation may vary depending on the backfill type and methods of placement.
2. The use of maintenance vehicles and equipment located immediately behind the curb could cause rotation and possible failure of the curb system. The effects of these forces would become magnified with larger amounts of loading behind the curb (i.e., automobile tire, etc.).
3. The normal freeze/thaw cycle of this area of the country could cause movement of this curb. The freezing, and thus expanding, of the soil behind the curb may add additional pressure to cause rotation of the curb.

Any rotation of the curb would extend part of the curb onto your property, requiring you to incur possible expense to correct and/or remove portions of the curb. Such corrective action might require you to infringe upon your neighbor's property. This could possibly result in a long and lengthy law suit.

TECHNICAL SKILL.  
CREATIVE SPIRIT.

S. Michalk.docx

1300 Indian Wood Circle, Maumee, Ohio 43537 Tel: 419.891.2222 Fax: 419.891.1595 www.MannikSmithGroup.com

It is our opinion that if such a concrete curb is constructed, there should be a setback distance from the property line. We would recommend a distance of at least 2 feet.

We trust this information will be of assistance to you. Please advise if you have any questions or desire additional information.

Very truly yours,

A handwritten signature in cursive script that reads "R. Christopher Homan".

R. Christopher Homan, PE  
Structural Team Leader



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

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

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

**1. GENERAL INFORMATION**     Old West End     Westmoreland     Vistula

Property Address: 2040 Scottwood, Toledo, Ohio 43620

Property Owner: Pamela & Joseph Minnich

Print Name: \_\_\_\_\_

Mailing Address: 603 Floyd Street, Toledo, Ohio 43620

Phone: 419-343-4644    Fax: \_\_\_\_\_    Email: jpmin@bex.net

Signature: Pamela Minnich    Joseph Minnich

Contractor or Agent:

Print Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_    Fax: \_\_\_\_\_    Email: \_\_\_\_\_

Signature: \_\_\_\_\_

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

**2. APPLICATION CATEGORY (Check all that apply)**

Proposed improvements will affect the following elevations: North (Side) Elevation

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

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

*For Office Use Only*

Date Received: 28 Aug 12    Application No. OWE-44-12

Historic District:     Vistula     Old West End     City \_\_\_\_\_

Administrative Approval:  Yes     No    Signed: [Signature]

Historic Commission Review Date: 9 Sep 12    Decision Date: 13 May 13

Certificate of Appropriateness Expires One Year from Date of Approval on 13 May 14

Approved     Denied     Deferred    Details: \_\_\_\_\_

.....

Appealed:  Yes \$25     No    If Yes, Date of Submission: 20 May 13

Hearing Date: 13 Jun 13    Appeal Decision:  Affirmed     Overturned

Decision Date: \_\_\_\_\_    Details: \_\_\_\_\_

.....

Certificate Issued on: \_\_\_\_\_    Signed: \_\_\_\_\_



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

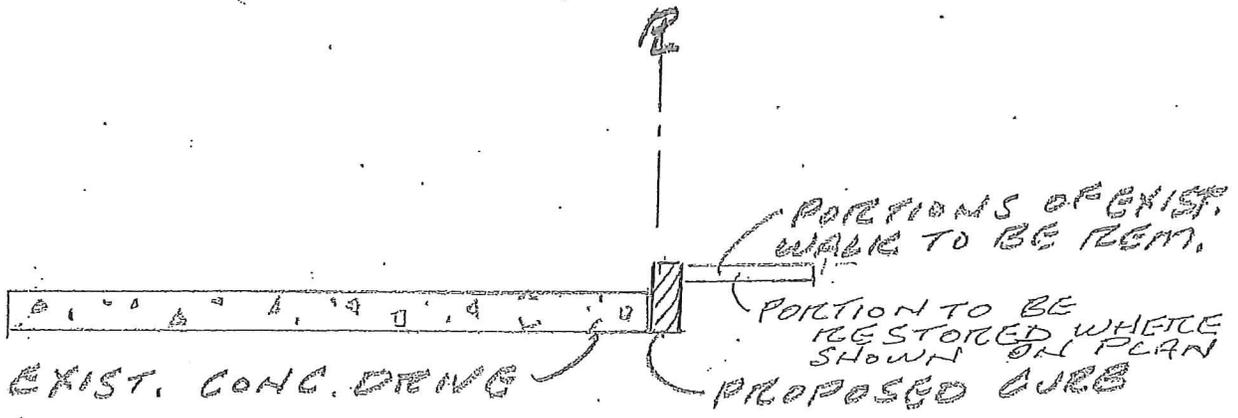
Please use the space below to provide additional details regarding proposed work.  
Property Address: 2040 Scottwood, Toledo, Ohio 43620

**3. DESCRIPTION OF PROPOSED WORK**

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

Remove portions of sandstone servant's walk from private property. Install stone or concrete curb along north property line to retain soil. RESTORE PORTION OF SERVANTS SANDSTONE WALK NEAR NORTH ENTRANCE.

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



CROSS SECTION OF PROPOSED WORK  
(LOOKING EAST)

**EXAMPLE OF CURB MOVING  
FROM THE ELEMENTS  
2040 PARKWOOD AVE.**

**OWE-44-12  
ID 14**





**OWE-44-12**  
ID 14

**ZONING & LAND USE**  
2040 SCOTTWOOD AVE.





## STAFF REPORT CONDITIONS OF APPROVAL – AGENCY SOURCE IDENTIFICATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

