

*TOLEDO CITY
PLAN COMMISSION
REPORT*

March 11, 2021

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

MEMBERS OF THE TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

TOLEDO CITY PLAN COMMISSION

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(Vice Chairman)

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**TOLEDO-LUCAS COUNTY PLAN COMMISSIONS
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING
SCHEDULE - 2021**

APPLICATION DEADLINE*	AGENDA SET	STAFF REPORT DISTRIBUTED	HEARING DATE
CITY PLAN COMMISSION (<i>HEARINGS BEGIN AT 2PM</i>)			
November 23	December 29	December 31	January 14
December 28	January 25	January 29	February 11
January 25	February 22	February 26	March 11
February 22	March 22	March 26	April 8
March 29	April 26	April 30	May 13
April 26	May 24	May 28	June 10
May 24	June 21	June 25	July 8
June 28	July 26	July 25	August 12
July 26	August 23	August 27	September 9
August 30	September 27	October 1	October 14
September 20	October 18	October 22	November 4**
October 18	November 22	November 19	December 2**
COUNTY PLANNING COMMISSION (<i>HEARINGS BEGIN AT 9AM</i>)			
December 14	January 11	January 15	January 27
January 11	February 8	February 12	February 24
February 8	March 8	March 12	March 24
March 8	April 12	April 16	April 28
April 12	May 10	May 14	May 26
May 10	June 7	June 11	June 23
June 14	July 12	July 16	July 28
July 12	August 9	August 13	August 25
August 9	September 6	September 10	September 22
September 13	October 11	October 15	October 27
October 4	November 1	November 5	November 17**
November 1	November 29	December 3	December 15**

* County deadlines are for Preliminary Drawings

** Date shifts are due to holidays

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

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

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

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

March 11, 2021

2:00 P.M.

PUBLIC HEARING WILL BE HELD AS A ZOOM MEETING
MEETING DETAILS ARE AVAILABLE AT TOLEDO.OH.GOV
ON THE FOLLOWING CASES

AGENDA

ROLL CALL – Toledo City Plan Commission

PROOF OF NOTICE

ORDERS OF THE DAY (APPROVAL)

MINUTES

FINAL PLATS

- S-3-21: Final Plat of the Replat of Lot 56 of the Lehman Avenue Subdivision, located at 4311 Dahlia Drive (dr)
- S-4-21: Final Plat of the Lucas County Shared Services Commercial Plat, located at 3737 W. Sylvania Avenue (nh)

NO.

- 1. SUP-12009-20: Special Use Permit for Day Care Center at 411 E. Central Avenue (nh)
- 2. Z-1002-21: Zone Change from IL to CM at 335 15th Street (nh)
- 3. T-8-21: Appeal of Administrative Disapproval of Deed Transfer at Central and Upton (dr)
- 4. SUP-1001-21: Amendment to Special Use Permit, originally granted by Ord. 117-14, for Recreational Field Improvements at 4244 Suder Avenue (dr)
- 5. Z-10009-20: Zone Change from RS9 to RS6 at 2417 N. Holland-Sylvania Ave (nh)
- 6. PUD-10008-20: Amendment to Planned Unit Development, originally approved by Ord.549-17, for a Villa Development at 2417 N. Holland-Sylvania Ave (nh)



7. M-12-20: Review of Landmark Designation for 331 N. Superior Street (mm)
8. SUP-1003-21: Special Use Permit for Convenience Store at 2007 Glendale Avenue, 2023, 2056, 2058 and 2060 S. Glendale Avenue (nh)

CHAIRMAN'S REPORT

DIRECTOR'S REPORT

ADJOURNMENT

GENERAL INFORMATION

Subject

- Request - Special Use Permit for Day Care Center
- Location - 411 E Central Ave.
- Applicant - Bishop Gerald Brown & Tamara R Russell
3720 Monroe Street
Toledo, OH 43606
- Architect - Larry A Miller
2722 N Holland Sylvania Rd
Toledo, OH 43615

Site Description

- Zoning - RD6 / Residential Duplex
- Area - ± 1.116 acres
- Frontage - ± 280' along E Central Ave.
- Existing Use - Vacant VFW Banquet Hall
- Proposed Use - Day Care Center

Area Description

- North - Residential Duplex/ RD6
- South - Residential Duplex/ RD6
- East - Residential Duplex/ RD6
- West - Neighborhood Commercial/ CN

Parcel History

- Z-316-67 - Request a Special Use Permit for construction of lodge building north of E. Central Ave and east of Elm St. PC approved 12-14-67, CC Ord. 391-66
- SUP-316-67 - Minor change to Special Use Permit, Z-316-67, for the addition of parking for 25 cars. Approved 11-30-77, Ord. 875-77

Applicable Regulations

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

STAFF ANALYSIS

This case was deferred for thirty days at the request of the applicant.

The applicant is requesting a Special Use Permit for Day Care Center called “R” Village residing in the World Wide Living Word Ministries. The day care center will serve infants over 18 months to school age children up to 12 years of age, Monday through Friday, operating from 6:00 a.m. to 7:00 p.m. The maximum number of children in care is thirty (30) with up to four (4) staff at any one time. The Day Care Center will serve families within the surrounding neighborhood as well as church members.

Use Specific Regulations

- a. Location: A Day Care Center must have building frontage on a major street
- b. Indoor Space: 35 square feet of useable space per person in care must be regularly available to the Day Care Center
- c. Outdoor Space: 60 square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one time. A Type B landscape buffer shall be provided around the outdoor space per TMC§1108.0203F
- d. Drop-off/Pick-up Area: A paved off street area for dropping off and picking up persons in care at the facility must be provided and approved by the Division of Transportation.

Parking

- a. The submitted site plan indicates eighty (80) off-street parking spaces. Two (2) of these are reserved for use by persons with physical disabilities. Pursuant to TMC§1107.1800, there must be three (3) auto and one (1) van accessible spaces.
- b. In addition to the minimum number of required off-street and accessible parking, bicycle parking is also required to be provided on site. Per TMC§1107.0300 – *Off-Street Parking Schedule “A”*, a minimum of one (1) bicycle space shall be provided per ten (10) automobile parking spaces.

Landscaping

- a. Per TMC§1108.0202 – *Frontage Greenbelts*, a greenbelt is required along all frontages that abut public right-of-ways. The frontage greenbelt shall include at least one (1) tree for every thirty-feet (30’) of lot frontage and shall also include grass and shrub plantings.
- b. No landscape buffers are required along the eastern and southern boundaries, as they abut similarly zoned RD6 district (TMC§1108.0203).
- c. Per TMC§1104.0800.E. – *Outdoor Space*, A Type B landscape buffer shall be provided around the outdoor play space.

20/20 Plan

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. While the intent of this designation is to accommodate residential, it also includes those nonresidential uses that are compatible with residential areas. These uses are typically schools, places of worship, community centers, etc. The proposed use complies with the future land use designation identified in the 20/20 Comprehensive Plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-12009-20, a request for a Special Use Permit for Day Care Center at 411 E Central Ave, to Toledo City Council for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code **TMC§1111.0706.A**; and
2. The proposed use meets all applicable provisions of the Zoning Code **TMC§1111.0706.C**.

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-12009-20, a request for a Special Use Permit for a Day Care Center for children ages 18 months to 12 years of age at 411 E Central Ave, to 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. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:

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

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

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

STAFF RECOMMENDATION (Cont'd)

Engineering Services (Cont'd)

5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities. Contact the Division of Water Distribution (419-936-2839) to verify backflow prevention requirements for this site.
7. The existing 1/2-inch diameter water service line cannot be reused and will be abandoned by the City of Toledo at the owner's expense.
8. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Water Distribution for review and approval.
9. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
10. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSOnlineTracking.com @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
11. New water service taps will be installed by City of Toledo at the developer's expense.

Sewer & Drainage Services

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

STAFF RECOMMENDATION (cont'd)

Fire Department

14. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
15. Approved Premises identification is required.

Environmental Services

16. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
17. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
18. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
19. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives to Ohio Invasive Plant Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
20. Applicant shall maintain compliance with the City of Toledo and State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Division of Transportation

21. Bike parking spaces required per TMC 1107.
22. One van accessible parking space with 8' loading aisle and 3 auto accessible parking spaces with 5' loading aisle is required per TMC 1107.
23. Wheel stops are required at all parking spaces abutting sidewalks, property lines, buildings, and planting areas per TMC 1107.

STAFF RECOMMENDATION (cont'd)

Plan Commission

24. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces; **not acceptable as depicted on revised site plan.**
25. The submitted site plan indicates eighty (80) off-street parking spaces. Two (2) of these is reserved for use by persons with physical disabilities. Pursuant to TMC§1107.1800, there must be three (3) auto and one (1) van accessible spaces: **not acceptable as depicted on revised site plan.**
26. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot: **acceptable as depicted on site plan.**
27. Current dumpster and its location 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 or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code; **not acceptable as depicted on site plan.**
28. Per TMC§1108.0202 – *Frontage Greenbelts*, a greenbelt is required along all frontages that abut public right-of-ways. The frontage greenbelt shall include at least one (1) tree for every thirty feet (30’) of lot frontage and shall also include grass and shrub plantings. **Existing tree, fencing, and shrubs are not acceptable as shown in the site plan. The frontage greenbelt is approximately 280’ including two (2) existing trees. Seven (7) more trees must be planted to be compliant.**
29. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
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.

REF: SUP-12009-20 . . . March 11, 2021

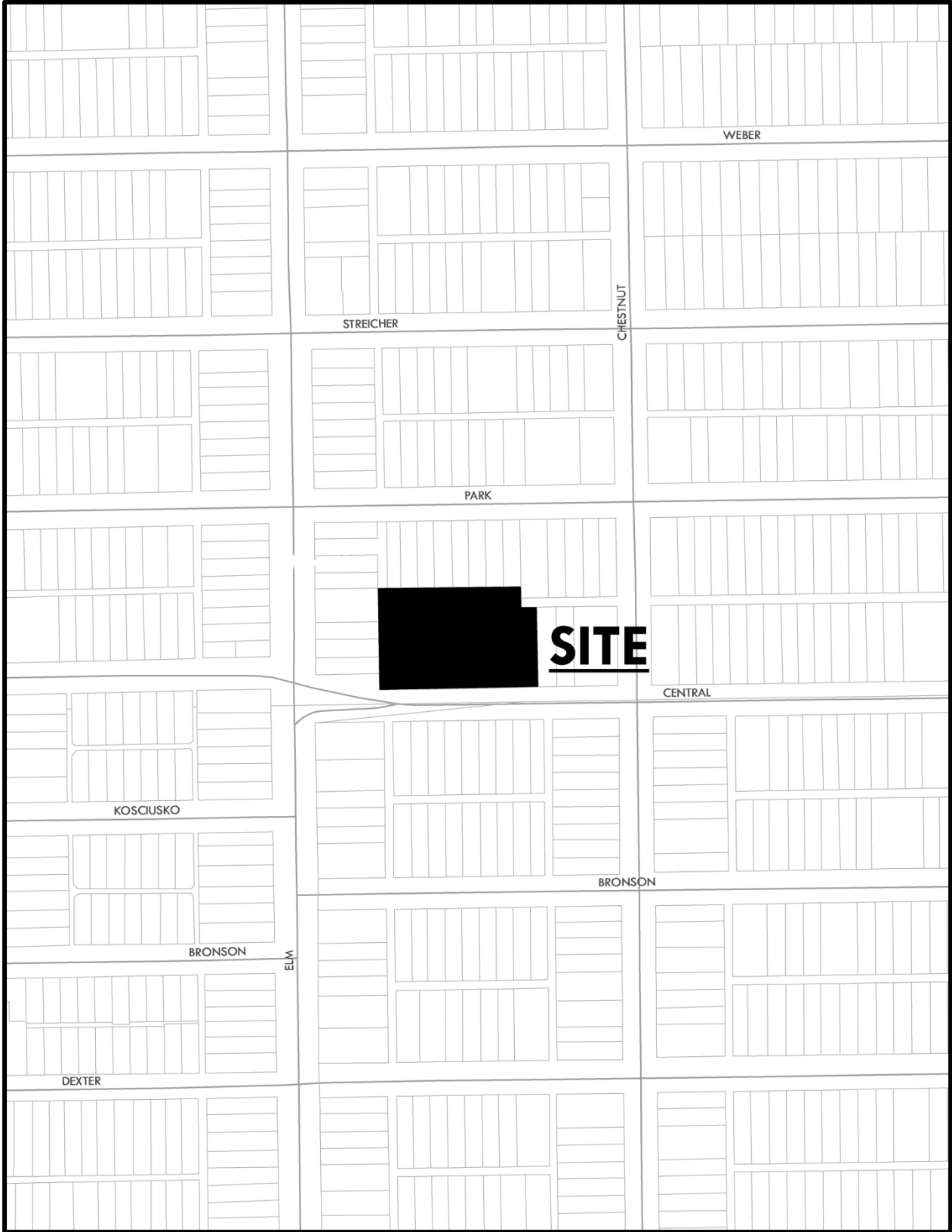
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-12009-20
DATE: March 11, 2021
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: April 14, 2021
TIME: 4:00 P.M.

NH
Three (3) sketches follow

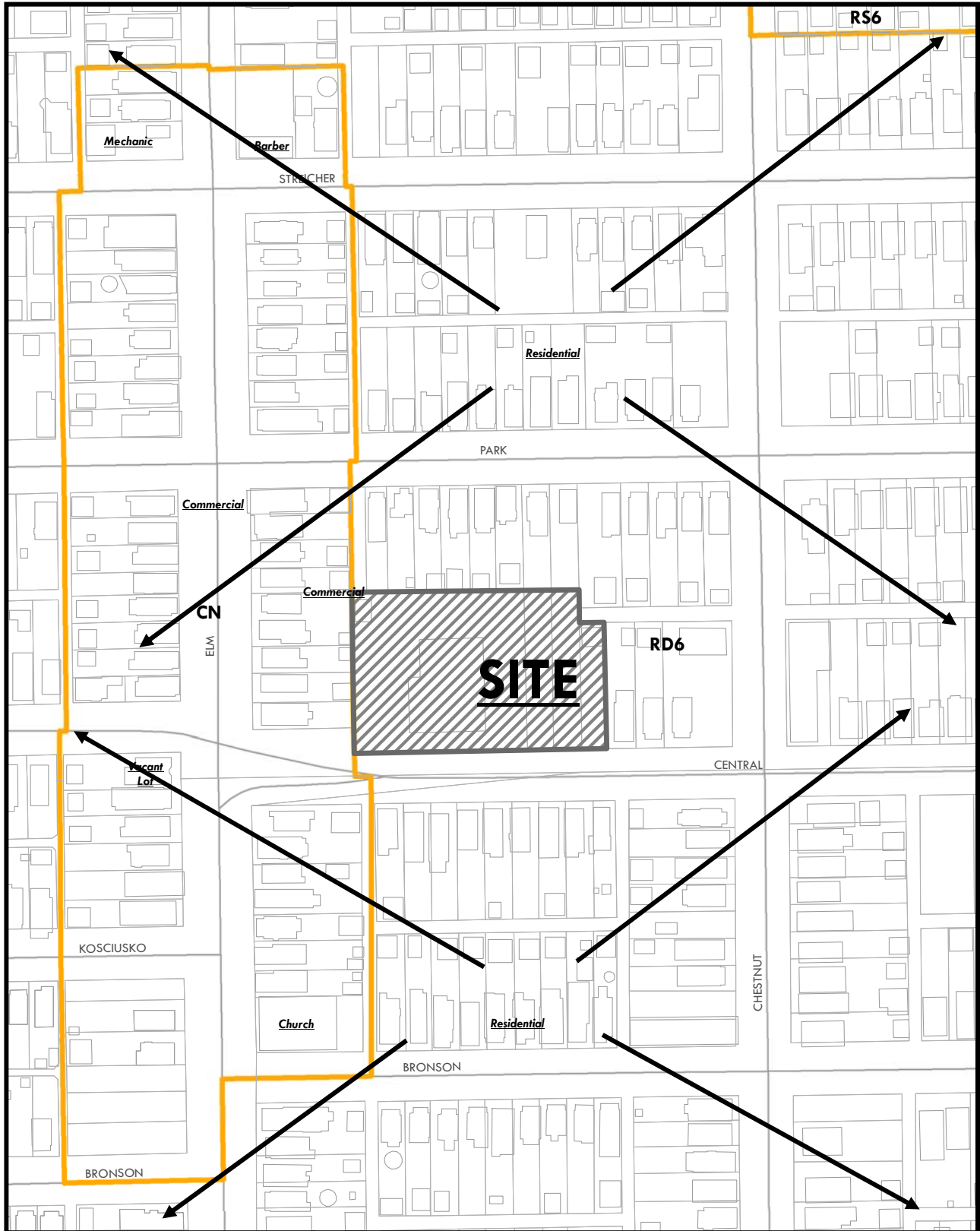
General Location

SUP-12009-20



Zoning & Land Use

SUP-12009-20



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GENERAL INFORMATION

Subject

- Request - Zone Change from IL, Limited Industrial, to CM, Mixed Commercial
- Location - 335 15th Street
- Applicant - Midland Agency of Northwest Ohio, Inc, Trustee/2001 Market Place, LLC
420 Madison Ave, Ste 103
Toledo, OH 43604

Site Description

- Zoning - IL / Limited Industrial
- Area - ± 0.116 acres
- Frontage - ± 52' along 15th Street
- Existing Use - Vacant building
- Proposed Use - Office and second floor residential
- Overlay - Uptown District Overlay

Area Description

- North - CM / Mixed Commercial
- South - CD / Downtown Commercial
- East - CD / Downtown Commercial
- West - CR / Regional Commercial

Parcel History

- M-4-12 - Uptown District Neighborhood Plan, Approved 01/14/14, CC Ord. 19-14
- M-5-19 - Uptown Plan update and renewal, Approved 07/23/19, CC Ord. 353-19

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 IL Limited Industrial to CM Mixed Commercial for a site located at 335 15th Street, for the purpose of operating a small office with residential units on the second story. The ±0.116 acre site is currently a vacant building. Surrounding land uses are restaurants and community gardens to the north, parking lots to the south and west with the Toledo School for the Arts to the east. CM, Mixed Commercial, is intended to accommodate pedestrian oriented development.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area and the neighborhood around the site for Urban Village land uses.

CM zoning is appropriate for an Urban Village based on the size of parcel and permitted uses. Striking a balance between automobile and pedestrian, this rezoning would support a mixes of land uses which consist of non-residential activities at corners as well as increasing housing densities. Diversity of land use and population is a key feature of Urban Villages.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-1002-21, a Zone Change from IL Limited Industrial to CM Mixed Commercial for the site at 335 15th Street to Toledo City Council for the following two (2) reasons:

1. The CM zoning request is similar to existing land uses within the general vicinity of the subject property (TMC 1111.0606.B Review & Decision-Making Criteria); and
2. A zone change to CM Mixed Commercial is consistent with the zoning classification of properties within the general vicinity of the site (TMC §1111.0606.C Review & Decision-Making Criteria).

ZONE CHANGE
 TOLEDO CITY PLAN COMMISSION
 REF: Z-1002-21
 DATE: March 11, 2021
 TIME: 2:00 P.M.

CITY COUNCIL
 ZONING AND PLANNING COMMITTEE
 DATE: April 14, 2021
 TIME: 4:00 P.M.

NH
 Two (2) sketches follow

General Location

Z-1002-21



Land Use and Zoning

Z-1002-21



GENERAL INFORMATION

Subject

- Request - Appeal of Administrative Disapproval of Deed Transfer at Central and Upton
- Location - 1850 Jermain Drive and 3002 Upton Avenue
- Applicant - Charles Young and Carolyn Ward Young
3935 Grandview Court
Toledo, OH 43614
- Owner - St. Philip's Lutheran Church
3002 Upton Avenue
Toledo, OH 43606
- Engineer - Matthew D. Lewandowski
Lewandowski Engineers
234 N Erie Street
Toledo, OH 43604

Site Description

- Zoning - RD6 & RS6 / Duplex Residential and Single Family Residential
- Total Area - ±0.42 Acres
- Reason for Disapproval - Split parcel does not meet the minimum lot area.

Split Parcel

- Area - 4,043.21 square feet
- Width - 48.12 feet along Jermain
- Depth - 84.03 feet
- Depth to Width Ratio - 1.75

Remainder Parcel

- Area - 14,259.29 square feet
- Width - 128.00 feet
- Depth - 143.00 feet
- Depth to Width Ratio - 1.12

GENERAL INFORMATION (cont'd)

Parcel History

No cases on file.

Applicable Plans and Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Lucas County Subdivision Rules and Regulations

STAFF ANALYSIS

The request is an appeal of the administrative disapproval of a lot split for T-8-21. The lot split is for 1850 Jermain Drive and 3002 Upton Avenue, and the properties includes a single-family home and St. Philip's Lutheran Church. Both properties are currently owned by St. Philip's Lutheran Church, and the house served as a parsonage. The property 1850 Jermain is RS6 Single Family Residential, while 3002 Upton is RD6 Duplex Residential, and surrounding land uses include the undeveloped land to the west, a parking lot to the north, and single-family homes to the south and east. A sketch is included depicting the proposed lot configuration.

The applicant requested a lot split to separate the church from the single-family home, with the objective of purchasing the home as a residence. The home was built in 1927 according to the Lucas County Auditor's records, and is part of the Whitney Hills Subdivision. The current lot configuration is the same as when the subdivision was platted and developed, and both the lot and dwelling are in character with the surrounding residential neighborhood. The church was built in 1953, and staff was not able to determine when the addition was built. The addition, although located on 1850 Jermain in the rear, is attached to the church at 3002 Upton. The applicant was granted a variance from the Board of Zoning Appeals on 01/25/2021 for 1850 Jermain for reduced minimum setbacks for a parcel split, allowing a reduction in the rear setback from the required twenty-five feet (25') to about seventeen feet ($\pm 17'$). However, the proposed split still does not meet the required minimum lot size, and consequentially the lot split was disapproved.

The property 1850 Jermain is legal nonconforming, as the total area is 5,120 square feet and RS6 Single Family Residential requires a minimum lot size of 6,000 square feet. If the single-family home were to be split from the church, the lot size would be reduced to 4,043.21 square feet, furthering the nonconformity. However, as the house is original to the neighborhood, and the split would correct the nonconformity of two (2) buildings on a lot (TMC§1106.0300 – *Multiple Buildings on a Lot*), staff recommends approval of the appeal.

However, if the lot split is approved, the owner of St. Philip's Lutheran Church will need to request from the Board of Zoning Appeals a variance for reduced minimum setbacks at 3002 Upton Avenue, where the church is located. This is because the split approval would result in the remainder parcel having setbacks of 4.75 feet and ± 5 feet in the rear, and ± 2.5 feet on one side. Similar to the split parcel requesting a variance from the Board of Zoning Appeals for reduced minimum setbacks, the remainder parcel shall obtain a variance as well.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve the appeal of administrative disapproval of a deed transfer at Central and Upton, located at 1850 Jermain and 3002 Upton for the following two (2) reasons:

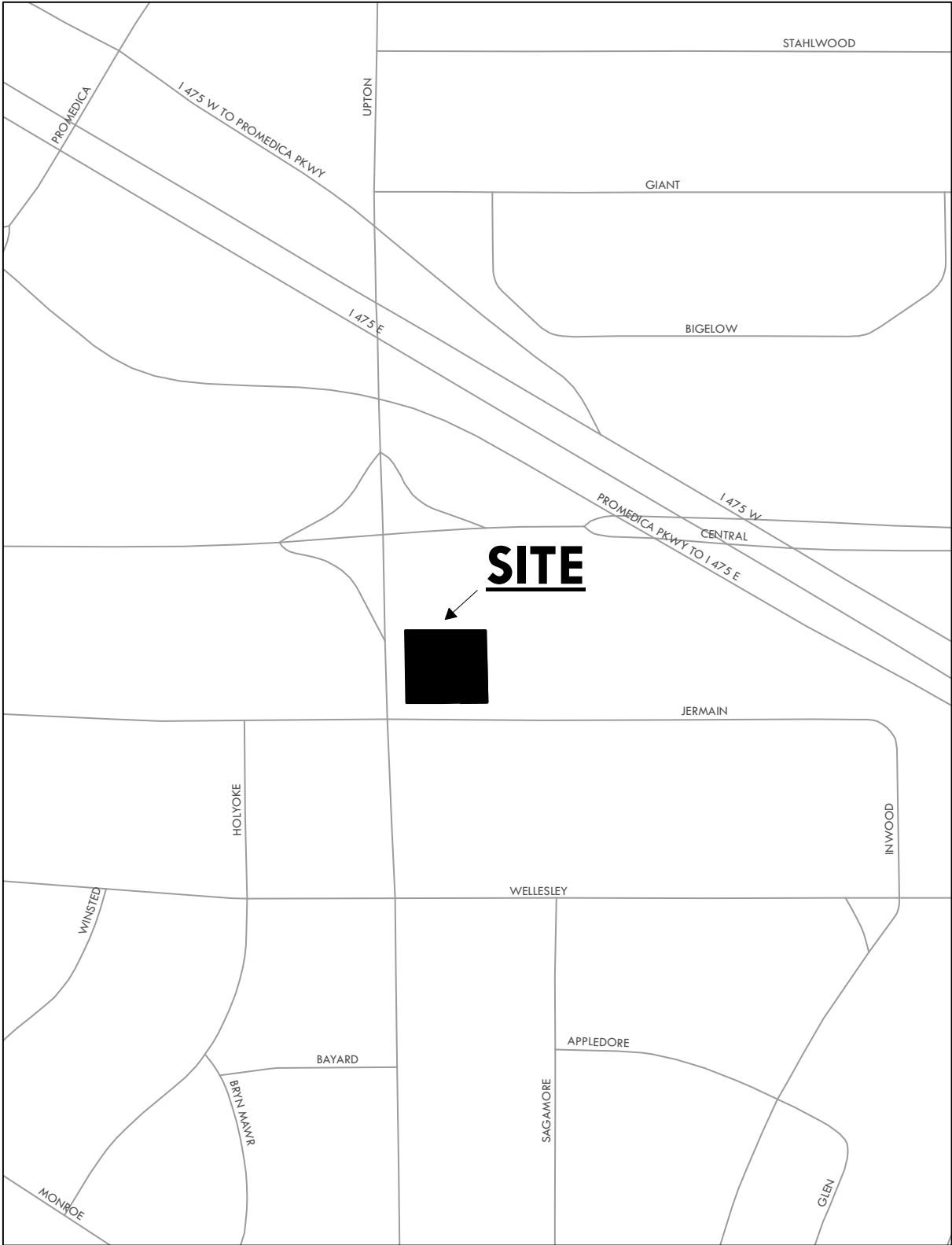
1. The split would correct multiple buildings on a lot.
2. The split would allow for the existing house to be financed and occupied as a single-family home.

DEED TRANSFER APPEAL
TOLEDO PLAN COMMISSION
REF: T-8-21
DATE: March 11, 2021
TIME: 2:00 P.M.

DR
Three (3) sketches follow

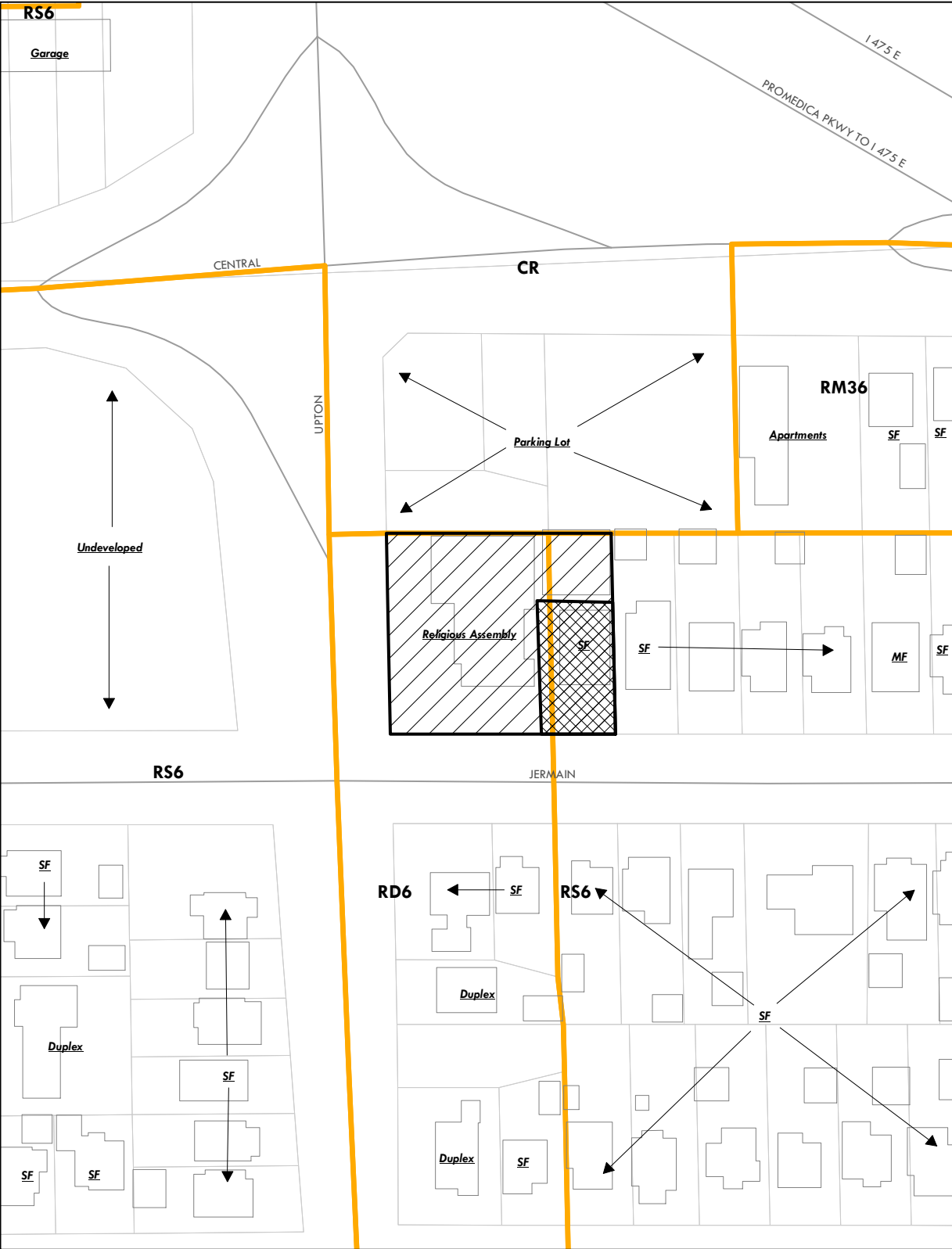
GENERAL LOCATION

T-8-21
ID 41



ZONING & LAND USE

T-8-21
ID 41



LOT SPLIT SURVEY

T-8-21
ID 41

SURVEY #51462

SPLIT MADE FOR: CHARLES YOUNG AND CAROLYN WARD

JANUARY 26, 2021

CONTRACT: I-18303

PROPOSED PARCEL SPLIT OF: WHITNEY HILLS

LOTS 30, 31, 32 & 241
CITY OF TOLEDO, LUCAS COUNTY, OHIO

NAD-83, GEOID G18US
STATE PLANE COORDS
OHIO N. 3401 GRID
SCALE FACTOR: 1.0000275451
ELLIPSOID: 488.12
ARC GIS: 10.3



(IN FEET)
1 inch = 20 ft.



CENTERLINE OF JERMAIN DRIVE (EAST), PT. BEING N00°39'10"W AND 316.00' FROM 1" I.P.I.PE MONUMENT FOUND AT UPTON & WELLESLEY DRIVE

P.D.C.
FD. 1" I.P.I.PE @ CENTERLINE WELLESLEY DRIVE.

FD. PREVIOUSLY SET 1/2" GALV. STEEL PIPE

ST. PHILIP EVANGELICAL LUTHERAN CHURCH
O.R. 20120117-0002321
PAR: 16-20937

1" CONC. WALL 2.2' N.
LOT 242

1" CONC. WALL 2.4' N.

CHAIN-LINK FENCE 1.7' N.

CHAIN-LINK FENCE 1.9' N.

1" CONC. WALL 6.5' N.

ST. PHILIP'S LUTHERAN CHURCH
D.89-029B01
PAR: 16-19977

LOT 27

UPTON AVENUE

P.D.B. Remainder SET 1/2" GALV. STEEL PIPE

WHITNEY HILLS
PLAT VOLUME 29, PAGE 33

ST. PHILIP'S LUTHERAN CHURCH
D.89-029B01
PAR: 16-19997

Remainder

LOT 241

CHURCH
5,974 SQ.FT.

LOT 30

LOT 31

Split

LOT 32

P.D.B. Split SET 1/2" GALV. STEEL PIPE

SET CROSS ON CONC. DRIVE

DEBORAH THOMAS & CHRISTOPHER RAYFORD
O.R. 20130523-0027045
PAR: 16-20014

LOT 33

AREA		
SPLIT	4,043.21 [±]	0.0928 AC.
REMAINDER	14,259.29 [±]	0.3273 AC.

CERTIFICATION

WE HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES SHOWN HEREON AS RECORDED IN LUCAS COUNTY DEED 89-029B01 AND THAT THIS DRAWING IS A CORRECT PLOT THEREOF. ALL 1/2" GALVANIZED STEEL PIPE SET BY LEWANDOWSKI ENGINEERS ARE CAPPED WITH THE COMPANY NAME AND P.L.S. No. 7476.

REGISTERED SURVEYOR, STATE OF OHIO #7476



LEWANDOWSKI ENGINEERS

CIVIL ENGINEERS & SURVEYORS
THE CHIEF BLDG 234 N. ERIE ST.
TOLEDO, OHIO, 43604
LEWANDOWSKIENG.COM
OFFICE: 419.255.4111

GENERAL INFORMATION

Subject

- Request - Amendment to Special Use Permit, originally granted by Ord. 117-14, Recreational Field Improvements
- Location - 4244 Suder Avenue
- Applicant - Kadee Anstadt, Superintendent
Washington Local Schools
3505 W Lincolnshire Blvd
Toledo, OH 43606
- Engineer - Rusty Wilke
The Collaborative
One SeaGate, Park Level 118
Toledo, OH 43604
- Construction - Keith Recknagel
Program Solutions
1718 Indian Wood Circle, Suite D
Maumee, OH 43537

Site Description

- Zoning - RS6 / Single Family Residential
- Area - ±4.66 acres
- Frontage - ±125' along Suder Avenue
- Existing Use - Single family dwelling and agricultural land
- Proposed Use - Athletic fields

Area Description

- North - Parking and baseball field / RS6
- South - Single family homes / RS6
- East - Single family homes / RS6
- West - Single family homes / RS6

GENERAL INFORMATION (cont'd)

Parcel History

SUP-11002-13 - Special Use Permit for baseball fields at 4262 Suder Avenue. PC recommended approval 02/13/2014. CC recommended approval 03/19/2014. Ord. 117-14 passed 03/25/2014. *Site is adjacent.*

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting an amendment to an existing Special Use Permit for Recreational Field Improvements located at 4244 Suder Avenue. The site is ±4.66 acres and is zoned RS6 Single-Family Residential. The site is occupied by a single-family residential property and a vacant farm field. Surrounding land uses include an existing baseball field and parking lot to the north, and single-family residences to the east, south, and west.

A Special Use Permit for the baseball field and parking lot to the north was approved by City Council on 03/25/2014 via Ord. 117-14. At the time, the applicant of the Special Use Permit was Trilby Youth Sports Foundation. Since the baseball field was developed, Washington Local School District purchased the property, and is now proposing to expand the site to include three (3) soccer fields and one (1) football field. Per TMC 1104.1000, the use is classified as a “community recreation – active” and requires a Special Use Permit in all residential zoning districts.

As this review is an amendment to an existing Special Use Permit at 4262 Suder Avenue, the conditions of approval from Ordinance 117-14 must be met for 4244 Suder Avenue to be included in Special Use Permit as an amendment. Conditions of approval which were not met for 4262 Suder Avenue that are still applicable will be identified in this analysis and added to the conditions of approval for 4244 Suder Avenue.

STAFF ANALYSIS (cont'd)

Parking and Circulation

The existing parking lot at 4262 Suder Avenue will serve the proposed soccer and football fields at 4244 Suder Avenue. Pursuant to TMC§1107.0600 - Off-Street Parking Schedule "D", Community Recreation facilities have a wide variety of parking demand characteristics, making it difficult to specify a single off-street parking standard. Therefore, Schedule "D" parking allows the minimum off-street parking requirements to be established via a parking study provided by the applicant. At time of print, the applicant has not provided a parking study or submitted documentation indicating the anticipated demand for off-street parking spaces in regard to the number of attendees and rate at which games will be played. As a condition of approval, the applicant shall provide documentation stating the potential number of attendees, hours of operation and the anticipated number of games in a season. Additionally, as a condition of approval, wheel stop devices shall be installed at each parking space.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least one (1) van accessible space with an eight foot (8') drive aisle and three (3) car accessible spaces with five foot (5') drive aisles for persons with physical disabilities. The off-street parking at 4262 Suder Avenue includes four (4) van accessible spaces and is in compliance with the accessible parking requirement. However, if the Alternative Parking Plan indicates that additional off-street parking spaces are necessary, additional accessible spaces shall be provided in accordance with TMC§1107.1701.

Bicycle parking is required pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). A minimum of one (1) bicycle space shall be provided per ten (10) automobile parking spaces. The existing parking lot at 4262 Suder Avenue has ninety-two (92) total parking spaces, requiring at least nine (9) bicycle parking spaces. A revised site plan with at least nine (9) bicycle parking spaces is required as a condition of approval.

Landscaping

The applicant is proposing that the existing vegetation within twenty feet (20') of the residential properties to the south remain, as well as the existing vegetation within fifty feet (50') of the residential properties to the east. The site is zoned RS6 Single-Family Residential, and all abutting properties are RS6 Single-Family Residential, and therefore no landscape buffering is required per the Toledo Zoning Code. However, as the proposed use for the site is not a residential use, and will be a site for youth sporting activities, the applicant is required to provide fencing around the site where there are abutting residential properties. Fencing that is provided by the abutting properties counts towards this requirement.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

As previously stated, parking for the site will be located at 4262 Suder Avenue. On 10/13/14, a landscape plan for SUP-11002-13 was approved depicting interior and perimeter parking lot landscaping. However, the landscaping was never installed. As a condition of approval, the perimeter and interior parking lot landscaping shall be installed as depicted on the approved SUP-11002-13 landscape plan, or a landscape plan meeting the requirements of TMC§1108.0204 shall be submitted and approved by the Plan Director.

Building Design and Materials

No structures are proposed for this site. However, an existing single-family dwelling is located on the western portion of the site. Preliminary plans are to demolish the dwelling, as well as improve 4262 Suder Avenue, both at a later date. Plan Commission review is not required for demolition, however an amendment shall be obtained for the improvement of 4262 Suder Avenue.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Single Family Residential land uses. This district is intended to accommodate the development of single-family dwelling units on individual lots. This district may also include libraries, schools, churches, and community centers. The district is intended to create, maintain, and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. The proposed active community recreational use is compatible with Single Family Residential land uses.

Staff recommends approval of the amendment to a Special Use Permit as the proposed use meets the stated purpose and complies with all applicable provisions of the Zoning Code.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-1001-21, an amendment to a Special Use Permit, originally granted by Ordinance 117-14, for Recreational Field Improvements at 4244 Suder Avenue, to the Toledo City Council, for the following reason:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A))

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-1001-21, an amendment to a Special Use Permit, originally granted by Ordinance 117-14, for Recreational Field Improvements at 4244 Suder Avenue, to the Toledo City Council, subject to the following **twenty-five (25)** conditions:

STAFF RECOMMENDATION (cont'd)

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. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

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

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

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

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

5. In the event of site plan approval as-is without stormwater planning shown, future site plan changes made during the process of stormwater plan finalization shall be done with the Plan Commission included. Stormwater approval will be dependent on their approval of site plan changes.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

6. Completion of the stormwater review requires submittal of the following:
 - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
 - Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's.
 - A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.
7. Following the review process, the following will be needed for final stormwater approval:
 - Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
 - SWP3 contact list for responsible parties. Form is available at <http://www.tmacog.org/storc/swp3.htm>.
 - Covenant for the approved O&M plan.
8. Future installation of drainage tiles in athletic fields would change the runoff calculations and require a stormwater resubmittal for review and approval.

Sewer & Drainage Services

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

Environmental Services

11. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
 - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.

STAFF RECOMMENDATION (cont'd)

Environmental Services (cont'd)

- b. Construction BMPs shall be in place prior to the start of construction activities.
 - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
12. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
13. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
14. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives to Ohio Invasive Plant Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives%20to%20Ohio%20Invasive%20Plant%20Species.pdf)
15. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Fire Prevention

No comments or concerns.

Transportation

16. Transportation has concerns that existing parking will not be adequate for the combined use of existing baseball field with new soccer and football fields.

Plan Commission

17. Per TMC§1107.0600 – Off-Street Parking Schedule “D”, the applicant shall submit an off-street parking study to ensure the existing parking at existing parking at 4262 Suder Avenue is adequate. **Applicant shall provide documentation stating the potential number of attendees, hours of operation, and anticipated number of games in a season.**
18. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **Acceptable as depicted on site plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

19. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. **Not acceptable as depicted, a minimum of nine (9) bicycle parking spaces are required and shall be depicted on a revised site plan.**
20. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities.
21. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)). **Not acceptable as depicted on site plan. Wheel stop devices shall be added to prevent damage to the required landscaping.**
22. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. As the site and all abutting properties are zoned RS6 Single Family Residential, no landscape buffer is required. However, **fencing shall be installed where the site abuts single-family dwellings. Dwellings with existing fencing abutting the site are exempt from this condition of approval;**
 - b. On 10/13/2014, Plan Commission approved a landscape plan for SUP-11002-13. The parking lot landscaping shall be installed per the approved landscape plan, or shall meet the requirements of TMC§1108.0204 *Parking Lot Landscaping (Interior and Perimeter)*. The requirements are outlined below;
 - c. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must be at least ten feet (10’) in width. A minimum of at least one (1) canopy tree must be provided for each thirty linear feet (30’), plus a continuous shrub row with a minimum height eighteen inches (18”), **shall be depicted on a landscape plan;**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- d. Interior landscaping required in parking lots is twenty square feet (20') per parking space. Two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot; **shall be depicted on a landscape plan;**
 - e. Topsoil must be back filled to provide positive drainage of the landscape areas;
 - 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;
 - g. The location number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained;
 - h. The location, height, and materials for any fencing to be installed and maintained; and,
 - i. The location and direction of any proposed lighting (**any lighting is to be directed away from adjacent residential properties**).
23. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. **If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation. Parking lot landscaping must be installed within one (1) year of approval.**
24. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
25. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-1001-21
DATE: March 11, 2021
TIME: 2:00 P.M.

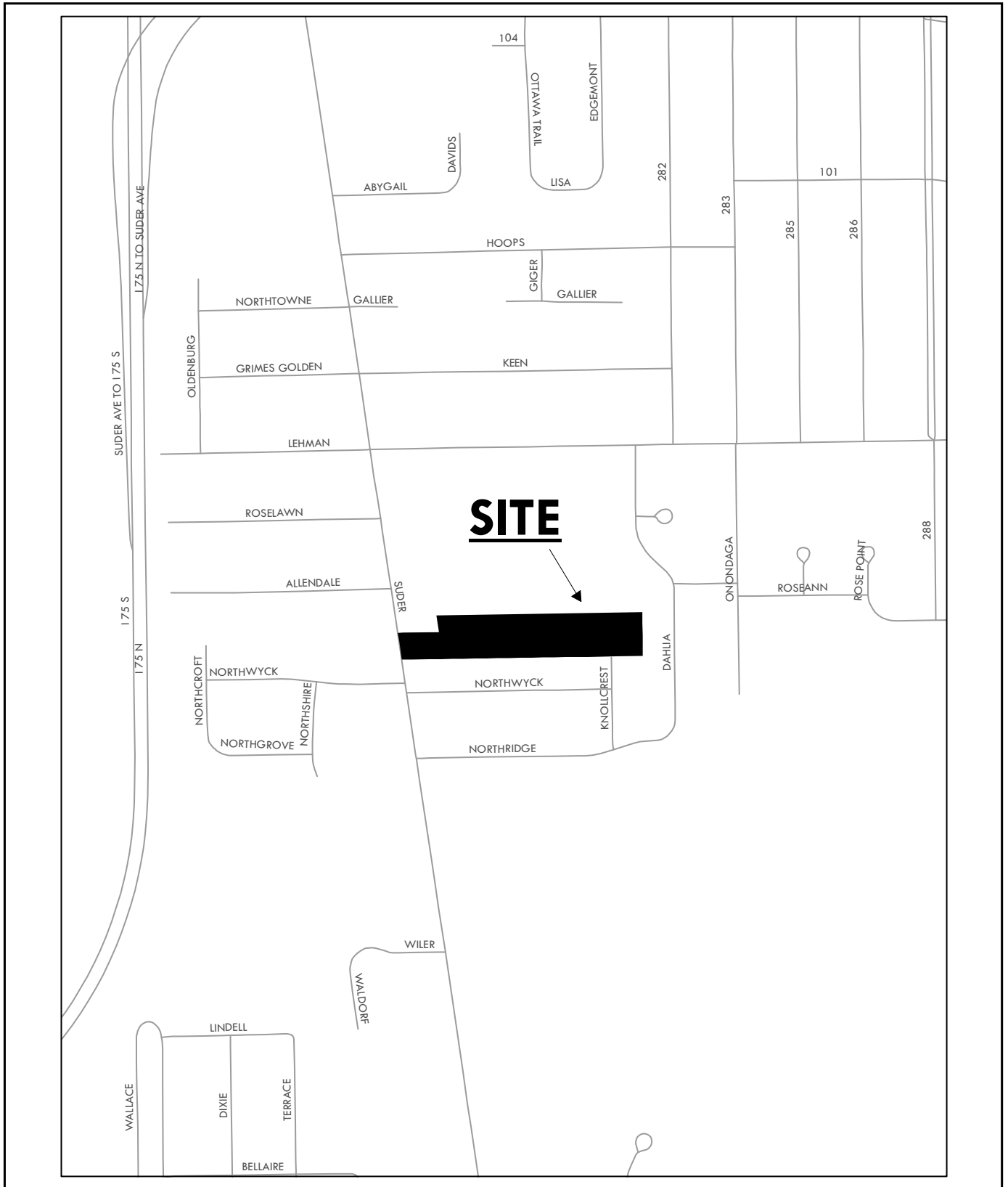
REF: SUP-1001-21...March 11, 2021

CITY COUNCIL
ZONING AND PLANNING
COMMITTEE DATE: April 14, 2021
TIME: 4:00 P.M.

DR
Four (4) sketches follow

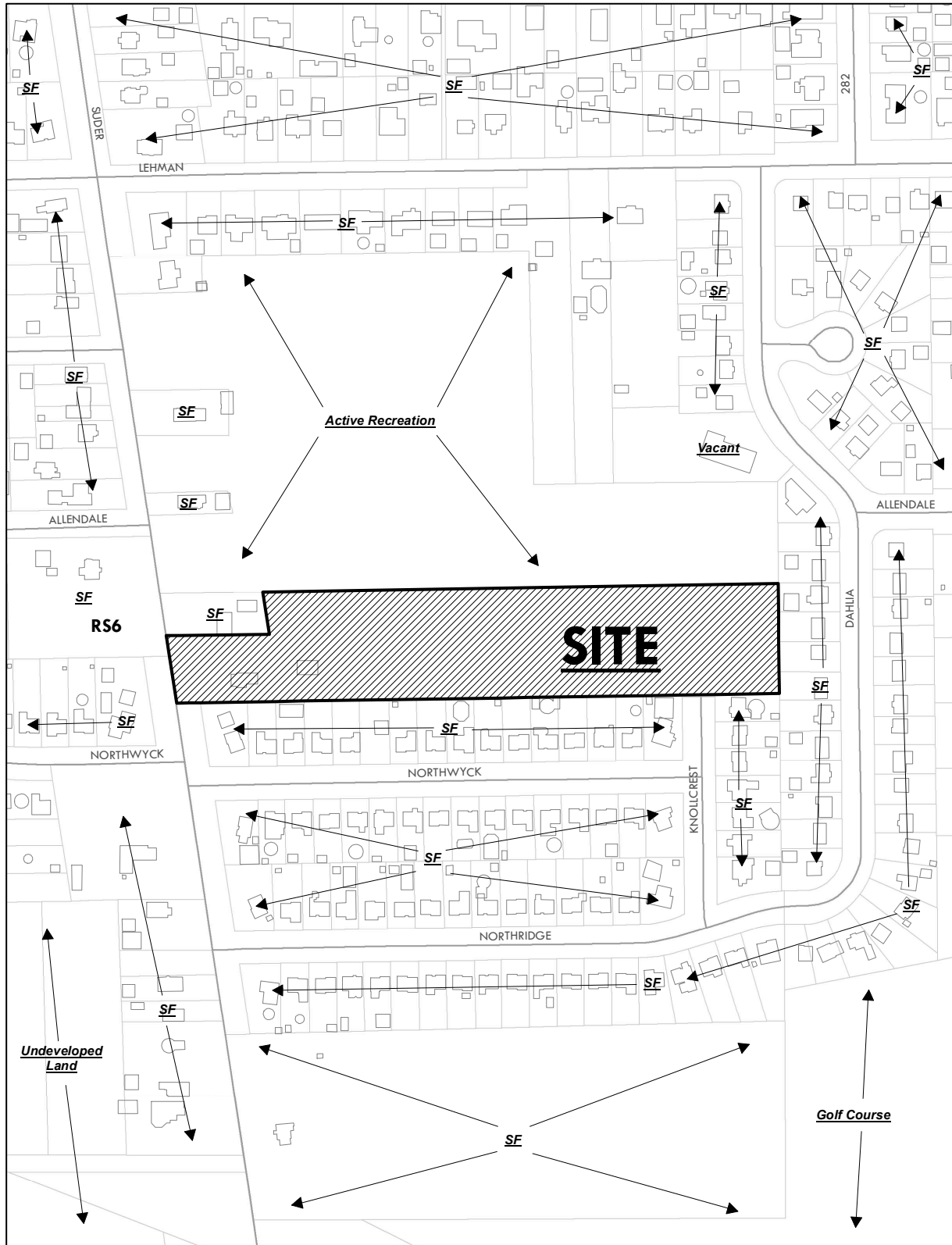
GENERAL LOCATION

SUP-1001-21
ID 62



ZONING & LAND USE

SUP-1001-21
ID 62



SITE PLAN

SUP-1001-21
ID 62



SITE PLAN NOTES:

- OWNER: WASHINGTON LOCAL SCHOOLS
355 W. LINCOLNSHIRE BLVD.
TOLEDO, OHIO 43608

CONTACT: KADE ANSTADT, Superintendent
kanst@wlsd.org
- ARCHITECT: THE COLLABORATIVE
ONE SOGATE PARK LEVEL 110
TOLEDO, OHIO 43604

CONTACT: RUSTY WILKE (rusty@tc.design)
- SITE INFORMATION:
SITE ADDRESS: 4244 SUDER AVENUE
TOLEDO, OHIO 43613

EXISTING USE: SINGLE FAMILY RESIDENCE WITH WARM FIELD

SITE ZONED: SINGLE FAMILY RESIDENCE (RS6)

ALL SURROUNDING (ADJOINING) ZONING: SINGLE FAMILY RESIDENCE (RS6)

MINIMUM SETBACKS (FEET): FRONT - 25
SIDE (ONE SIDE COMBINED) - 5' (2) 5'
REAR - 25

MAXIMUM HEIGHT (FEET): 35
MAX. BLDG. COVERAGE (% OF SITE): 85
MAXIMUM FRONT SETBACK (FEET): None

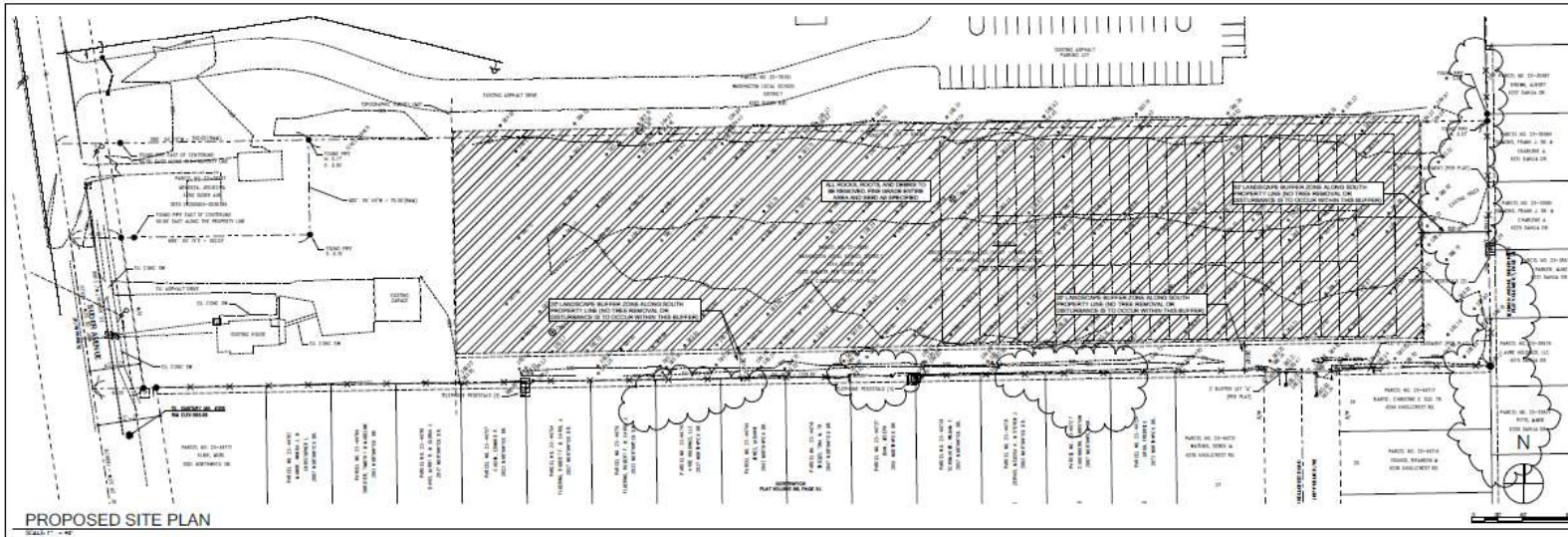
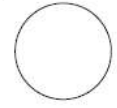
SITE INFORMATION:
GROSS SURVEY AREA: 203,176 S.F. (4.664 ACRES)
FOOTPRINT OF BAY AREA: 4,809 S.F. (0.110 ACRES)
NET AREA: 198,365 S.F. (4.554 ACRES)
- PROJECT INFORMATION:
THE PROJECT INVOLVES THE RENOVATION OF THE EXISTING AGRICULTURAL FIELD TO ALLOW FOR RECREATIONAL SPORTS.

SITE LOCATION MAP:



PROJECT SITE
4244 Suder Avenue
Toledo, OH 43613

THE
COL
LAB
ORAT
IVE



PROPOSED SITE PLAN

PROJECT TITLE
Washington
Local Schools
Suder Property
Field Improvements

4244 Suder Avenue
Toledo, Ohio 43611

SHEET TITLE
PROPOSED SITE
PLAN

SHEET NO.
SP1.00

SITE PLAN SUBMITTAL FOR
SPECIAL USE PERMIT

SITE PLAN

SUP-1001-21
ID 62



Temporary Recreation Fields

SCALE: 1"=100'

THE
COLLABORATIVE

Suder Avenue Park / Washington Local Schools

GENERAL INFORMATION

Subject

- Request - Zone Change from RS9 Single Dwelling Residential to RS6 Single Dwelling Residential
- Location - 2417 N Holland-Sylvania Road
- Applicant - David Schmitt
5135 S Main Street
Sylvania, OH 43560

Site Description

- Zoning - RS9 / Single Dwelling Residential
- Area - ± 0.68 acres
- Frontage - ± 87.8' along N Holland-Sylvania Road
± 328.6' along Gulliver Lane
- Existing Use - Single family dwelling
- Proposed Use - 8 residential unit development

Area Description

- North - Edgebrook Boulevard, single family homes / RS6
- South - Brookridge Place Condominiums/ RS6
- East - Holland-Sylvania Road, Single family homes/ RS9
- West - Brookridge Place Condominiums / RS6

Combined Parcel History

- Z-5007-04 - Zone Change from R-1 Single Family Residential to R-2 Single Family Residential at 2411 & 2431 Holland-Sylvania Road (P.C. approved on 7/8/2004. C.C. approved on 8/24/2004 by Ord. 588-04).
- CUP-5008-04 - Community Unit Plan for a 68 unit, single-family, zero lot line subdivision at 2411 & 2431 N. Holland-Sylvania Road (P.C. approved on 7/8/2004. C.C. approved on 8/24/2004 by Ord. 589-04).

GENERAL INFORMATION (cont'd)

Combined Parcel History (cont'd)

S-10-04	-	Preliminary Drawing for EDGEBROOK PLAT ONE (P.C. approved on 7/8/2004).
S-10-04	-	Final Plat for EDGEBROOK PLAT ONE (P.C. approved on 12/7/2006).
S-10-04	-	Preliminary Drawing for EDGEBROOK PLAT TWO (P.C. approved on 1/11/2007).
S-10-04	-	Final Plat for EDGEBROOK PLAT TWO (P.C. approved on 5/13/2010).
PUD-9011-17	-	Planned Unit Development for 30 Unit Villa Development at 2411 Holland-Sylvania (<i>companion case</i>).
PUD-10008-20	-	Planned Unit Development amendment for additional 8 Unit Villas (<i>companion case</i>)

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 RS9 Single Dwelling Residential to RS6 Single Dwelling Residential for a site located at 2417 N Holland-Sylvania Road. The ± 0.68 acre site is currently occupied by a single family residence. Surrounding land uses include single family homes across Hill Ditch and Edgebrook Boulevard to the north, single family homes across N Holland-Sylvania Road to the east, and an established Planned Unit Development (PUD) to the west and south.

The applicant is requesting the Zone Change to facilitate the addition of the subject lot to the Brookridge villa development to the west. The additional acreage will allow for the addition of six (6) units. The RS6 zoning designation will allow for an increased density that will match what is approved in the original Brookridge development. A companion PUD (*PUD-10008-20*) was submitted with this request.

20/20 Plan

The Toledo 20/20 Comprehensive Plan targets this area and the neighborhood around the site for Single Family Residential land uses. Staff recommends approval of the applicant's request because the proposed rezoning is consistent with the Toledo 20/20 Comprehensive Plan. Additionally, staff recommends approval of the Zone Change because the proposed zoning is consistent with the existing zoning classifications and land uses of properties within the general vicinity of the subject property.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-12001-20, a request for a Zone Change from RS9 Single Dwelling Residential to RS6 Single Dwelling Residential at 2417 N Holland-Sylvania Road to the Toledo City Council for the following three (3) reasons:

1. The request conforms to the Toledo 20/20 Comprehensive Plan and the stated purpose of the Zoning Code **TMC§1111.0606.A**,
2. The request is consistent with existing land uses within the general vicinity of the subject property **TMC§1111.0606.B**; and
3. The request is consistent with zoning classifications of properties within the general vicinity of the subject property **TMC§1111.0606.C**.

ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-10009-20
DATE: March 11, 2021
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: April 14, 2021
TIME: 4:00 P.M.

NH
Two (2) sketches follow

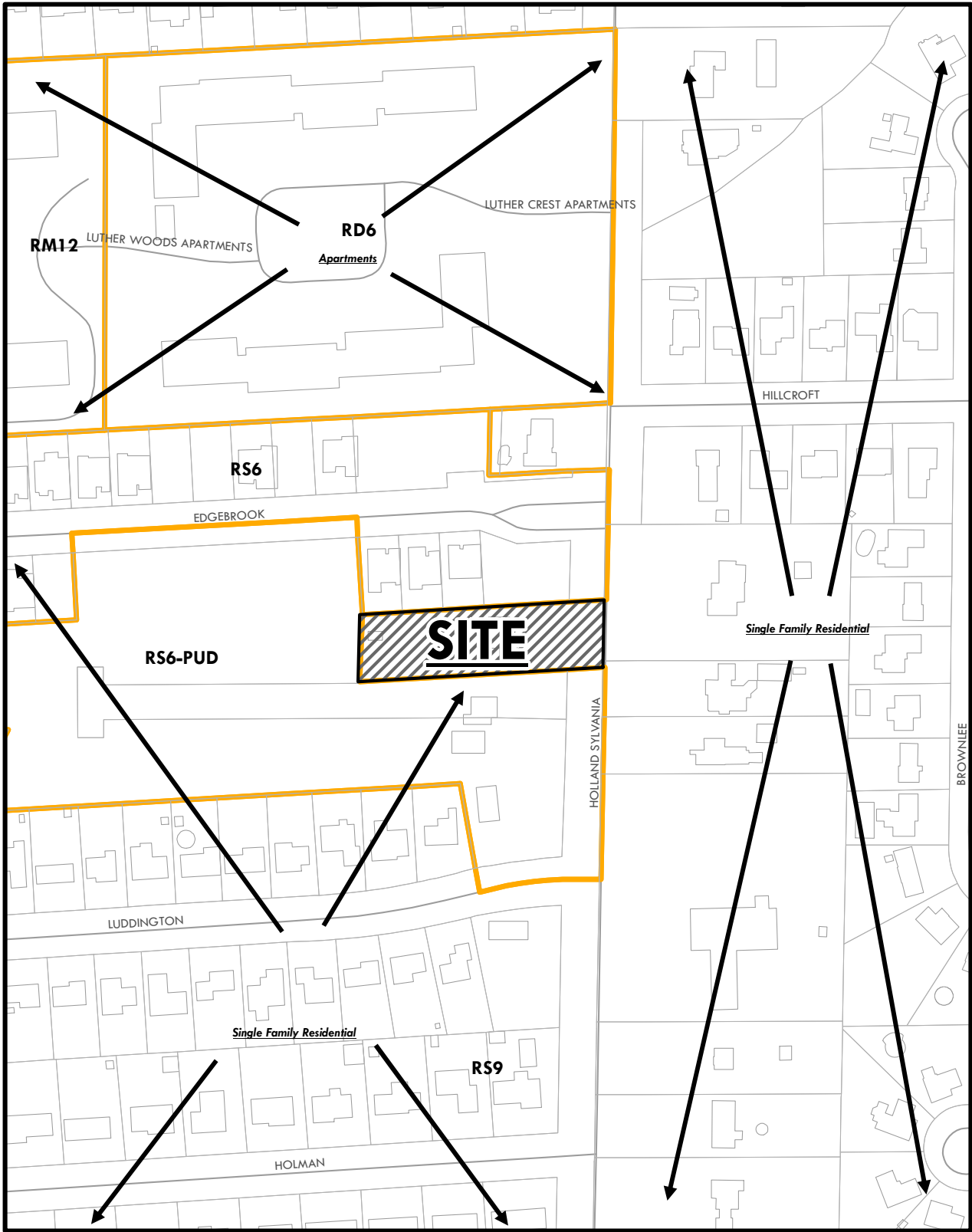
General Location

Z-10009-20



Land Use & Zoning

Z-10009-20



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GENERAL INFORMATION

Subject

- Request - Amendment to Planned Unit Development, originally approved by Ord.549-17, for a single family development
- Location - 2417 North Holland-Sylvania Road
- Applicant - David Schmitt
5135 S Main Street
Sylvania, OH 43560
- Engineer - George Oravec
Oravec & Associates
5333 Secor Road
Toledo, OH 43623

Site Description

- Zoning - RS9 / Single Family Residential
- Area - ±5.871 acres (including rezoned parcel ±0.68 acres)
- Frontage - ±375' along N Holland-Sylvania Road
±120' along Luddington Drive
- Existing Use - Single family dwellings
- Proposed Use - Single family dwellings

Area Description

- North - Edgebrook Boulevard, Single family homes / RS6
- South - Luddington Drive, Single family homes / RS9
- East - Holland-Sylvania Road, Single family homes / RS9
- West - Brookridge Court, Single family homes / RS6

Combined Parcel History

- Z-5007-04 - Zone Change from R-1 Single Family Residential to R-2 Single Family Residential at 2411 & 2431 Holland-Sylvania Road (P.C. approved on 7/8/2004. C.C. approved on 8/24/2004 by Ord. 588-04).

GENERAL INFORMATION (cont'd)

Combined Parcel History (cont'd)

- CUP-5008-04 - Community Unit Plan for a 68 unit, single-family, zero lot line subdivision at 2411 & 2431 N. Holland-Sylvania Road (P.C. approved on 7/8/2004. C.C. approved on 8/24/2004 by Ord. 589-04).
- S-10-04 - Preliminary Drawing for EDGEBROOK PLAT ONE (P.C. approved on 7/8/2004).
- S-10-04 - Final Plat for EDGEBROOK PLAT ONE (P.C. approved on 12/7/2006).
- S-10-04 - Preliminary Drawing for EDGEBROOK PLAT TWO (P.C. approved on 1/11/2007).
- S-10-04 - Final Plat for EDGEBROOK PLAT TWO (P.C. approved on 5/13/2010).
- Z-9010-17 - Zone Change from RS6 & RS9 to RS6 at 2411 N. Holland-Sylvania Road (P.C. approved on 11/2/2017, C.C. approved on 12/12/2017 by Ord. 548-17).
- PUD-9011-17 - Planned Unit Development for 30 Unit Villa Development at 2411 Holland-Sylvania (P.C. approved on 11/2/2017, C.C. approved on 12/12/2017 by Ord. 549-17).
- Z-10009-20 - Zone Change from RS9 Single Dwelling Residential to RS6 Single Dwelling Residential at 2417 N. Holland-Sylvania Road (*companion case*).

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting approval of an amendment to a Planned Unit Development (PUD), granted via Ord. 549-17, for a single-family development at 2417 North Holland-Sylvania Road. This amendment will affect an eastern portion of the existing PUD. The majority of the site is zoned RS6 Single Dwelling Residential, with the expansion portion currently zoned RS9 Single Dwelling Residential. A companion zone change request (*Z-10009-20*) has been submitted for this portion of the site. Surrounding land uses include single family houses to the north; single family housing to the south; single family housing to the east and west.

In 2004, a Planned Unit Development was approved for a 68 unit zero lot line subdivision on a 15 acre site. The PUD included individual lots fronting on Edgebrook Boulevard and Brookridge Court. The original intent was to extend Brookridge Court over Hill Ditch via a bridge and eventually loop northward to Edgebrook Boulevard. However, the bridge construction became cost prohibitive and was no longer an option. As a result, in 2017 the developer received approval for an amendment to the original PUD to allow for the development known as Brookridge Place. This amendment reduced the lot sizes, removed the connection to Edgebrook Boulevard, and provided a private drive for a portion of the development, only accessible from Holland-Sylvania Road.

The applicant is requesting the proposed amendment in order to add 0.68-acres to the overall development, allowing for an increase in the number of dwelling units. Case PUD -9011-17 (Ord. 549-17) was approved for thirty (30) units although only twenty-eight (28) units were developed. The developer is proposing eight (8) additional units to the original twenty-eight (28) built along the private drive (Gulliver Lane). The entire development will have a total of thirty-six (36) units when completed.

Density

Per the PUD Residential Standards outlined in TMC§1103.1007, the maximum number of dwelling units permitted in the PUD shall be calculated by dividing the net residential acreage by the minimum lot area per dwelling unit as shown under Intensity & Dimensional Standards, Sec. 1106.0100. The maximum number of dwelling units permitted in the RS6 zoning district is 5.8 units per gross acre. With a total area of 5.87-acres for the entire site, the maximum number of dwelling units permitted is thirty-four (34). The applicant is proposing thirty-six (36) dwelling units which is not in compliance with the Residential Standards outlined in TMC§1103.1007. As a result, the applicant shall obtain a waiver in order to allow for the proposed number of dwelling units to exceed the maximum density by two (2) dwelling units and listed as a condition of approval. Staff is supportive of the density waiver due to the precedent set in other residential developments and the proposed development provides a suitable and consistent layout for the entire site.

STAFF ANALYSIS (cont'd)*Parking and Circulation*

The applicant is proposing to access the development via Gulliver Lane from Holland-Sylvania Road. Pursuant to the City of Toledo Subdivision Regulations, private streets are generally discouraged in all subdivisions because of the long term maintenance liability and the various concerns with private ownership. However, recognizing unique development issues with smaller parcels and innovative subdivision designs, the Toledo City Plan Commission may at their discretion allow private streets. Staff has determined that due to the lack of connectivity to surrounding residential streets and the size of development, unique circumstances currently exist for the development and recommends the expanded use of a private street.

Building Design

The applicant did not propose any amendments to the current building elevations approved via Ord. 549-17. Therefore, no further review of building design or materials is required.

Open Space Requirements

Open spaces are a great benefit to the residents and visitors of residential housing developments. According to TMC§1103.1007(D) Planned Unit Development – Residential Standards, no less than fifteen percent (15%) of the gross site acreage shall be allocated to usable, accessible, and consolidated common open space. The site plan allocates a total of 1.86 acres of open space for the development. This equates to almost thirty-two percent (31.7%) of the entire site which conforms to the minimum open space requirement.

All PUDs require an open area void of buildings, structures, parking areas or other above ground improvements, except fencing, to be maintained along all perimeter property lines. The landowner must establish an agency for the ownership and maintenance of common open spaces where such are to be retained in private ownership. In the event the agency established to own and maintain the common open space or any successor agency is transferred or defunct, the City may serve written notice upon such agency or upon the residents and owners of the PUD, which is listed as a condition of approval.

A residential PUD that is abutting a residential zoning district is required to offer a perimeter open space area that is equivalent to the rear yard setback of the PUD's underlying zoning district. The northern property line of the development abuts residential zoning and therefore is required to provide a twenty-five foot (25') perimeter open space area. The site plan submitted depicts a setback of twenty feet (20') for the perimeter open space and not in compliance with this regulation. The applicant shall obtain a waiver or submit a revised site plan that depicts the proper width of the perimeter open spaces area. Staff supports this waiver as long as a completed landscaping plan is submitted and is listed as a condition of approval.

STAFF ANALYSIS (cont'd)

20/20 Plan

The Toledo 20/20 Comprehensive Plan targets this area and the neighborhood around the site for Single-family Residential land uses. Staff recommends approval of the proposed PUD since it conforms to the Toledo 20/20 Comprehensive Plan and the stated purpose of the Zoning Code. Additionally, staff recommends approval of the proposed PUD because the development is consistent with the existing land uses and zoning classifications of properties within the general vicinity of the subject property.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of PUD-10008-20 an amendment to a Planned Unit Development, originally approved by Ord.549-17, for a single family development at 2417 North Holland-Sylvania Road for the following **three (3) reasons**:

1. The proposed use complies with all applicable provisions of the Toledo Municipal Code;
2. The proposed use meets the stated purpose of the Zoning Code; and
3. The proposed use conforms to the Toledo 20/20 Comprehensive Plan.

The staff recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the waivers requested for PUD-10008-20, an amendment to a Planned Unit Development, originally approved by Ord.549-17, for a single family development at 2417 North Holland-Sylvania Road:

Chapter 1103.1000 Planned Unit Development Overlay District

Sec. 1103.0107 (A) Residential Standards

The maximum number of dwelling units permitted in the RS6 zoning district is 5.8 units per gross acre. With a total area of 5.87-acres for the entire site, the maximum number of dwelling units permitted is thirty-four (34) units.

Approve a waiver to allow for the proposed number of dwelling units to exceed the maximum density by two (2) dwelling units to allow for a total of thirty-six (36) units.

Sec. 1103.1007 (E) (1) Residential Standards

When abutting a Residential district, the open space perimeter area shall be provided with a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district;

Approve a waiver for a five foot (5') reduction of the required twenty-five foot (25') open space perimeter along the northern property line to allow for a twenty foot (20') open space perimeter.

STAFF RECOMMENDATION (cont'd)

The staff further recommends that the Toledo City Plan Commission recommend approval of PUD-10008-20, an amendment to a Planned Unit Development, originally approved by Ord.549-17, for a single family development at 2417 North Holland-Sylvania Road, to Toledo City Council, subject to the following **thirty-eight (38)** 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. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

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

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

2. Minimum 4' barrier free sidewalk shall be placed along the frontages of all public streets in the development, and shall extend through drive approaches. Pedestrian curb ramps shall be placed at all intersections.
3. All proposed drive approaches, sidewalk, and curb shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, and Toledo Municipal Code. All drive approaches, and sidewalk through the drives, shall be 6" thick concrete residential, 8" thick concrete Commercial. No curb shall be permitted in the right-of-way along either side of the drive approach. **No horizontal curb cutting will be permitted.**
4. Substandard drive approaches, sidewalk, and curb sections that exist within the public right-of-way abutting the site shall be replaced in accordance with City of Toledo Construction Standards, Specifications, and Toledo Municipal Code.
5. Improvements per City of Toledo Infrastructure Design and Construction requirements
6. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419)-245-1220.

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

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

STAFF RECOMMENDATION (cont'd)

Engineering Services

8. Revised plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
9. The current version of “WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LINES AND LARGE SERVICES” shall be included on the plans and can be obtained from the City of Toledo Division of Engineering Services.
10. Existing coverage by the Ohio Construction General Permit shall remain active and the covered SWP3 shall be amended. The SWP3 and coverage remain active until the city certifies the completion of permit obligations.
11. To initiate stormwater review, submit plan revisions together with proposed SWP3 amendments as a whole submittal, including:
 - a. A pond operations and maintenance plan,
 - b. An exhibit of the drainage area to the pond amended to show the stone walk area as impervious.
 - c. A SWP3 checklist that pertains to the amendments only.
 - d. Updates to responsible parties of SWP3 ownership and implementation.
 - e. Detailed grading drawings for the pathway within the flood hazard zones and stream setback area.
12. Flood hazard zones and stream setbacks are not represented correctly on the proposed PUD amendment and shall be shown correctly on resubmittals in order for review to proceed. Being in or adjacent to a flood hazard zone, this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full, and upon which stormwater approval, and approval to terminate the SWP3, are dependent.
13. Following the review process, the following will be needed for final stormwater approval:
 - a. Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
 - b. Covenant for the approved O&M plan.
 - c. Updates to responsible parties of SWP3 ownership and implementation.
14. At the time of approval of stormwater plans, the applicant will be eligible for a percent reduction in the property’s stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <https://toledo.oh.gov/business/environment/storm-water-program>
15. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

STAFF RECOMMENDATION (cont'd)

Engineering Services

16. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
17. 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 developers cost.
18. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

Sewer and Drainage Services

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

Division of Environmental Services

21. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
 - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
 - b. Construction BMPs shall be in place prior to the start of construction activities.
 - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
22. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

Division of Environmental Services

23. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

STAFF RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

24. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
25. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Division of Transportation

No comments or concerns.

Fire Prevention

26. The proposed new buildings will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.

Plan Commission

27. Pursuant to TMC§1103.1010(C), all PUD's shall be platted according the Subdivision Rules & Regulations for the City of Toledo. **Final Plat shall be submitted for review with a separate lettered lot delineating the consolidated common open space.**
28. A Zone Change from RS9 Single Dwelling Residential to RS6 Single Dwelling Residential shall be obtained for the entire site in order to allow for the proposed density.
29. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.
30. Sidewalks must be built to City specifications along North Holland-Sylvania Road and the north side of Gulliver Lane. Sidewalks or other approved pedestrian walkways must be provided to link nonresidential areas with residential areas, both inside and outside the PUD. **The proposed 4' concrete sidewalk and stone walking path to access the north and western edges are acceptable as depicted on the revised site plan.**
31. Per TMC§1103.1007(C), no more than forty percent (40%) of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway and parking area pavement. **Acceptable as depicted revised site plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

32. Per TMC§1103.1007(D), a PUD is required to provide fifteen percent (15%) of gross site acreage for usable, accessible and consolidated open space, none of which is part of any required yard or perimeter open space. One-third (1/3) of this consolidated open space area may be used for detention/retention purposes. **Acceptable as depicted on revised site plan.**
33. Approval of the Planned Unit Development (PUD) will lapse after two (2) years, and the site will revert to the original zoning classification prior to the PUD, if construction has not begun, per TMC§1103.1014.
34. The landowner must establish an agency for the ownership and maintenance of common open spaces where such are to be retained in private ownership.
35. Telephone, electrical, cable, and other utility appurtenances shall be buried and dumpsters shall be sufficiently screened; **TMC§1103.1007.H.**
36. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities.
37. 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.
38. 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.

PLANNED UNIT DEVELOPMENT
TOLEDO CITY PLAN COMMISSION
REF: PUD-10008-20
DATE: March 11, 2021
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: April 14, 2021
TIME: 4:00 P.M.

NH

Four (4) sketches follow

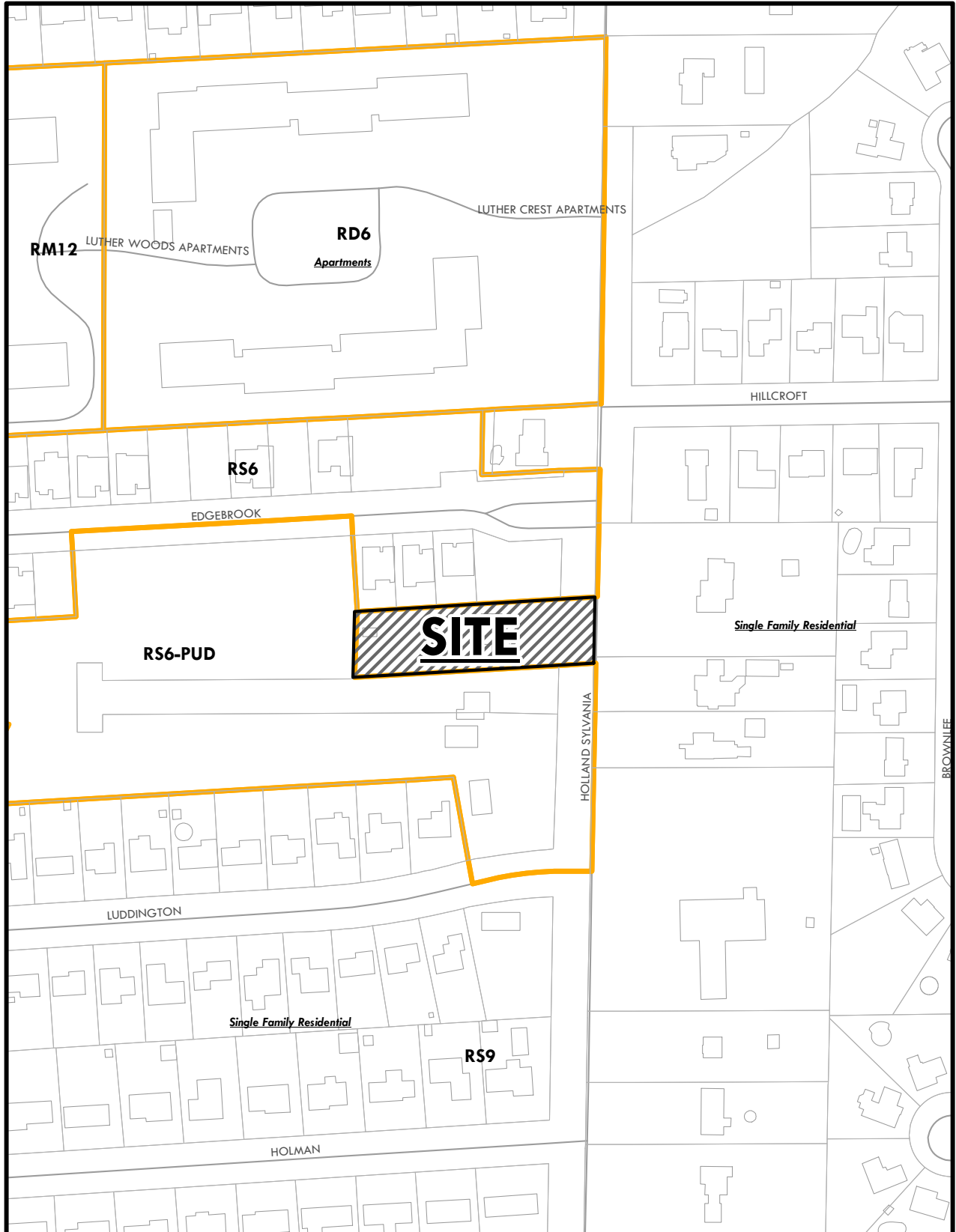
General Location

PUD-10008-20
Z-10009-20



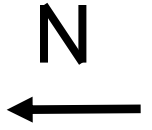
Zoning & Land Use

PUD-10008-20
Z-10009-20

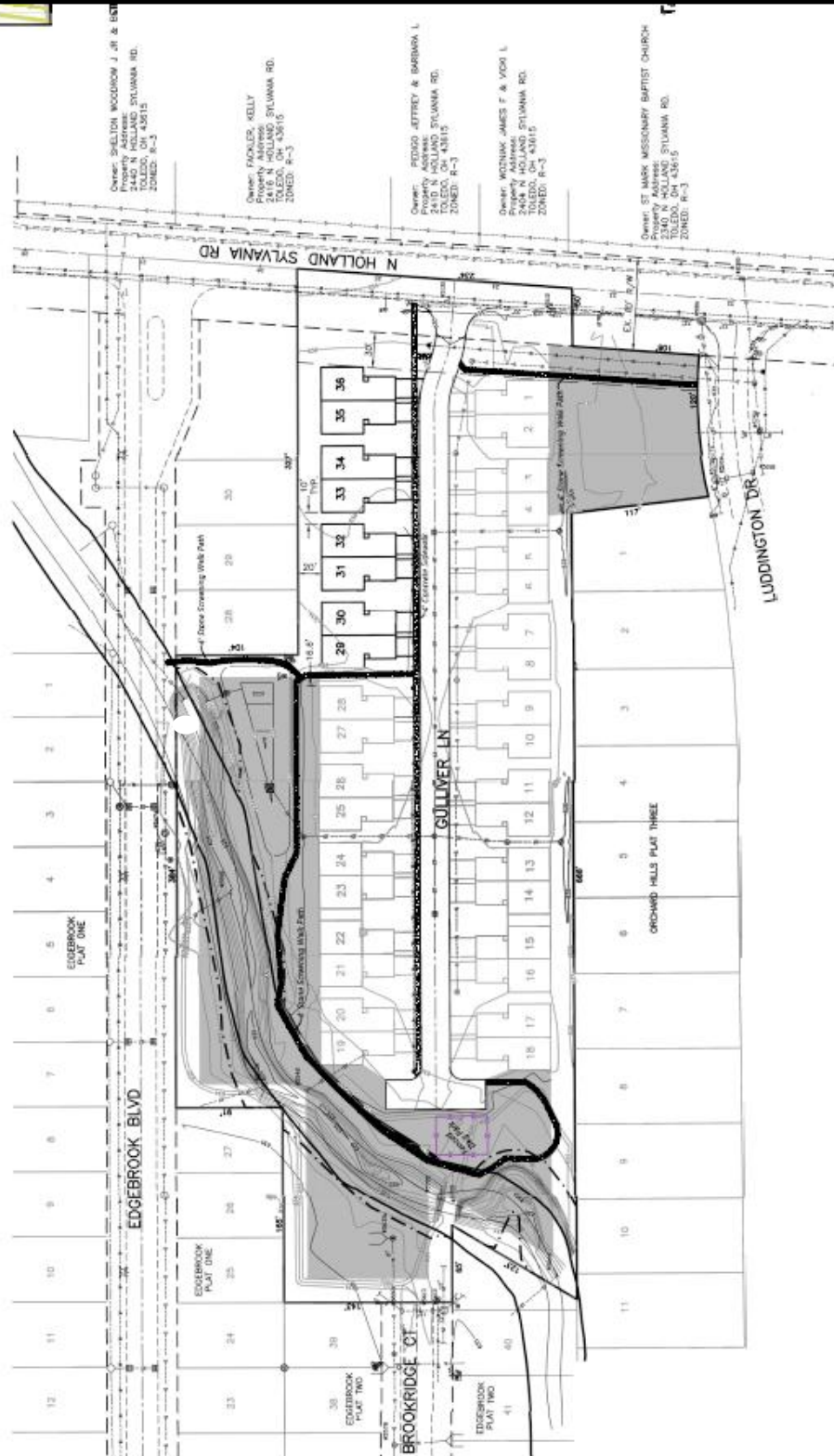


Site Plan

PUD-10008-20
Z-10009-20

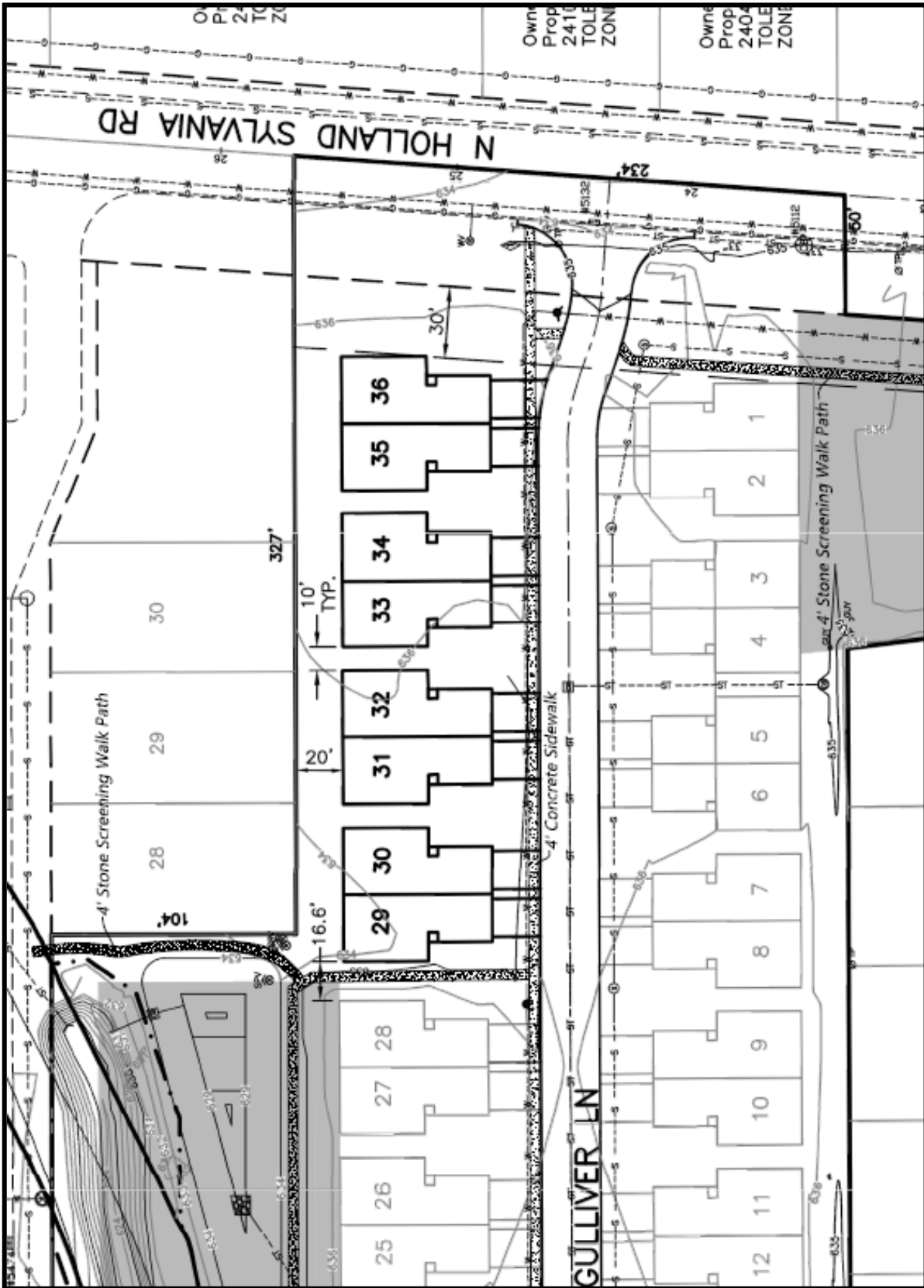
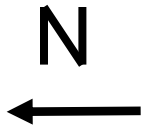


PRELIMINARY SITE PLAN
OF
Brookridge Place Condominiums
A PLANNED UNIT DEVELOPMENT
CITY OF TOLEDO, LUCAS COUNTY, OHIO



Site Plan - Detail

PUD-10008-20
Z-10009-20



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GENERAL INFORMATION

Subject

- Request - Review of landmark designation for the Rathbun Realty Company building
- Address - 331-333 N. Superior Street
- Applicant - Midland Agency of NW Ohio
1656 Henthorne Dr Ste 200
Maumee, OH 43537
- Architect - Paul R. Sullivan, AIA LLC
23 S. St Clair – Lower
Toledo, OH 43604

Site Description

- Zoning - CD Downtown Commercial
- Area - .106-acres
- Frontage - 40' along N. Superior Street
- Existing Use - Vacant commercial structure
- Proposed Use - Commercial and residential uses

Area Description

- North - Occupied mixed use structure and parking lot / CD
- South - Vacant commercial storefronts / CD
- East - Commercial building and parking garage / CD
- West - High rise apartment building and vacant commercial storefront / CD

Parcel History

- M-8-19 - Amendment of Downtown Overlay District regulations regarding parking lots; Repealing Toledo Municipal Code Sections 1103.0202, 1103.0205, 1103.0207; enacting New Toledo Municipal Code Sections 1103.0202, 1103.0205, 1103.0207, 1103.0208, 1103.0209, 1103.0210, 1103.0211 (P.C. approved on 6/3/19, City Council approved on 7/17/19, Ord. 355-191).

GENERAL INFORMATION (cont'd)

Applicable Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Downtown Toledo Master Plan (adopted in February 2017)

STAFF ANALYSIS

This request is for the review of the landmark designation for the Rathbun Realty Company building. The City of Toledo currently has three locally designated historic districts; Old West End, Vistula, and Westmoreland. The City of Toledo has four other structures that have been locally designated in the last five years which are the Fiberglass Tower, Levis Square located at 200 and 435 North St. Clair Street, Commerce Paper Building located at 15, 25, 31, and 39 S. Ontario Street, and 443-447 10th Street in Downtown Toledo. This would be the fourth locally designated building in the City of Toledo. The applicant is seeking the designation in order to obtain state historic tax credits. They are also seeking to place the Rathbun Realty Company building on the National Register of Historic Places for its architectural significance so it will qualify for federal tax credits as well. The building is considered historically significant since it was constructed in 1917 and is over 100 years old. The applicant proposes to use the building for commercial uses on the first floor and residential units on the second and third floors.

The process for landmark designation outlined in the Toledo Municipal Code, **Chapter 1111.1000 Historic Districts and Landmarks (Designation or Expansion), Section 1111.1104 Report Contents** states the following:

The reports of the Plan Commission and City Historic District Commission, containing their written recommendations to the City Council, must include information about how the proposed historic district or landmark, or expansion, is of special historical and architectural significance. The reports must include the following:

- A.** whether the district or landmark proposed to be designated is listed on the National Register of Historic Places;
- B.** whether the district or landmark proposed to be designated provides significant examples of architectural styles of the past; and

STAFF ANALYSIS (cont'd)

- C.** a description of the district or landmark to serve as an informational resource. The description must include, but need not be limited to, the following:
- 1.** a geographic description including location and its relationship to the entire City;
 - 2.** a description of the general land uses;
 - 3.** a general description of the building conditions;
 - 4.** a general description of the socio-economic characteristics;
 - 5.** a description of existing developmental plans or programs within or including the historic district or landmark; and
 - 6.** a list of neighborhood organizations within or serving the historic district or landmark.

The required information for this landmark designation is delineated below.

- A.** Whether the district or landmark proposed to be designated is listed on the National Register of Historic Places;

The applicant is currently applying for designation on the National Register of Historic Places. The process takes significantly more time than the local designation and they are estimating a response from the Department of the Interior within the next six to twelve months.

- B.** Whether the district or landmark proposed to be designated provides significant examples of architectural styles of the past;

Built in 1917, the building at 331-333 N. Superior Street was designed by architecture firm Mills, Rhine, Bellman, and Nordhoff for the Rathbun Realty Company who developed the property as a business venture for the robust economy in Toledo, Ohio. The building faces southeasterly and is supported by steel framing with glass, granite, and limestone facade. A new façade was created in 1928 by the same architecture firm. Flanked by four to six story masonry structures, only the front façade and rear elevation are visible. The exterior appearance has remained unchanged since 1928.

STAFF ANALYSIS (cont'd)

The front façade reveals an architectural design with straight lines reflective of Art Deco styling on the first floor. The first floor is the product of the 1928 façade renovation and is faced in light gray Indiana limestone and features a wide, double-door entrance that is recessed and centered on the front of the building. Recessed black granite surrounds the main entrance with flanking black granite panels on both sides of the front door. There is evidence of a previous fire in the recessed entry and can be seen in the ceiling to include the former transom window that is located above the main entrance. Once inside the first floor, a portion of the 1928 ribbed plaster ceiling was not damaged by the fire and remains intact.

Flanking the entryway is a wide, three part or tripartite showcase windows topped by a vertically-divided transom. The black granite surrounds each window group to include black granite is located on the lower portion of the base, extending to grade level and connecting the granite entry at grade level. Centered above each window is a large, flush-set marble roundel featuring several swirled patterns of blue-grey hues that are exhibited on a low bas relief carving of the Hart, Schaffner, & Marx clothing company's famous Trumpeter emblem.

The second and third stories are unchanged in form from the original construction dating back to 1916-1917. These floors are framed in limestone with large expanses of glass in a divided lite showcase, topped with lighted vertical transom lites above. Each story is divided into seven (7) individual large window units with a two-inch vertical metal support between each unit. The transom lites are divided vertically and are set in groups of four above each window unit. An extended paneled stone band separates the first and second floors while a larger paneled stone band separates the second and third story. A stone sill runs at the base of the third story windows while an identical paneled stone band separates the third story from the cornice.

At the angle of the building is a slightly protruding square of limestone blocks that rise at either side of the building and pierce the cornice with a culminating carved stone and scrolled coping that rises just above the roof-line. Above the third story is a projecting limestone cornice in the overhang. Atop the cornice is a recessed, inwardly sloping roof that is covered with red clay tiles shaped as an "S" that overlay onto the next tile. These tiles are capped by a horizontal ceramic coping. This tiled roof rises slightly above the main roof which is flat and slopes westerly toward the rear of the building. The main roof features a former elevator housing unit at the rear of the structure at the southwest corner of the roof.

The rear elevation is common brick pierced with three sets of paired windows with smaller lites above each pair on the two upper stories. The first floor rear elevation has three sets of smaller paired windows in its upper portion with a raised overhead delivery door and a single entry door at grade level. All windows have concrete slip sills.

STAFF ANALYSIS (cont'd)

The interior offers three large open spaces which could be the result of the past fire damage. The walls and ceilings are plastered and the floors are covered with a cementitious overlayment that is displaying moisture damage. The first and second levels are fully open from front to rear while the third floor has a row of vertical wood supports running down the center of the building. A series of boxed, plastered ceiling steel beams run the width of the first and second floors and approximately ten (10) feet on center. Between these beams and the wooden joists, this is how the upper floors and roof are supported. The elevator shaft and stairwell enclosures are located at the rear of the building in the southwest corner of each floor.

The Rathbun Realty owned and leased the structure from 1916 to 1974. The building opened in 1917 as the Isenberg Brothers Jewelers and Tailors under the proprietorship of Moses Isenberg. The firm occupied the building until 1928 when another firm of Hoffmann-Thomas, an exclusive men's clothing store, opened at this address. William Hoffman and Bernard Thomas was the dealer for the select and high quality Hart, Schaffner, & Marx clothing line that was founded in Chicago in 1887. Hart, Schaffner & Marx rapidly moved to establish a national market including this store in Toledo. The façade renovation from 1928 was due to the need to display the clothing and the relief carvings of on the Hart, Schaffner, & Marx logo on the exterior remain there today. The Hoffmann-Thomas firm operated at this location for nearly 30 years and closed in 1958 following the death of William Hoffmann. The Hoffmann-Thomas firm was succeeded by H.O. Nicholas Clothing Company, another well known clothing company in Toledo, for approximately another ten years.

C. a description of the district or landmark to serve as an informational resource. The description must include, but need not be limited to, the following:

1. a geographic description including location and its relationship to the entire City;

The subject property is a .106-acre site that is located in downtown Toledo, and is bounded by North Superior Street and Adams Street. The commercial building sits between two and shares a common wall with the building on the north and south side. The structure is located in the Downtown Overlay District, and is located within walking distance to other historical buildings such as the Valentine Theater.

2. a description of the general land uses;

The subject property is zoned Downtown Commercial (CD) and after the structure was no longer a retail clothing store, the structure operated as a commercial use and as a bookstore until 2009. Surrounding land uses include the Valentine Theater to the north, to the west are LaSalle Apartments and commercial buildings, and to the south and east are commercial storefronts and a parking garage.

STAFF ANALYSIS (cont'd)

3. a general description of the building conditions;

The history of the structure states it was used as either a jeweler or clothing retail store from 1916 to 1970's with additional retail uses until Leo's Bookstore opened in 1999 and closed in 2009. The details provided for the interior is that the building is structurally sound.

4. a general description of the socio-economic characteristics;

The future use of this structure is for commercial uses on the first floor with residential uses above where downtown Toledo has a high demand for housing at this time. Within a three block radius of the subject site, multiple commercial high rise buildings have been converted into residential uses. The LaSalle building was renovated into market rate apartments and additional buildings in the Downtown Overlay District have been converted to condos where the demand for housing is still on the rise.

Since ProMedica moved to the downtown waterfront, the downtown area will have an influx of new professionals looking to reside closer to their place of employment that provides amenities and entertainment. The renovation of Hensville in the Warehouse District, the construction of the Mud Hens Stadium and the Huntington Center to include multiple restaurants and bars that have been renovated in the last decade are increasing the draw to live in the downtown proper. The challenge will be to provide a full scale grocery store for those living in the core of the downtown area.

5. a description of existing developmental plans or programs within or including the historic district or landmark; and

The Toledo 20/20 Comprehensive Plan targets this site for Downtown Commercial uses. The Downtown Commercial land use category is intended to accommodate a broad range of uses to reflect the downtown's role as a commercial, government, cultural and entertainment center. Land uses are intended to be intense with high building coverage, large buildings, and buildings placed close together. The Downtown Overlay District Plan, adopted in 2017, also targets this site for downtown commercial uses. Additionally, the plan goes on to stress the need to develop more residential units to create a mass of housing and a concentration of people to justify the development of convenience shopping.

STAFF ANALYSIS (cont'd)

6. a list of neighborhood organizations within or serving the historic district or landmark.

The Toledo City Historic Districts Commission is charged with the responsibility of being the historical conscience of the City and exists to help preserve and protect Toledo's historic resources. Toledo City Historic Districts Commission will have the authority to oversee any exterior changes to the Rathbun Realty Company building if it is designated as a local landmark. These powers are addressed in the Toledo Municipal Code, **Chapter 1112 Review and Decision-Making Bodies, Section 1112.0102 City Historic District Commission, letter D** states the following:

In addition to the duties of each Historic District Commission pursuant to Sec. 1112.0102, the City Historic District Commission shall:

1. designate landmark properties;
2. for designated landmark properties, develop appropriate standards and guidelines reflecting the landmark's historic and architectural significance;
3. hear, review, grant, deny and recommend modifications to proposals for Certificates of Appropriateness involving environmental changes to landmarked properties. Applications for Certificates of Appropriateness must be judged using adopted historic landmark standards and guidelines;
4. conduct a continuing survey of cultural resources in the City with the support of the Historic/Environmental Section, Department of Economic and Community Development;
5. advise the Mayor, the Department of Economic and Community Development and other local officials and make recommendations as to the protection of the City's cultural resources;
6. act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation;
7. review all proposed National Register nominations for properties within the City in a manner consistent with federal and state regulations, seeking expertise from disciplines not represented on the Commission as needed; and

STAFF ANALYSIS (cont'd)

8. notify the respective active neighborhood organization of any demolitions requiring City Historic District Commission review, which is in the respective Historic District. Notification must be given to the respective active neighborhood organization at least ten calendar days before the City Historic District Commission hearing.

The Toledo City Historic District Commission reviewed and voted to support the Landmark Designation for this site at their February 22, 2021 meeting. The property will then be under their review for any exterior modifications once the Plan Commission and City Council approve the request.

Staff supports designating the Rathbun Realty Company building as a local landmark because of its architectural significance, and the conversion to a residential use will allow the structure to remain a contributing building in the community. The significance of the building will be preserved and this designation enhances the ability of the Toledo community to preserve a part of the City's history.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of designating the Rathbun Realty Company building located at 331-333 N. Superior Street as a local landmark to the Toledo City Council for the following three (3) reasons:

1. The 2017 Toledo Downtown Plan identifies the Rathbun Realty Company building as historic since it was constructed before 1940.
2. The 2017 Toledo Downtown Plan identifies existing structures as reuse opportunities for developers, and encourages historic preservation.
3. The Rathbun Realty Company building is historically significant in Toledo, Ohio as a contributing footprint in the Downtown Overlay District, and will assist in the downtown urban renewal project that city has been developing over the last ten years.

LOCAL LANDMARK DESIGNATION
FOR THE BUILDING LOCATED AT 331-
333 N. SUPERIOR
TOLEDO CITY HISTORIC DISTRICT
COMMISSION
REF: M-12-20
DATE: February 22, 2021
TIME: 5:30 P.M.

REF: M-12-20. . .March 11, 2021

TOLEDO CITY PLAN COMMISSION

DATE: March, 11, 2021

TIME: 2:00 P.M.

TOLEDO CITY COUNCIL ZONING AND
PLANNING COMMITTEE

DATE: April 14, 2021

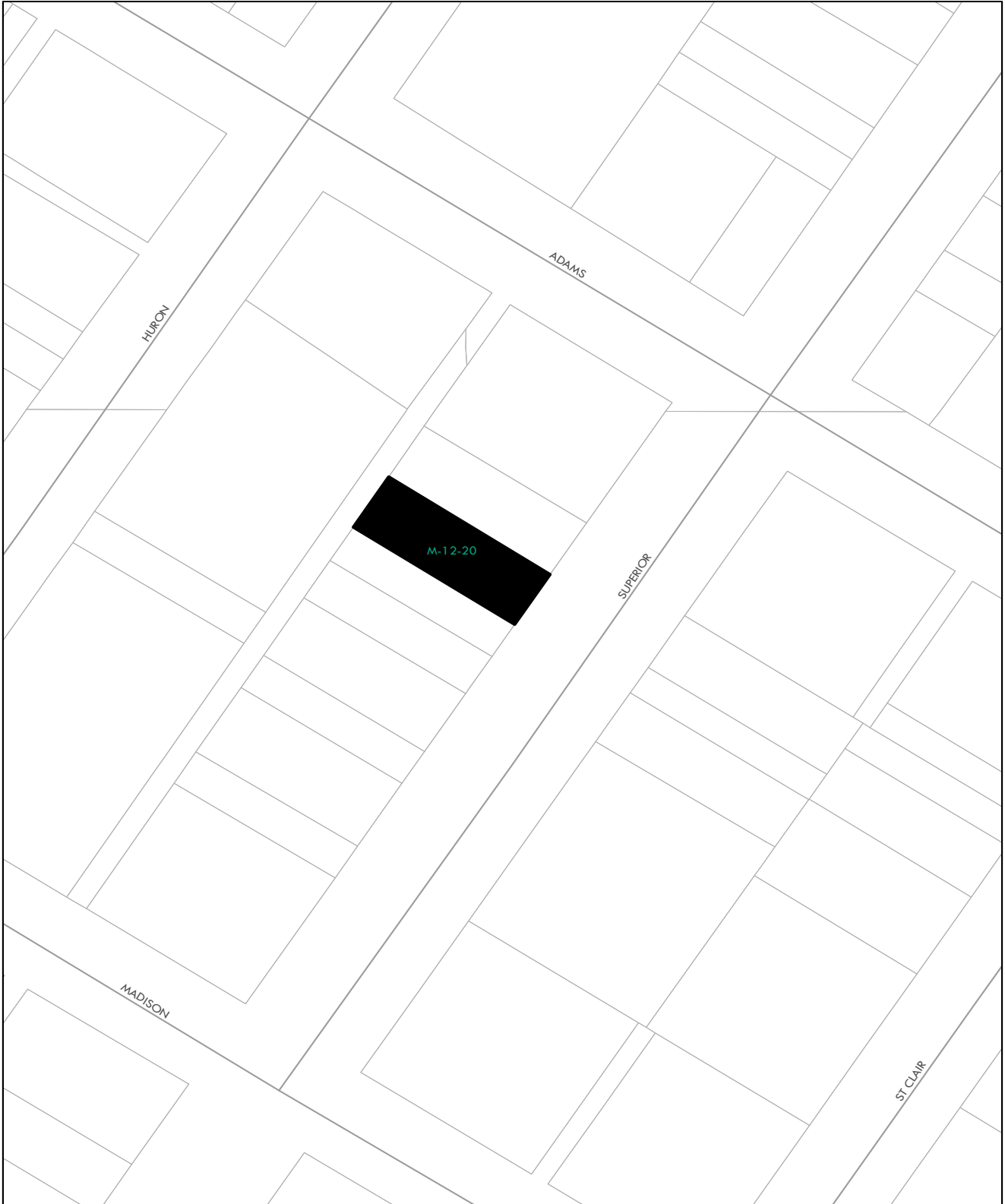
TIME: 4:00 P.M.

MLM

Four (4) sketches follow

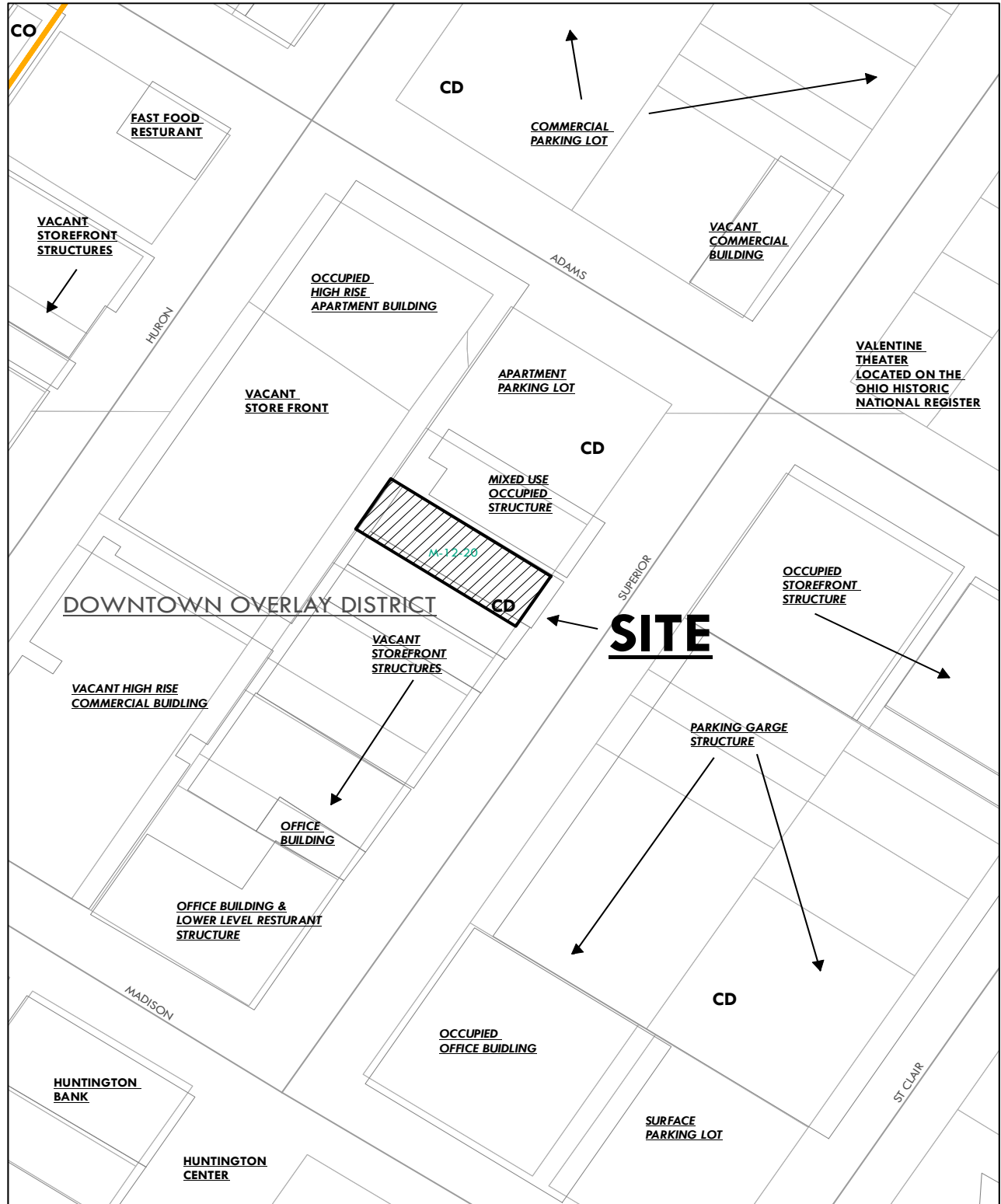
GENERAL LOCATION MAP

M-12-20



ZONING AND LAND USE

M-12-20



FRONT OF THE BUILDING

M-12-20



**REAR OF STRUCTURE
ALLEY VIEW**

M-12-20



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GENERAL INFORMATION

Subject

- Request - Special Use Permit for a convenience store
- Location - 2005 Glendale Ave
- Applicant - Gabriel Barrow
2005 Glendale Ave
Toledo, OH 43614

Site Description

- Zoning - CN / Neighborhood Commercial
- Area - ±0.16 acres
- Frontage - ±60.2' along Glendale Avenue
- Existing Use - Multi-tenant retail building
- Proposed Use - Convenience Store

Area Description

- North - Parking lot, retail businesses / CN
- South - Single-family Residential, Open Space / RS6
- Southeast - Harvard Elementary School / RS6
- East - Residential Duplex / RD6
- West - Parking lot, retail businesses/ CN

Parcel History

- None on record

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 convenience store located at 2005 Glendale Avenue. This type of use is categorized as Food and Beverage Retail Sales. There are two (2) types of Food and Beverage Retail Sales uses: convenience stores, with a floor area of less than 5,000 square feet and large stores with a floor area of 5,000 square feet or more per **TMC§1116.0217**. This tenant space is 1,350 square feet which is under the 5,000 square foot category. The operator of the convenience store was informed by the Plan Commission approximately one year ago about the need for a special use permit. The tenant transformed the mobile phone store into a convenience store without a Special Use Permit. The property owner was cited by Code Enforcement for the zoning code violation on 10/27/20.

The site is the multi-occupancy Beaute Asylum building, constructed in 1926. Surrounding land uses include a parking lot to the west and north, small local retail businesses to the north, residential to the east and south, the Harvard Elementary School to the southeast and open space to the south.

The site is zoned CN, Neighborhood Commercial and a convenience store is subject to approval of a Special Use Permit. The letter of intent states that the convenience store will sell bread, dairy products, produce, beverages, snacks, and tobacco products. The market will be operating five (5) days a week from approximately 10 a.m. to 6:30 p.m.

The following is an overview of key project details is included in this analysis. A full review of all project related items is included in the agency conditions as an exhibit.

Use Specific Regulations

There is one school, park, library, day care, or other use for minors within 1,000 feet of the proposed facility: The store is located within $\pm 37'$ of the Harvard Elementary School measured from the lot line of the subject property to the lot line of the school.

Parking

The reuse of a single unit in a multi-tenant space does not typically require significant site improvements; however the Division of Transportation included conditions of approval for the existing parking lot.

Landscaping

The reuse of a single unit in a multi-tenant space does not typically require significant site landscaping improvements and none will be required as part of this review.

Elevations

There are no changes proposed from the building exterior at this time

STAFF ANALYSIS (cont'd)

20/20 Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial land uses. Development is intended to be pedestrian-oriented small-scale retail and service businesses that serve nearby residential neighborhoods. The use is consistent with this recommendation.

Staff is recommending disapproval of the proposed convenience store because of spacing violations. The spacing regulation was adopted by Toledo City Council in 2009 to limit negative secondary effects associated with convenience stores throughout the City. This regulation is most effective when spacing is broadly applied and exceptions are granted under the most rigorous and unique of circumstances. The proposal does not meet the stated purpose of the zoning code and is not in compliance with all applicable standards of this Zoning Code.

STAFF RECOMMENDATION

The staff further recommends that the Toledo City Plan Commission recommend disapproval of SUP-1003-21, a request for a Special Use Permit for a convenience store located at 2005 Glendale Avenue, to the Toledo City Council, for the following two (2) reasons:

1. The request does not meet the stated purpose of the Zoning Code – TMC 1111.0706.A
2. The request is not compliant with all applicable standards of this Zoning Code – TMC 1111.0706.B.

The staff recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the following waivers for SUP-1003-21:

Chapter 1104 Use Regulations
1104.0603 Spacing Requirements

A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

Disapprove a waiver to allow a convenience store to be located with 2,000 feet of another convenience store and 1,000 feet of a school, public park, licensed child day care center, or other use established specifically for the activities of minors.

REF: SUP-1003-21...March 11, 2021

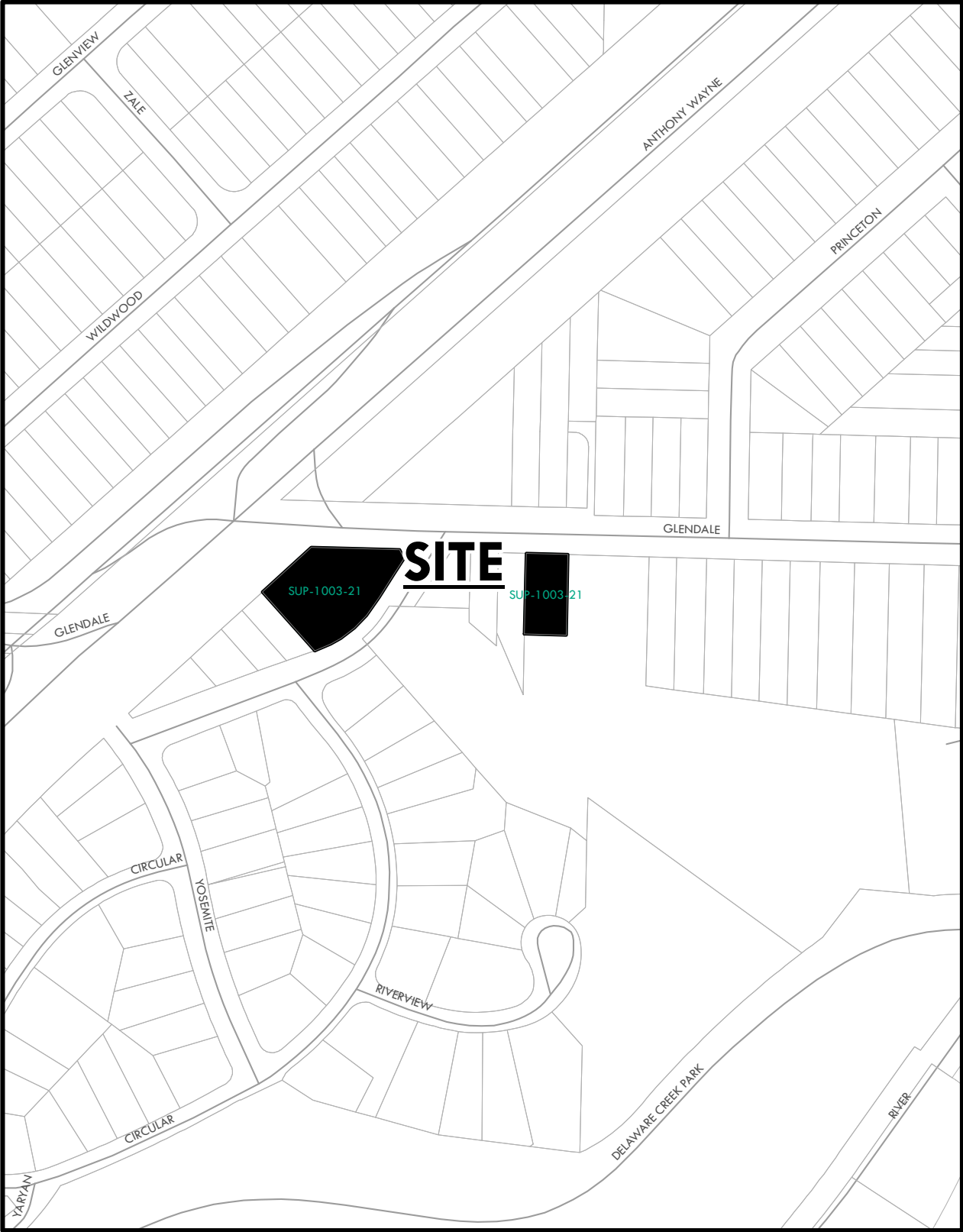
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-1003-21
DATE: March 11, 2021
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: April 14, 2021
TIME: 4:00 P.M.

NH
Three (3) sketches follow
Exhibit "A" follows

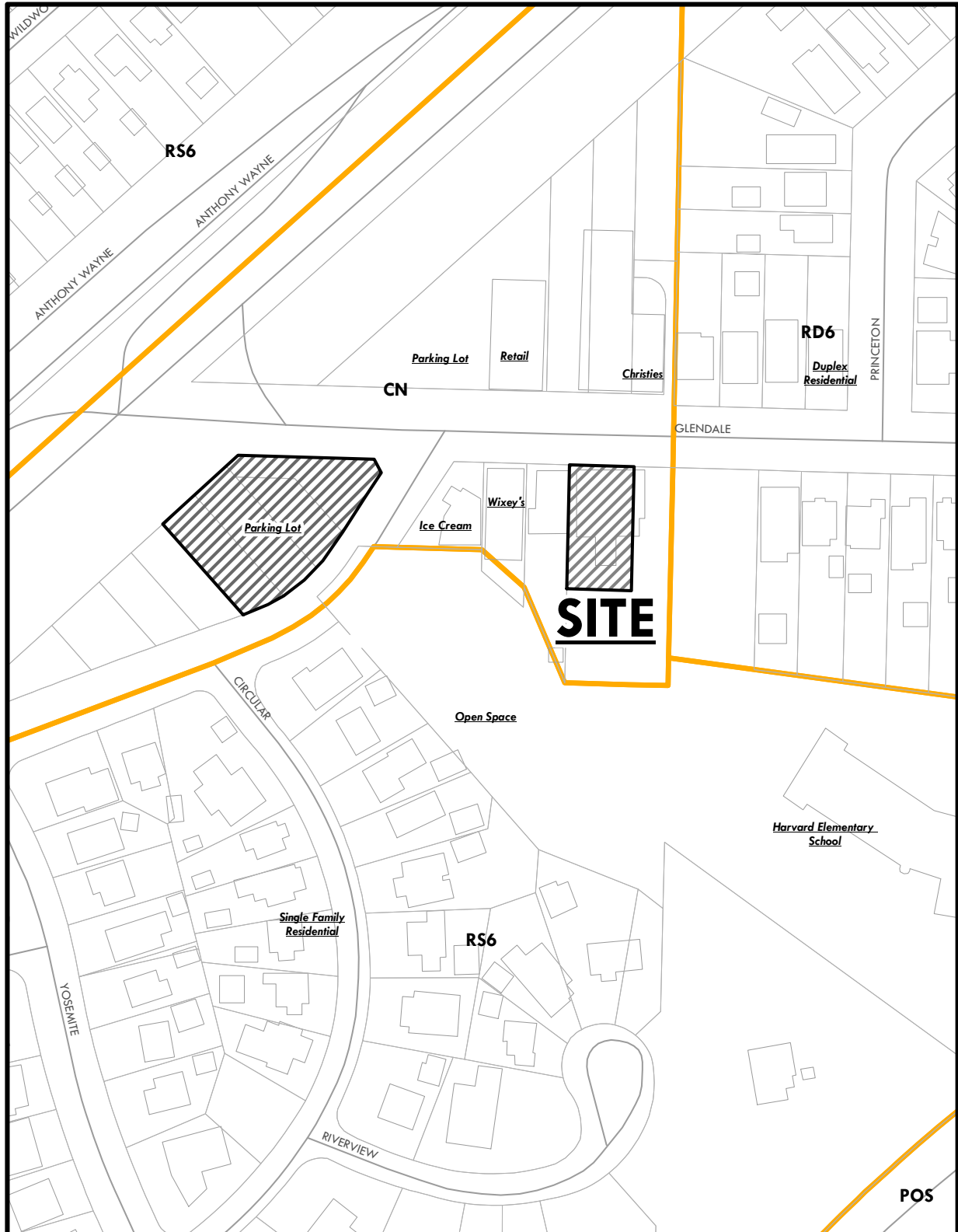
General Location

SUP-1003-21
ID 34



Zoning & Land Use

SUP-1003-21
ID 34



Site Plan

SUP-1003-21

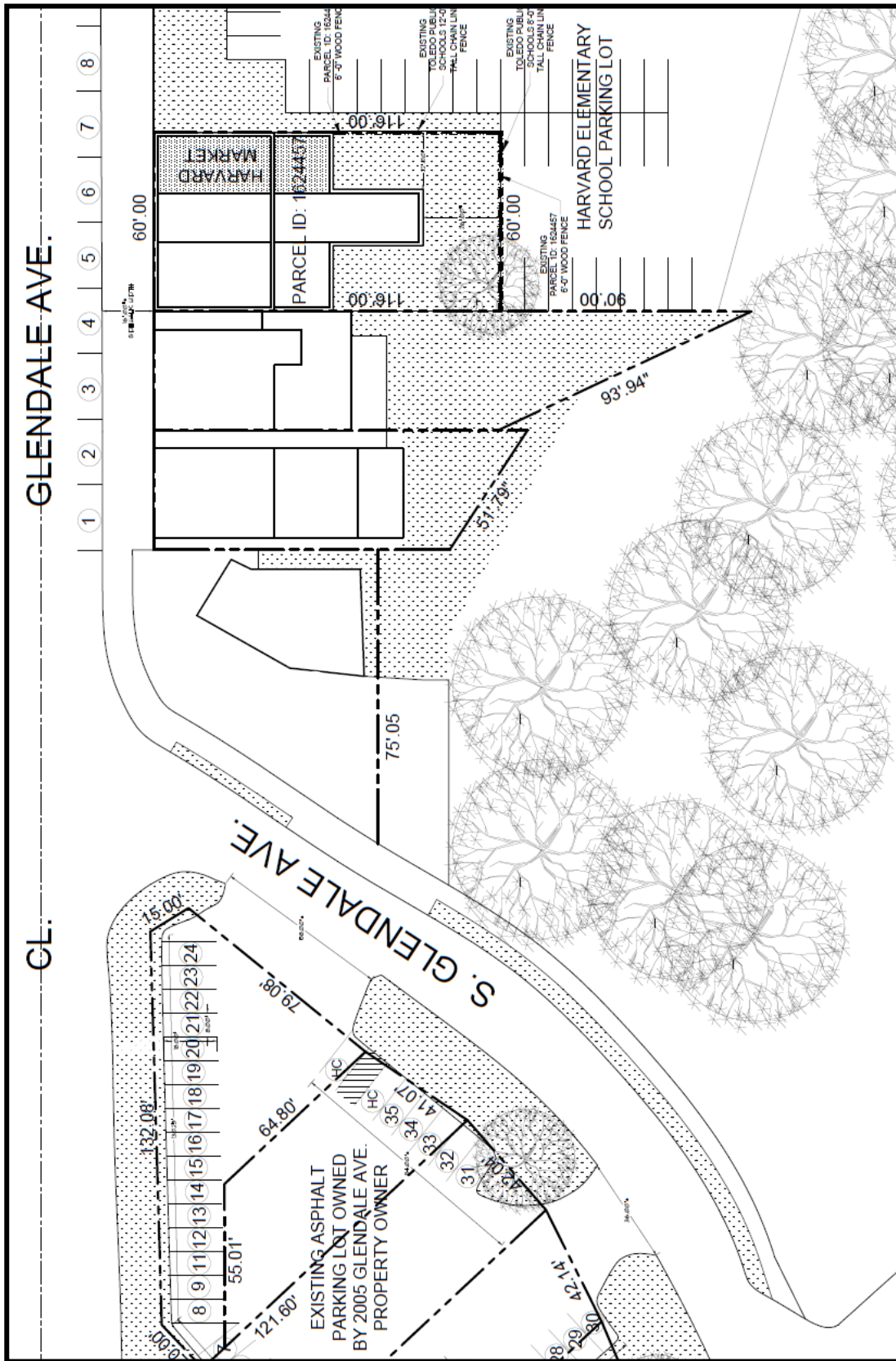
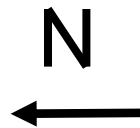


Exhibit “A”
Agency Conditions

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. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

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

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

2. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8” thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

Division of Environmental Services

6. Applicant shall maintain compliance with the City of Toledo’s Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.

Division of Environmental Services (cont'd)

7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
9. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
10. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Division of Fire

11. It appears that this building may undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
12. Approved Premises identification is required.

Sewer & Drainage

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

Division of Transportation

15. Bicycle parking must be shown per TMC 1107
16. Wheel stops are required at all parking spaces abutting sidewalks, property lines, buildings, and planting areas per TNC 1107.

Division of Transportation (cont'd)

17. Where driveways are under 25' wide, they must be arrowed and signed for "one-way only" or widened to a minimum of 25' for two-way traffic per TMC 1107. (Specifically the southwest driveway on S. Glendale Avenue.
18. Glendale street parking in front of buildings must be shown correctly with the existing driveway shown and lighted crosswalk. (*Parking cannot block driveways or crosswalks.*)

Plan Commission

19. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
20. 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.
21. 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.

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
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
2201 OTTAWA PARKWAY
TOLEDO, OH 43606
419-936-2326

PUBLIC UTILITES
420 MADISON AVE, SUITE 100
TOLEDO, OH 43604
419-245-1853

DIVISION OF WATER
RECLAMATION
3900 N. SUMMIT STREET
TOLEDO, OH 43604
419-727-2602

DIVISION OF INSPECTION
ONE GOVERNMENT CENTER
SUITE 1600
MAUMEE, OH 43537
419-245-1220

LUCAS SOIL AND
CONSERVATION DISTRICT
130-A W. DUDLEY
TOLEDO, OH 43611
419-893-1966

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

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

LUCAS COUNTY ENGINEER
1049 S. MCCORD ROAD
HOLLAND, OH 43528
419-213-2860

PUBLIC SERVICE DEPARTMENT
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1835

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

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

TOLEDO-LUCAS COUNTY
HEALTH DEPT. ENV. HEALTH
635 N. ERIE STREET ROOM 352
TOLEDO, OH 43604
419-213-4209

A T & T
DESIGN MANAGER
130 N. ERIE, ROOM 714
TOLEDO, OH 43604
419-245-7000

BUCKEYE BROADBAND
MICHAEL SHEAHAN
2700 OREGON ROAD
NORTHWOOD, OH 43619
419-724-3713

FRONTIER
AMY ROTH
3126 N MCCORD
TOLEDO, OH 43617
419-841-7281

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

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

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

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

CENTURYLINK
BILL PARSONS
375 E. RIVERVIEW AVE.
NAPOLEON, OH 43502

