
APPLICATION FOR SPECIAL USE PERMIT FOR USED AUTO SALES

APPLICATION #: **SUP26-0012**
APPLICANT: David Daoud
OWNER: Maayah Daoud
ADDRESS: 5057 Lewis Avenue
PARCEL(S): 09-81087
ZONING: Regional Commercial (CR)
NEIGHBORHOOD: Mayfair Park
REPORT DATE: June 26, 2026
HEARING DATE: July 9, 2026
STAFF REVIEWER: Karcher

Details of Special Use Permit Request:

The applicant is requesting a Special Use Permit for used auto sales at 5057 Lewis Avenue. A Special Use Permit is required for used auto sales in the CR Zoning District per the Use Table in TMC§1104.0100. In addition, used auto sales are subject to the use standards of TMC§1104.0300 - Auto and RV Sales, Used Only.

Parcel History:

No legible records available. Lucas County Auditor's Office has a record of a twenty-foot (20') alley vacation which was approved October 28, 1955.

Existing Conditions:

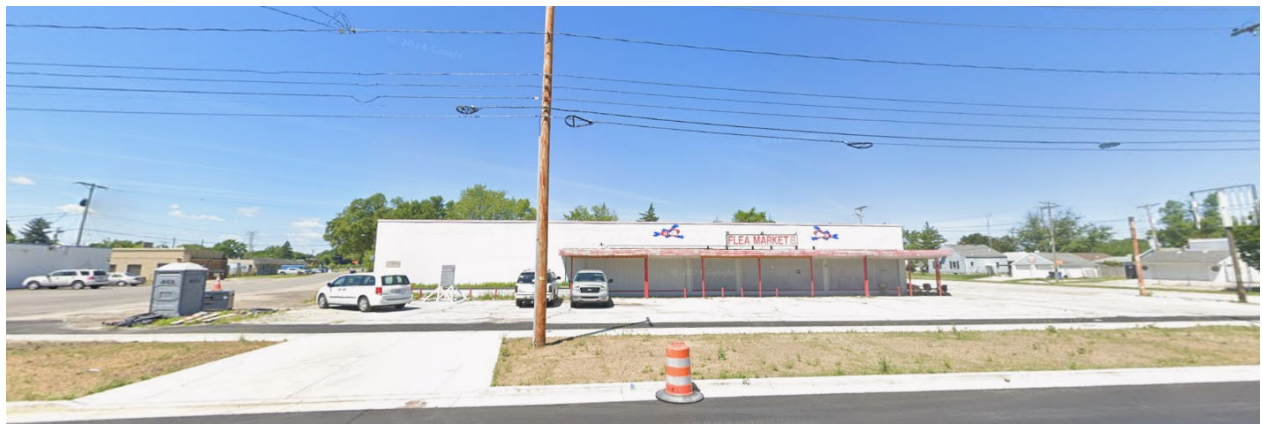
The subject property is Zoned CR-Regional Commercial and is surrounded by street right-of-way on all four (4) sides. The site is occupied by a ±20,420 square foot building which was constructed in 1953 as a discount store. For the most part, the remainder of the site consists of asphalt pavement. The property is surrounded by RS6-Single-Dwelling Residential and CR-Regional Commercial zoning to the north; CR-Regional Commercial zoning to the east; CR-Regional Commercial and IL-Limited Industrial zoning to the south; and RS6-Single-Dwelling Residential zoning to the west. The surrounding land uses are consistent with the existing zoning districts.

Proposed Project:

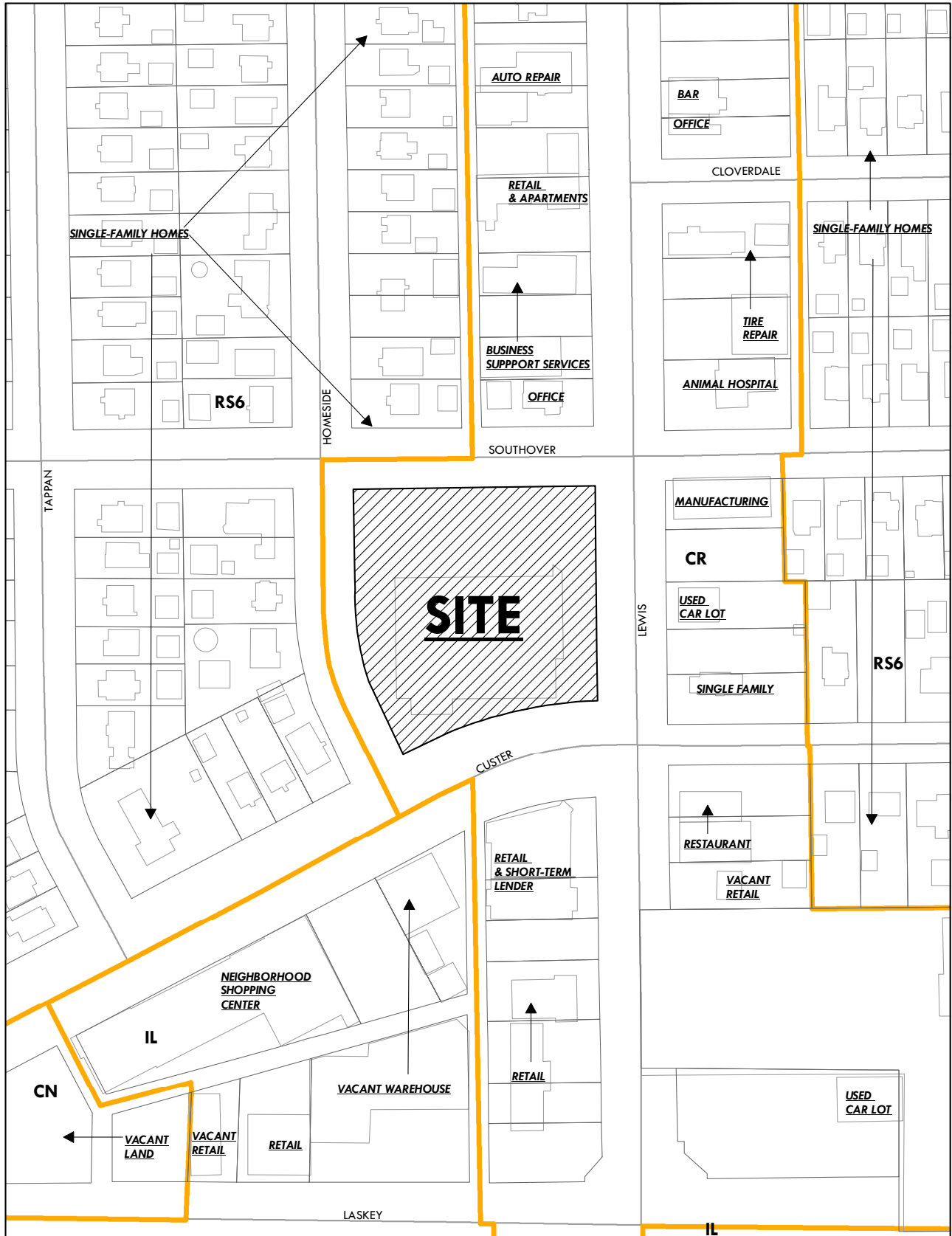
The applicant is proposing to repurpose the site for used car sales. A 10,573 square foot showroom is proposed inside the existing building. In addition, twenty-three (23) outdoor parking spaces are designated as car display spaces along portions of the north and east property lines. A total of seventeen (17) customer and employee parking spaces are proposed. A landscape greenbelt is proposed along Lewis Avenue, Southover Road, and the northern portion of Homeside Avenue. No façade upgrades are proposed. Staff is recommending **approval** of the special use permit.



Aerial image of the subject property and surrounding area from Plan Commission GIS.



Google Street View image (June 2024) of the subject property from Lewis Avenue.



Zoning and Land Use Map of property and surrounding area.

Analysis

1104.0300 – Auto and RV Sales, Used Only

- (a) *Location (TMC§1104.0301)*. A 50-foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. The outdoor display area proposed for fifteen (15) cars along the northern property line will be impacted because of the Residential district to the north. The west six (6) display spaces are within the required separation distance and are therefore not permitted. – Not acceptable
- (b) *Outdoor Display Areas (TMC§1104.0302(A))*. If elevated displays, lifts or metal structures are used for vehicle display, the location of such displays shall also be depicted on the site plan and are not permitted in any required front yard. There are no elevated displays noted on the site plan.
- (c) *Outdoor Display Areas (TMC§1104.0302(B))*. Curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas are required. Wheel stops are depicted on the site plan for all display spaces; however, wheel stops do not meet this requirement as they aren't considered a substantial permanent barrier. – Not acceptable
- (d) *Vehicle Quality (TMC§1104.0303)*. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.
- (e) *Fencing (TMC§1104.0305)*. Fencing for customer display areas shall meet the requirements of TMC§1105.0302 and TMC§1108.0203(H) for outdoor storage screening requirements. The site plan notes that a thirty-six inch (36") tall fence is provided in the proposed greenbelt; however, no fencing details are provided. – Not acceptable
- (f) *Accessory Uses (TMC§1104.0307)*. Used automobile and recreational vehicle sales shall not be permitted on sites containing another primary use.
- (g) *Site Plan (TMC§1104.0308)*. Site plans for used automobile and recreational vehicle sales shall delineate, with dimensions, parking areas and drive aisles for the outdoor display area and customer / employee parking area. Used vehicle inventory shall only be displayed, parked or located within areas approved and defined. Required customer/employee parking may not be used for used vehicle inventory. The submitted site plan delineates what spaces are to be used for inventory display. – Acceptable provided the six (6) display spaces noted in letter (a) above are removed.

Analysis (cont'd)**1107 – Parking**

- (a) *Off-Street Parking (TMC§1104.0300)*. The maximum number of parking spaces allowed is 1 per 5,000 square feet of open sales area, plus 1 per 500 square feet of enclosed sales area, plus 2 per service bay. Based on this, twenty-five (25) parking spaces are permitted for customers and employees. Seventeen (17) parking spaces are depicted on the site plan. – Acceptable
- (b) *Accessible Parking for Physically Disabled Persons (TMC§1107.1700)*. Based on the parking spaces proposed, at least one (1) van-accessible space is required. One (1) accessible space is depicted on the plan; however, the required eight-foot (8') abutting aisle is not shown on the site plan. The site plan shall be revised to show the required van-accessible parking space with eight-foot (8') abutting aisle. – Not acceptable

1108 – Landscaping

- (a) *Frontage Greenbelt (TMC§1108.0202)*. A minimum fifteen-foot (15') wide frontage greenbelt shall be provided along public rights-of-way, not including alleys. The frontage greenbelt shall include grass, trees and shrub plantings. At least one (1) tree must be provided for every 30 feet of lot frontage or fraction thereof. In addition, a solid evergreen hedge planting is required to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Seven (7) trees are required along Lewis Avenue, nine (9) trees are required along Southover Road, and eight (8) trees are required along Homeside Avenue. The required fifteen-foot (15') wide frontage greenbelt and evergreen hedge are provided for the perimeter of the site where parking is proposed. In addition, trees in excess of what is required are provided along Lewis Avenue and Southover Road. Trees and landscaping shall be provided along the remainder of Homeside Avenue to screen the business from abutting residences and reduce the chance of any negative secondary effects. – Not acceptable

1113 – Signage

- (a) *Building and Site Signage*. Signage has not been submitted for the proposed development. All proposed signage must meet the regulations in Chapter 1113 - Signs and all applicable sign permits secured.
- (b) *Unlawful Pole Sign*. The existing nonconforming pole sign is considered unlawful as the site the sign advertises has been vacant and unoccupied for more than six (6) months. The sign shall be removed or improved to meet current sign standards.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan designates the subject property as Neighborhood Mixed-Use (NM). The Neighborhood Mixed-Use land use designation is intended to preserve and promote pedestrian-oriented commercial and mixed-use areas. Commercial only uses and stand-alone buildings are discouraged and greenspace should be implemented when feasible. Auto-oriented uses such as car-washes and gas stations are not compatible. While the proposal is not consistent with the Forward Toledo Comprehensive Land Use Plan designation, it does support both the Build and Sustain themes by renovating and reusing an existing building and reducing potential construction waste from entering the landfill.

Development Approval Criteria

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

Recommendation:

1111.0700 Special Use Permit – APPROVE – Special Use Permit for used auto sales at 5057 Lewis Avenue, subject to forty-two (42) conditions.

Findings:

- (1) The proposed use is not consistent with the Forward Toledo Comprehensive Land Use Plan designation as it is an auto-oriented business in an area designated for Neighborhood Mixed Use. However, the proposal supports both the Build and Sustain themes by renovating and reusing an existing building and reducing potential construction waste from entering the landfill.
- (2) The proposal will reactivate a vacant site and include site improvements such as elimination of existing parking from the right-of-way along Southover Road and installation of an landscape buffer with trees and shrubs along Lewis Avenue, Southover Road and Homeside Avenue.

Conditions of Approval:

The **forty-two (42)** 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.

Division of Engineering and Construction Management

1. If there will be any **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way they shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.

Division of Engineering and Construction Management (cont'd)

2. If there will be any **proposed** commercial drive approaches, (along with the sidewalk through the drive) they 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Steve Kessinger at (419) 245-1347 or steve.kessinger@toledo.oh.gov. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. Contact Dusty May at (419) 936-2697 or dusty.may@toledo.oh.gov for inspection of the above-mentioned items. Do not contact John Williams like the Right of Way Permit says.
5. Pavement removal over 2,500 SF requires a construction erosion and sediment control plan but not a post-construction stormwater control measure. Submit using the stormwater submittal coversheet for construction permitting.
6. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.

Division of Environmental Services

7. 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 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.
10. 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.

Division of Environmental Services (cont'd)

11. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf
12. 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 Sewer & Drainage Services

13. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
14. S&DS requires that the existing 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 two (2) years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Division of Traffic Management

15. Sidewalk is required to be installed along Custer Drive for pedestrian traffic per TMC§ 1107.1300 and City of Toledo Complete Streets Policy Ordinance 391-23.
16. A sidewalk/pedestrian parking lot crossing is required from Lewis Avenue sidewalk to the building per TMC §1107.1602.
17. A van accessible parking space with a minimum of an 8' wide loading aisle is required per TMC§1107.1701 & 1107.1702 (The van loading aisle is not clearly identified on the drawings or dimensioned).
18. Accessible parking signage must be posted directly in front of the parking space at a height of no less than 60 inches and no more than 72 inches above pavement level per TMC§1107.1704. (72 inches above pavement to accessible parking sign is maximum allowed. Accessible sign detail needs corrected.)
19. Close the drive on Lewis Avenue closest to Custer Drive and the drive on Southover Road across from the residential. Existing drive approach and curb cuts must be removed with new grass and curb to be installed to match adjacent areas.
20. Traffic Management wants the drive opening on Custer Drive reduced down to a maximum of a 12' driveway for one-way exiting traffic with new grass and curb installed between the new sidewalk on Custer Drive.

Division of Traffic Management (cont'd)

21. "Do not enter" signage is required at Custer Drive to prevent wrong-way traffic flow from Custer Drive.
22. Dumpster must be relocated from south side of building to the west side of the building to allow for dumpster trash pickup.

Fire Prevention Bureau

23. It appears this building will undergo a change of use. This will require compliance with all applicable Building, Fire, Electrical, Mechanical, and Plumbing code requirements (OBC 105.1 & 101.4).
24. New and existing buildings shall be provided with approved address identification that meets Building & Fire Code requirements (OBC 501.2 & OFC 505.1).
25. An operational permit is required for Repair Garages (TMC151105 #11 Vehicle Repair Garages).
26. Repair garages shall be mechanically ventilated in accordance with the mechanical code (OBC 406.8.1).

Plan Commission

27. A 50-foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained per TMC§1104.0301. The west six (6) display spaces along Southover Road are within the required separation distance. **Not acceptable as depicted. A revised site shall be submitted removing the west six (6) display spaces along Southover Road from the display area.**
28. Elevated displays lifts or metal structures used in conjunction with the display of motor vehicles shall be permitted only within those areas specifically designated upon the site plan and shall not be allowed in any required front yard per TMC§1104.0302(A); if applicable.
29. Per TMC§1104.0302(B), display areas shall incorporate curbs and other substantial permanent barriers to prevent encroachment of vehicles into the required setback and landscaped areas. Wheel stops are depicted on the site plan for all display spaces; however, wheel stops do not meet this requirement as they aren't considered a substantial permanent barrier. **Not acceptable as depicted. A revised site plan shall be submitted that depicts the required curb or barrier.**
30. Repairs and service of inoperable vehicles shall be conducted wholly within an enclosed structure.

Plan Commission (cont'd)

31. Per TMC§1107.0304, the maximum number of parking spaces permitted is twenty-five (25). Seventeen (17) parking spaces are depicted on the site plan. **Acceptable as depicted.**
32. Per TMC§1107.1700, at least one (1) van accessible parking space shall be provided. One (1) accessible parking space is noted on the site plan; however, the required abutting aisle is not. **Not acceptable as depicted. Abutting aisle must be at least eight feet (8') in width to meet van-accessible parking space standards. A revised site plan with an eight foot (8') abutting aisle shall be provided.**
33. Per TMC§1107.1907, wheel stops are required for all parking spaces as the proposed parking extends to a property line, sidewalk, and/or planting strip. Wheel stops are depicted on the site plan for all parking spaces. **Acceptable as depicted provided the six (6) display spaces noted in #27 above are removed.**
34. Per TMC§1104.0308, all vehicles on display must be parked in striped parking spaces that shall be designated on the approved site plan. Vehicle parking that deviates from the approved site plan shall not be permitted.
35. Off-street parking spaces for customers/employees shall be clearly delineated from spots within the outdoor display area. **Acceptable as depicted.**
36. A detailed site lighting, fencing and landscape plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Landscaping design shall consider that the site may drain overland from the pavement to the street through the areas proposed for landscaping. The drainage of the site shall be studied so that drainage remains functional without creating ongoing mulch washout and erosion gullies.
 - b. A fifteen-foot (15') wide frontage greenbelt shall be provided along public rights-of-way per the requirements of TMC§1108.0202. Seven (7) trees are required along Lewis Avenue, nine (9) trees are required along Southover Road, and eight (8) trees are required along Homeside Avenue. The required fifteen-foot (15') wide frontage greenbelt and evergreen hedge are provided for the perimeter of the site where parking is proposed. In addition, trees in excess of what is required are provided along Lewis Avenue and Southover Road. **Not acceptable as depicted.** Trees and landscaping shall be provided along the remainder of Homeside Avenue to screen the business from abutting residences and reduce the chance of any negative secondary effects. Existing trees may be counted toward the requirement.
 - c. Topsoil must be back filled to provide positive drainage of the landscape area.

Plan Commission (cont'd)

- d. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage.
 - e. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained.
 - f. Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition per TMC§1108.0406.
 - g. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Plan Director for review or approval.
 - h. The location, height and materials for any fencing to be installed and maintained. **Not acceptable as depicted. A revised site plan shall be submitted depicting fence details.**
 - i. All site lighting shall be fully directed downward, recessed, or adequately shielded to direct light away from adjacent properties, rights of way, or the sky above the fixtures per TMC§1107.1908.
37. The existing nonconforming pole sign is considered unlawful as the site the sign advertises has been vacant and unoccupied for more than six (6) months. The sign shall be removed or improved to meet current sign standards.
38. Future signage shall meet the standards of TMC§1113 Signs and shall obtain separate sign permits.
39. 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.
40. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
41. 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.
42. 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.