



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: April 18, 2022

REF: SUP-1006-21

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Special Use Permit for Used Auto Sales at 1633 W. Laskey Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 14, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for used auto sales
Location	-	1633 W. Laskey Road
Applicant + Owner	-	Brixmor Miracle Mile, LLC 500 E Broward Blvd, Suite 1130 Fort Lauderdale, FL 33394
Design Professional	-	Architecture by Design, Ltd. 5622 Mayberry Square Sylvania, OH 43560

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.48 Acres
Frontage	-	± 90' Along W Laskey Rd
Existing Use	-	Vacant Commercial
Proposed Use	-	Used Auto Sales

Area Description

North	-	CR / Used Auto Sales, Auto Repair, Medical Office
South	-	IL / Electrical Utilities Substation
East	-	IL / Electrical Utilities Substation
West	-	CR / Drive-thru Restaurant

GENERAL INFORMATION (cont'd)

Parcel History

M-17-59	-	Interim Zoning of Washington Township area for Bowman Park and adjacent area. (PC Approved 11/19/59).
Z-384-68	-	Request for a Zone Change from M-1 to C-3 on the SE corner of Jackman and Laskey (PC Approved 1/9/69)

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit (SUP) to facilitate the operation of a used auto sales facility at 1633 W. Laskey Road. Due to geometric constraints of the site, the applicant has requested two (2) waivers to the zoning code, which are detailed within this report. The \pm 0.48 acre site, zoned CR Regional Commercial, is currently occupied by a vacant commercial structure. The site was most recently used by a Title and Cash Loans business. To the north of the site, across West Laskey, is a Used Auto Dealer and Auto Service Center, to the east and south is a large electrical utility substation, and to the west is a drive-thru restaurant. A Special Use Permit is required to operate Used Auto Sales in CR Regional Commercial districts. This request was deferred on March 10, 2022. Since deferral a survey has been used to confirm dimensions on site. The updated site plan is included in this report, as well as the survey.

Use Regulations for Used Auto Sales

TMC§1104.0306(A)(B) – *Auto and RV Sales, Used Only* outlines site design criteria for used auto sales, including criteria governing minimum lot size and frontage. Used auto facilities must be located on a lot with no less than one-half (1/2) acre and have a minimum average width of 150 feet along the main road frontage. The subject site fails to meet either of these criteria with a total of acreage of \pm 0.48 on record with the county auditor, and a total frontage of ninety feet (90') along W Laskey. The applicant has requested a waiver from these standards.

The dimensional requirements for used auto sales were added to the Toledo Municipal Code on 11/26/2013 via Ordinance 502-13. The staff report for the amendment states that the requirements are intended to provide adequate space to display inventory while also meeting landscaping standards. The requirement assists in the creation of attractive sites which “enhance the long-term economic viability of the City.” Staff feels that approval of this request and the code

STAFF ANALYSIS (cont'd)

Use Regulations for Used Auto Sales (cont'd)

waiver would be counterproductive to long-term economic and land use development aims of the city.

Parking and Circulation

Used auto sales are required to have one (1) parking space per every five thousand (5,000) square feet of open sale area, plus one (1) per every five-hundred (500) square feet of enclosed sale area. Based on the open area of 10,544 square feet, and the indoor area of 2,709 square feet, seven (7) parking spaces are required with at least one (1) van accessible parking space. Eight (8) spaces are provided at the rear of the site, one (1) van accessible space is provided at the front of the site.

An existing entrance to the parking lot from West Laskey Road provides direct access to the site. Secondary access is provided through a driveway on the rear connecting to the west adjacent restaurant's parking area. A cross access agreement is required to allow patrons of either establishment sufficient ingress and egress. The architect has noted the requirement on the submitted site plan. Additionally, a sidewalk shall be installed to bridge the gap between the two (2) neighboring properties along West Laskey Road.

Landscaping

A fifteen-foot (15') frontage greenbelt is required along all public streets per **TMC§1108.0202 – Frontage Greenbelt**. The frontage greenbelt for this site shall be measured from the sidewalk, and if approved shall require the following:

- Three (3) canopy trees.
- Grass, mulch, or a similar approved ground cover.
- A continuous row of evergreen hedges, or an alternative screening method as approved by the Planning Director.

Additionally, internal landscaping is required per **TMC§1108.0204 – Parking Lot Landscaping (Interior and Perimeter)**. Twenty (20) square feet of landscaping is required per parking and stacking space on site, landscaping in the frontage greenbelt does not contribute to this count. The landscape island at the south end of the western parking row shall be widened to provide a minimum of one-hundred sixty (160) square feet as required. Other internal landscape requirements are as follows:

- Four canopy trees (two (2) per ten (10) spaces). The depicted ornamental trees do not qualify for this requirement.
- Twelve (12) total interior shrubs (six (6) per ten (10) spaces).
- Some degree of planting around the primary entrance - either by foundation planting, concrete planter, or similar method - shall be utilized.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial land uses. The intent of the Regional Commercial land use designation is to accommodate auto-oriented commercial development as well as accommodate community and regional-oriented commercial uses. Buffering and other improvements are recommended to make these areas more valuable and useful to surrounding neighborhoods as well as regional shoppers. The proposed use conforms to the Toledo 20/20 Comprehensive Plan.

While the proposed use conforms with the comprehensive plan, due to geometric constraints mentioned earlier in this report, the staff does not recommend approval of this request. Staff is recommending disapproval of this request for a Special Use Permit, however review agencies conditions are attached as EXHIBIT "A" for informational purposes.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP-1006-22, a Special Use Permit for used auto sales at 1633 W Laskey Rd, to Toledo City Council for the following two (2) reasons:

1. The proposed use does not meet the stated purpose of the Zoning Code [TMC§1111.0706(A) – *Review & Decision Making Criteria*], and
2. The proposed use does not comply with all applicable provisions of this Zoning Code [TMC§1111.0706(B) – *Review & Decision-Making Criteria*].

The Toledo City Plan Commission recommends disapproval of the following waiver to the Toledo City Council:

Chapter 1104 Use Regulations

1104.0306 – Auto and RV Sales, Used Only - Lot Size

- B. Each lot shall have a minimum average width of 150 feet along the main road frontage. Lot Width shall be measured as outlined in Sec. 1106.0204.

Disapprove a waiver to allow Auto and RV Sales, Used Only on a lot with a minimum average width of less than 150 feet.

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PLAN COMMISSION RECOMMENDATION (cont'd)

The Toledo City Plan Commission recommends approval of the following waiver to the Toledo City Council:

Chapter 1104 Use Regulations

1104.0306 – Auto and RV Sales, Used Only - Lot Size

A. The minimum lot size shall be no less than one-half (1/2) acre.

Approve a waiver to allow Auto and RV Sales, Used Only on a lot that is less than one-half (1/2) acre.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Thomas C. Gibbons', written in a cursive style.

Thomas C. Gibbons
Secretary

JGL

One (1) exhibit follows

Three (4) sketches follow

Cc: Brixmor Miracle Mile - 500 E Broward Blvd, Suite 1130 Fort Lauderdale, FL 33394
Architecture by Design, 5622 Mayberry Square, Sylvania OH 43560
Lisa Cottrell, Administrator
Jonny Latsko, Planner

Exhibit "A"

REVIEW AGENCY CONDITIONS

The following twenty-eight (28) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. 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.
2. 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.
3. 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.
4. At the proposed sidewalk along the roadway, an existing storm manhole is not shown on the plans and shall be adjusted to grade as a condition of the previously mentioned public right-of-way permit.
5. Site improvements will not require a stormwater pollution prevention plan; applicant shall use stormwater best practices for construction nonetheless.
6. The use of permanent inlet filters on the existing catch basins is recommended for the purposes of preventing clogging of the existing drains and preventing trash from entering the receiving waterway.

Division of Sewer and Drainage Services

7. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
8. 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 (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

9. 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 modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
12. 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
13. 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.

Plan Commission

14. Per **TMC§1107.1906** All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
15. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks. Dumpsters may not be located in the public right-of-way. **Acceptable as depicted.**
16. Elevated displays, lifts, or metal structures used in conjunction with the display of motor vehicles shall be permitted only within those areas specifically designated upon the site plan and shall not be allowed in any required front yard (TMC§1104.0302(A)) **if applicable.**
17. All vehicles on display shall be parked in striped parking spaces that shall be designated on an approved site plan. Vehicle parking that deviates from the approved site plan shall not be permitted. **Acceptable as depicted.**
18. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.

Plan Commission (cont'd)

19. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device or other suitable restraint as approved by the Planning Director must be installed to prevent any part of the 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)). **Acceptable as depicted.**
20. Display areas shall incorporate curbs and other substantial permanent barriers as approved by the Planning Director to prevent encroachment of vehicles into the required setback and landscape areas.
21. A fifty (50') foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. This separation shall apply to both sides of a street and to intersecting streets on corner lots. **Acceptable as depicted.**
22. 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 system subject to the regulations and approval of the Department of Public Utilities.
23. 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. Per **TMC§1108.0204** internal landscaping is required for the parking area. Twenty (20) square feet of landscaping is required per parking and stacking space on site. **Acceptable as depicted;**
 - b. A fifteen-foot (15') greenbelt is required along the W Laskey frontage, and shall include one (1) tree per every thirty-feet (30') of frontage. A total of three (3) trees are required. A continuous line of evergreen shrubs shall be used to screen headlights. **Acceptable as depicted;**
 - c. Landscape terminal islands must be provided at the end of each parking row per TMC§1108.0204. Landscape islands shall be a minimum of 160 square feet. The depicted island at the end of the parking row labeled area 'c' shall be widened to at least ninety-seven inches (97") in order to meet this requirement. **Acceptable as depicted;**

Plan Commission (cont'd)

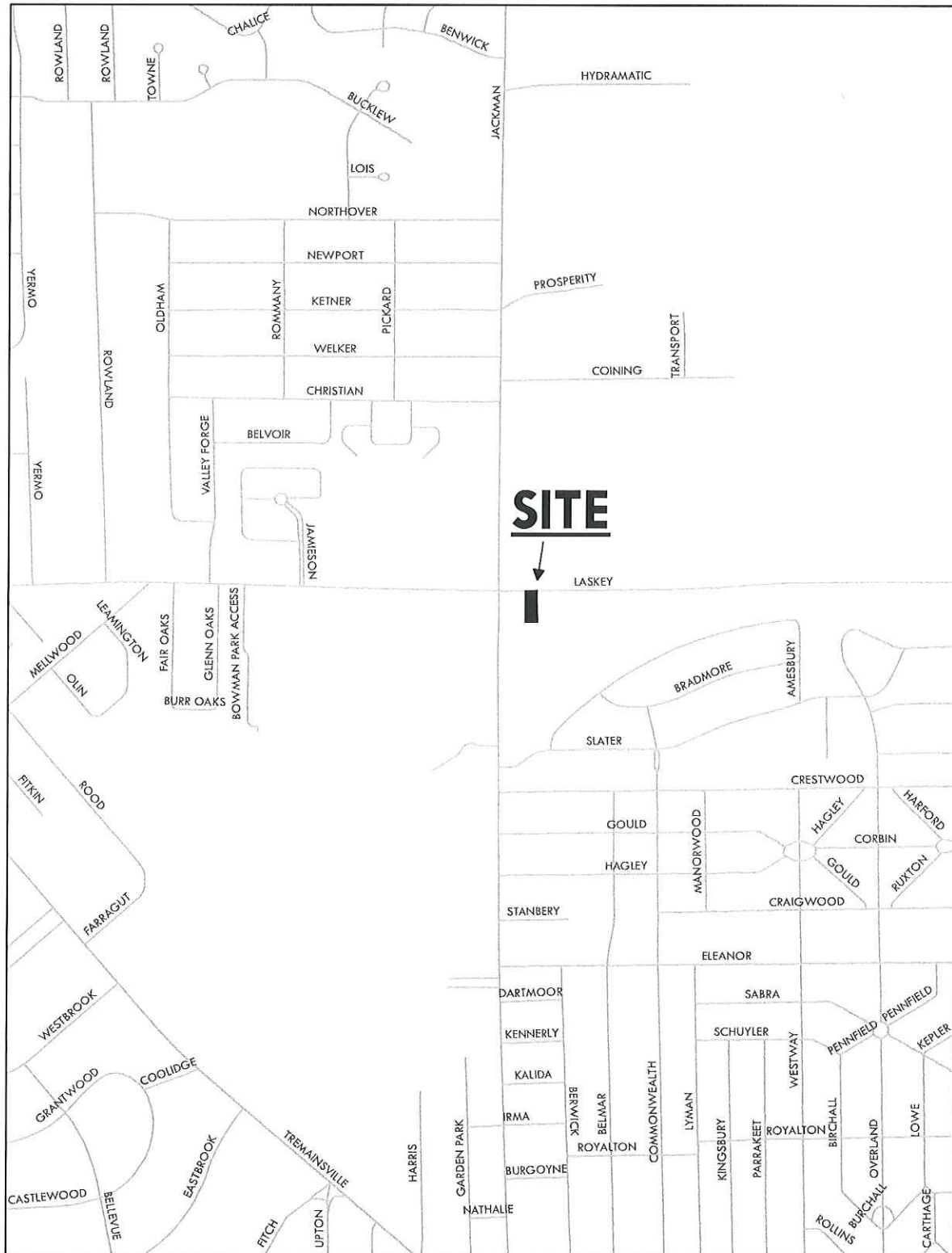
- d. All existing trees on site with a caliper of four (4") inches or more shall be shown and incorporated into the landscape plan to the maximum practical extent. Credit may be given for existing trees towards landscaping requirements based upon the crediting system outlined in TMC§1108.0407;
 - e. Four (4) interior canopy trees are required. **Not acceptable as depicted, one (1) additional tree required.**
 - f. Landscape areas within the parking area must be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;
 - 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 Planning Director for review or approval;
 - h. Landscaping shall be provided around the primary entrance to the building.
Planters acceptable as depicted;
 - i. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage;
 - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
 - k. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained; and
 - l. The location, lighting, and size of any signs.
24. No new free-standing signs greater than forty-two inches (42") from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.
25. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

Plan Commission (cont'd)

26. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
27. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
28. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

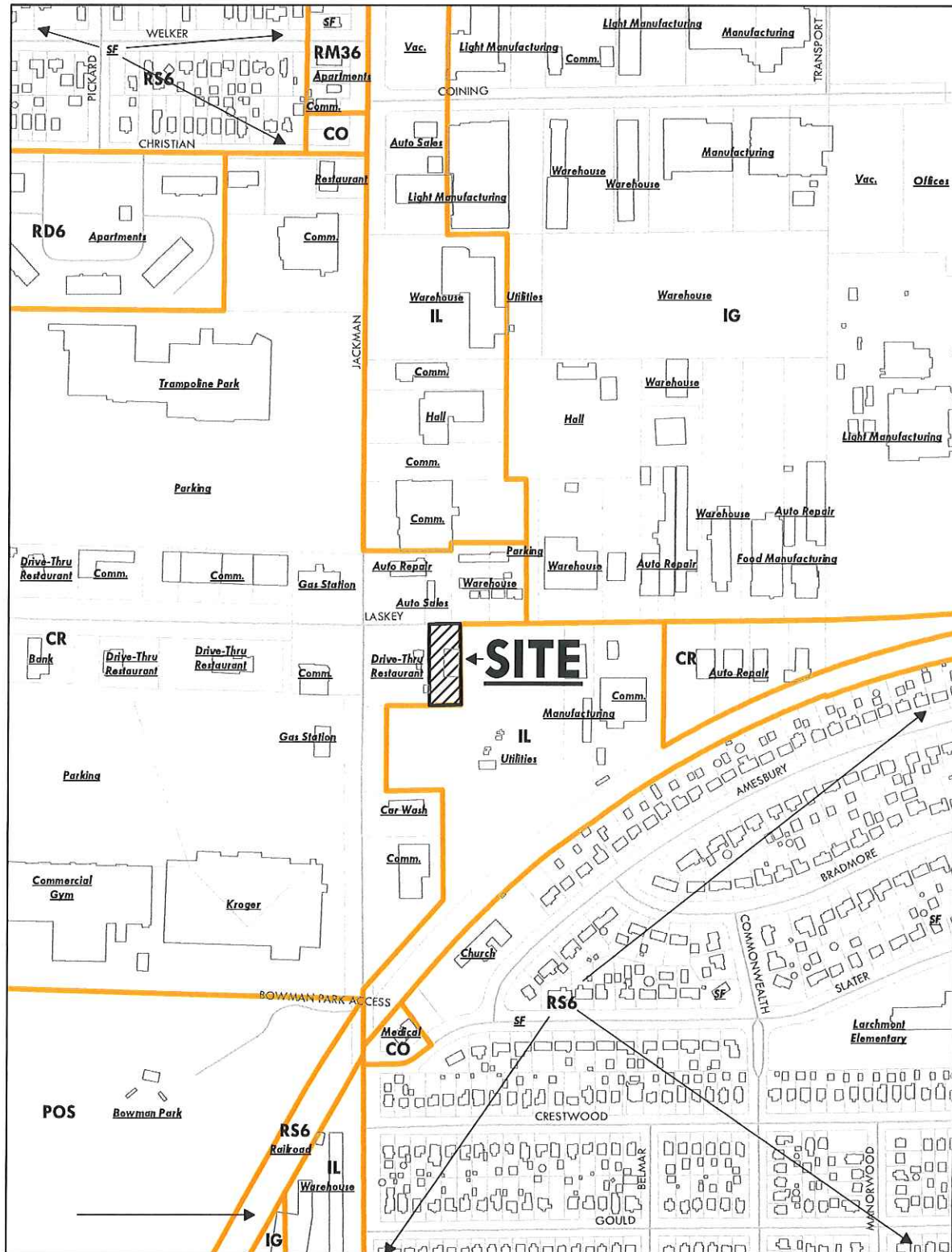
GENERAL LOCATION

SUP-1006-22
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ZONING & LAND USE

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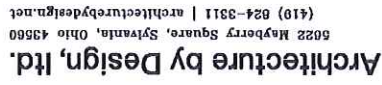
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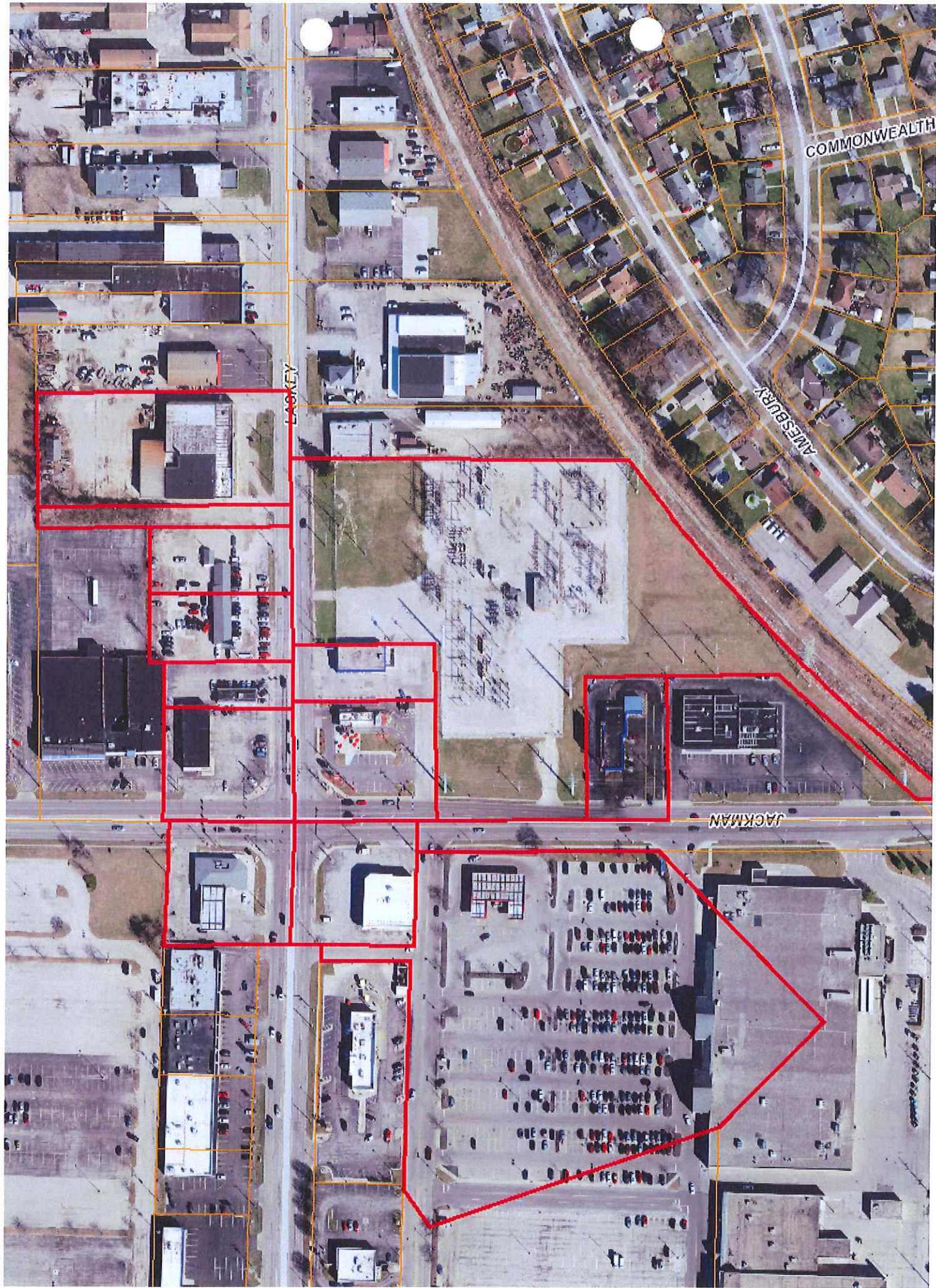

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Architecture by
Design, Ltd.

King Requirements, and Details

MIT FOR:
2 LOT
CAD
3/12



owner	mailing address 1	mailing address 2
BRIXMOR MIRACLE MILE, LLC	500 E BROWARD BLVD STE 1130	FT LAUDERDALE FL 33394
WAYMAN DEVELOPMENT CO ANOH GEN PT	2124 TANGLEWOOD	TOLEDO OH 43614
DUKE DAVID W, TRUSTEE	4918 JACKMAN RD	TOLEDO OH 43613 3522
VICTORY REAL ESTATE HOLDINGS LLC	1632 W LASKEY RD	TOLEDO OH 43612
PROPERTY ONE CORP	2441 WASHTENAW	YPSILANTI MI 48197
ALFREDOPONCE PROPERTIES LLC	235 BROADWAY	TOLEDO OH 43604
TOLEDO EDISON CO	P O BOX 4747	OAKBROOK IL 60522 4747
S AND G REAL ESTATE LLC	5131 W ALEXIS RD	SYLVANIA OH 43560
JCR PROPERTIES LTD	1606 W LASKEY RD	TOLEDO OH 43612 2916
ARCHITECTURE BY DESIGN	5622 MAYBERRY SQUARE	SYLVANIA OH 43560