

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: September 15, 2023

REF: SUP-5005-23

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 3125 Dorr Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 14, 2023 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Special Use Permit for used auto sales

Location - 3125 Dorr Street

Applicant & Owner - Joe Saadeh
Whiteford of Ohio LLC
4621 Plumbrook Drive
Toledo, OH 43623

Engineer - Architecture by Design
5622 Mayberry Square
Sylvania, OH 43560

Site Description

Zoning - CR *Regional Commercial*

Area - ± 0.51 Acres

Frontage - ±136 Feet along Dorr Street
±165 Feet along Mackow Drive

Existing Use - Auto Repair

Proposed Use - Used Auto Sales

Area Description

North - University of Toledo / CR & RS6

South - Single family and duplexes / RS6

East - Undeveloped and single family / CR

West - Drive-thru restaurant / CR

GENERAL INFORMATION (cont'd)

Parcel History

Z-5003-22 - Zone Change from RS6 – Single Family Residential and CR – Regional Commercial to CR – Regional Commercial at 3125 Dorr Street. Plan Commission recommended approval 07/14/2022. Planning & Zoning Committee of City Council recommended approval 08/17/2022. Ord. 456-22 passed 09/13/2022.

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 a Special Use Permit for used auto sales at 3125 Dorr Street. The site is ±0.51 acres and zoned CR-Regional Commercial. The site includes a commercial garage with a house attached in the rear. Per **TMC§1104.0100**, used auto sales require a Special Use Permit in all Zoning Districts they are allowed in. Surrounding land uses include the University of Toledo to the north, undeveloped land and single family homes to the east, duplexes and single family homes to the south, and a drive-thru restaurant to the west.

The use regulations for used auto sales outlined in **TMC§1104.0300** list several requirements on location, site layout, and use restrictions, including:

- **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. This applies to the southern property line.
- **TMC§1104.0306** Each lot shall have a minimum average width of 150 feet along the main road frontage. The site is not in compliance with this requirement.
- **TMC§1104.0304** Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot. Applicant shall note this requirement.

STAFF ANALYSIS (cont'd)

- **TMC§1104.0307** Used automobile and recreational vehicle sales shall not be permitted on sites containing another primary use. Applicant shall note this requirement and shall obtain a building permit for change of use for the commercial garage/house.

As the site does not meet TMC§1104.0306, a waiver is required. Additionally, as the site directly abuts residential, special care shall be given to ensure no negative secondary effects affect surrounding properties.

Parking and Circulation

Per **TMC§1107.0400**, auto sales require 1 parking space per 5,000 square feet of open sales area, plus 1 parking space per 500 square feet of enclosed sales area, plus 1.5 parking spaces per service bay. Additionally, an office will occupy the addition on the garage, which requires 1 parking space per 300 square feet of floor space.

The total number of parking spaces is calculated per the following:

- 1 parking space per 5,000 square feet of open sales area: ± 4,500 sqft = 1
 - 1 parking space per 500 square feet of enclosed sales area: ± 2,192 sqft = 4.4
 - 1.5 parking spaces per service bay: ± 0 sqft = 0
 - 1 parking space per 300 square feet of floor space: ± 882 sqft = 2.9
- Total required = 9**

The site plan depicts nine (9) spaces for customer/employee parking and meets the total requirement. In addition to the required parking spaces, one (1) van accessible space is required per **TMC§1107.1700**. An accessible space with an eight foot (8') abutting aisle is provided, and meets the requirement. Lastly, bicycle parking is not required for auto sales, however it is required for offices. Two (2) bicycle parking spaces are required and are shown on the site plan.

Landscaping

Used auto sales require fencing around customer display areas, and screening for any outdoor storage (**TMC§1104.0305**). The site plan depicts a decorative metal fence along Dorr Street and twenty feet (20') from Dorr Street going south along the east property line. A chain link fence with privacy slats is proposed from where the decorative fence ends to the southern property line. Per TMC§1108.0404(B), chain link cannot be used to meet buffer and screening requirements. A revised plan depicting an acceptable material shall be provided.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

Frontage greenbelts as outlined in **TMC§1108.0202** are required along Dorr Street and along Mackow Drive. Six (6) trees along Dorr Street are provided, which meet the requirement of one (1) tree per thirty feet (30') of frontage. No trees are proposed along Mackow Drive. A minimum of four (4) trees shall be provided in the tree lawn as there are existing street trees lining Mackow Drive. Applicant shall contact the Division of Forestry to request the street trees and a revised site plan shall be provided.

As the CR-Regional Commercial site abuts RS6-Single Family Residential to the south, a Type A landscape buffer shall be installed along the eastern property line per **TMC§1108.0203**. The site plan depicted a new board-on-board fence that is 3'6" tall in the front setback and 6' tall along the rest of the property. Four (4) trees and fifteen (15) shrubs are shown abutting the fence. As the site is 136' in width, one (1) additional tree and six (6) shrubs are required in order to meet the Type A Landscaping requirement.

Well maintained parking lot landscaping is tremendously important for auto sales businesses with outdoor display areas. **TMC§1108.0204** outlines the requirements for both interior and perimeter parking lot landscaping. The interior of the parking lot requires two (2) trees and six (6) shrubs per each ten (10) parking spaces. The total number of parking spaces, including the display area, is twenty-three (23), requiring five (5) trees and fourteen (14) shrubs. Six (6) trees and eleven (11) shrubs are provided. Per **TMC§1108.0204(C)(1)(b)**, One (1) canopy tree may substitute for three (3) shrubs. The applicant is proposing summer red maples, and therefore the site plan meets the interior requirements. Perimeter landscaping requires a continuous shrub row and one (1) tree per thirty linear feet (30'). The east side of the parking lot has a shrub row with five (5) trees and is compliant. The west side however has a shrub row with no trees. A revised site plan with at least three (3) trees on the west side of the parking lot shall be provided.

Elevations

No changes to the existing structure are proposed.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial. The Neighborhood Commercial District is intended for predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may be included. The existing auto repair use is not suitable in the Neighborhood Commercial District, and used car lots are a more intense land use and are better suited in intense commercial areas and not adjacent to residential. The proposed use is not compliant with the intended land use designation.

As the site's intended land use is not in alignment with the proposed use, the site's close proximity to residential, and the site not being in compliance with **TMC§1104.0306**, staff recommend disapproval.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP-5005-23, a Special Use Permit for used auto sales at 3125 Dorr Street, to the Toledo City Council for the following **three (3)** reasons:

1. The proposed use does not meet the stated purpose of the Zoning Code (TMC§1111.0706(A));
2. The proposed use does not comply with all applicable provisions of the Zoning Code (TMC§1111.0706(B)); and,
3. The proposed use is not compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e. traffic generation) (TMC§1111.0706(C)).

Toledo City Plan Commission further recommends disapproval of the following waiver:

Chapter 1104 – Use Regulations

Sec. 1104.0300 – Auto and RV Sales, Used Only

TMC§1104.0306(B) – Lot Size

Each lot shall have a minimum average width of 150 feet along the main road frontage.

Disapprove a waiver to allow a used auto sales business to have less than 150 feet of frontage. Auto sales require this size to ensure adequate space for auto sales and safe maneuverability.

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PLAN COMMISSION RECOMMENDATION (cont'd)

Although staff is recommending disapproval, review agency conditions are attached as **EXHIBIT "A"** for informational purposes.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

DR

Three (3) sketches follow

Exhibit "A" follows

Cc: Joe Saadeh, Whiteford of Ohio LLC, 4621 Plumbrook Drive, Toledo OH 43623

Architecture by Design, 5622 Mayberry Square, Sylvania OH 43560

Lisa Cottrell, Deputy Director

Dana Reising, Associate Planner

GENERAL LOCATION

SUP-5005-23



ZONING & LAND USE

SUP-5005-23

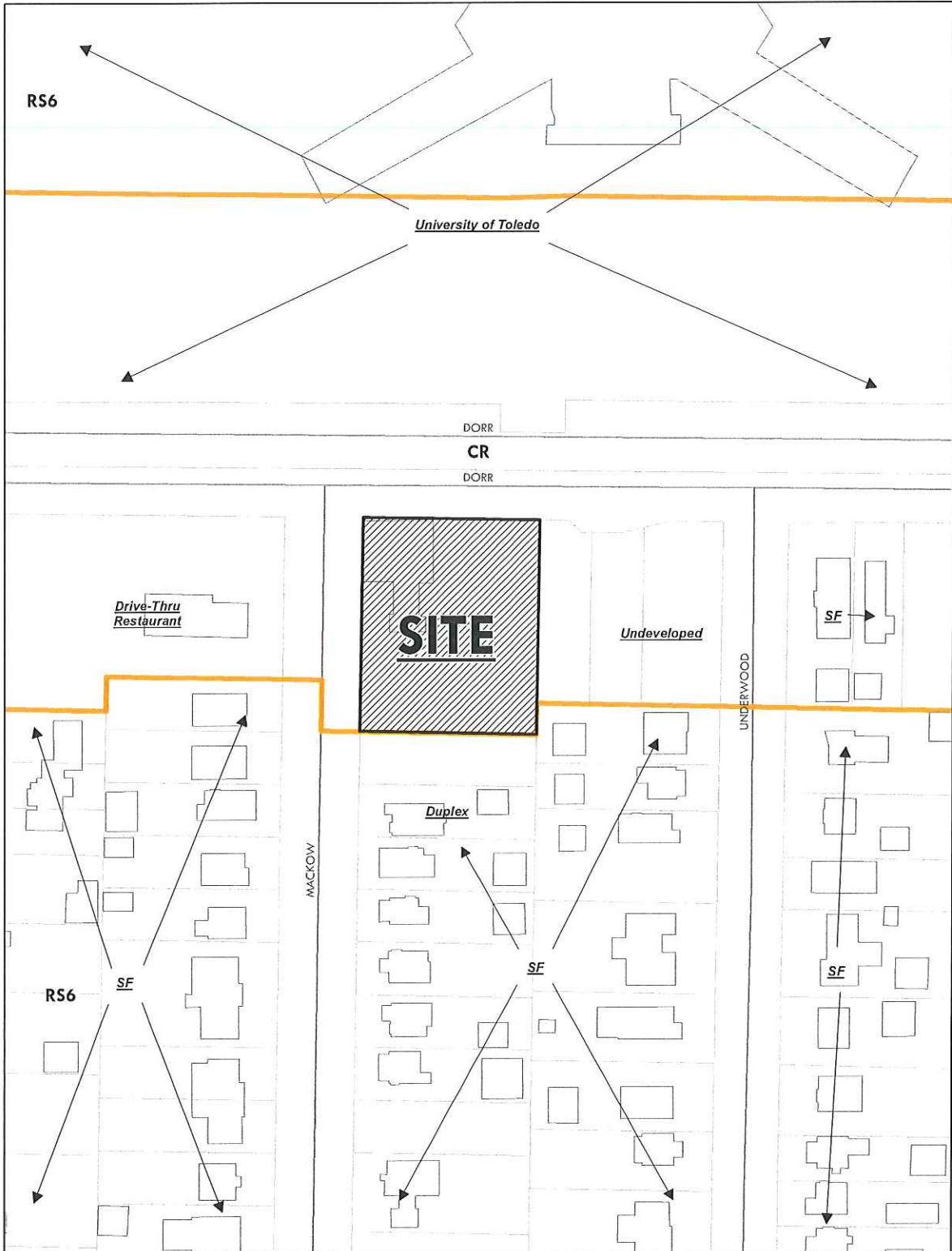


Exhibit "A"

The following **twenty-seven (27)** conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. All **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 Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. 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.
5. A site plan error is noted. The existing storm drain on the site plan does not exist.
6. It is unclear from the Plan Commission submittal if the proposed work will entail earth-disturbing activity of 2,500 or more square feet, or if there will be any changes to the existing storm sewer system. If revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Stormwater Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

Exhibit "A" (cont'd)

Sewer & Drainage Services

7. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
8. 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Fire Prevention

9. The structure must comply with all the requirements for the purpose and use of the building, including separation requirements, structural load requirements, and all fire safety requirements.
10. The building will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical, and Plumbing code requirements.

Transportation

11. All parking and loading spaces, parking lots, maneuvering areas, drive aisles, and driveways must be surfaced with concrete, asphalt or other dust-free material other than gravel or loose fill per TMC 1107.1906. (All parking lot areas being asphalted must be clearly labeled on drawings.)
12. Existing curb cuts and drive approach opening on Dorr Street that are not being utilized must be removed and replaced to match all adjacent curbing and sidewalk. (Reduce the existing drive approach to comply with City of Toledo drive approach standards for the new 25' wide driveway.)

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13. A 50 foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. **Any vehicle for sale shall not be parked within 50 feet of the southern property line. This applies to any vehicles which are being staged, parked temporarily, or part of overflow.**

Exhibit "A" (cont'd)

Plan Commission (cont'd)

14. Each lot shall have a minimum average width of 150 feet along the main road frontage. **Not acceptable. Staff recommend disapproval of the requested waiver.**
15. Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot.
16. Used automobile and recreational vehicle sales shall not be permitted on sites containing another primary use. **Applicant shall obtain a building permit for a "change of use" of the commercial garage/house. This structure can only be used as part of the used auto sales operation.**
17. Per TMC§1107.0304, auto sales require 1 parking space per 5,000 square feet of open sales area, plus 1 space per 500 square feet of enclosed sales area, plus 1.5 spaces per service bay. Offices require 1 parking space per 300 square feet. **Acceptable as depicted.**
18. Accessible parking shall be provided for persons with disabilities per TMC§1107.1700. **Acceptable as depicted.**
19. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). One bicycle parking slot shall be provided per every ten (10) parking spaces. **Acceptable as depicted.**
20. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities (TMC§1107.1906).
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)).

Exhibit "A" (cont'd)

Plan Commission (cont'd)

22. 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 setback. **Acceptable as depicted.**
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. **Landscaping shall be installed and maintained indefinitely.** Such plan shall include:
 - a. Used auto sales require decorative fencing around display areas. A chain link fence is proposed. **Not acceptable as depicted, per TMC§1108.0404(B), chain link cannot be used to meet buffer and screening requirements. Revised plan with an appropriate fence material shall be provided.**
 - b. A fifteen-foot (15') frontage greenbelt is required along Dorr Street and Mackow Drive frontages, and shall include one (1) tree per every thirty feet (30') of frontage; **not acceptable as depicted, revised site plan with at least four (4) street trees along Mackow Drive shall be provided.**
 - c. A Type A Landscape buffer shall be installed on the southern side of the property per where the site abuts RS6-Single Family Residential Zoning. Four (4) trees and fifteen (15) shrubs are shown abutting the fence. **Not acceptable as depicted. As the site is 136' in width, one (1) additional tree and six (6) shrubs are required in order to meet the Type A Landscaping requirement.**
 - d. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public right-of-ways. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches. **Not acceptable as depicted. A revised site plan with at least three (3) trees on the west side of the parking lot shall be provided.**

Exhibit "A" (cont'd)

Plan Commission (cont'd)

- e. Interior landscaping required in parking lots is 20 sqft per parking and stacking space. Two canopy trees are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. Six shrubs are required to be installed in interior landscape areas of each ten (10) parking spaces within the parking lot. One (1) canopy tree may substitute for three (3) shrubs. **Acceptable as depicted.**
 - f. As the site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details. **Irrigation Plan shall be submitted.**
 - 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. 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.
 - i. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches, evergreen trees must be a minimum of 5', and shrubs must be at least 18 inches in height or 24 inches in spread when installed.
 - j. The location and direction of any proposed lighting (**lights are to be directed away from adjacent residential properties**) and,
 - k. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

Exhibit "A" (cont'd)

Plan Commission (cont'd)

26. 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. Major adjustments will require an amendment to the Special Use Permit.
27. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.