



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604 PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: December 7, 2019

REF: SUP-6002-18

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

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

SUBJECT: Request for a Special Use Permit for Used Auto Sales at 1630 & 1632 W. Laskey Road.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 6, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Special Use Permit for Used Auto Sales

Location - 1630 & 1632 W. Laskey Road

Applicant - John A. Weithman
P.O. Box 184
Waterville, OH 43566

Site Description

Zoning - CR & IL/Regional Commercial & Limited Industrial

Area - ± 1.50 acres

Frontage - ± 290' along Laskey Road

Existing Use - Used Auto Sales

Proposed Use - Used Auto Sales expansion

Area Description

North - Bowling Alley / IL

South - Toledo Edison substation / IL

East - Metal finishing / IG

West - Automotive Repair / CR

GENERAL INFORMATION (cont'd)

Parcel History

- | | | |
|-------------|---|---|
| Z-206-69 | - | Zone Change from M-1 Restricted Industrial to C-3 Commercial for the parcel at 1632 Laskey Road. (Plan Commission recommended approval on 9/4/1969. |
| SUP-6002-18 | - | Special Use Permit for Used Auto Sales at 1630 & 1632 W. Laskey Road (<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 Special Use Permit for used auto sales at 1630 & 1632 Laskey Road. The ± 1.50 acre site consists of three contiguous parcels fronting onto Laskey Road. The applicant wishes to combine the three parcels into one in order to operate a Used Auto Sales facility.

A 1,260 square foot commercial building, formerly used as an animal clinic occupies the lot at 1632 Laskey. The other two parcels at 1630 Laskey are occupied by multiple vacant commercial buildings which the applicant intends to demolish. Multiple buildings are only allowed in CR zoning with a PUD (Planned Unit Development). The demolition of all buildings at 1630 Laskey is included as a condition of approval for the accompanying Special Use Permit. Surrounding land uses on Laskey Road include commercial warehousing to the east; a Toledo Edison substation, and retail uses to the south; and automobile repair to the west. A bowling alley, fronting onto Jackman Road abuts the subject site to the north.

Used auto sales have been illegally operating on the site for several years without a Special Use Permit. Approval of this request will bring the site into compliance with the Zoning Code. A companion case for a Zone Change (*Z-6001-18*) from IL Limited Industrial to CR Regional Commercial has been submitted along with this Special Use Permit request. Used Auto Sales are only permitted, with an approved Special Use Permit, in the CR Regional Commercial and CD Downtown Commercial zoning districts.

STAFF ANALYSIS (cont'd)

Used Auto Regulations

Used auto sales facilities shall 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 (TMC§1104.0300). The three subject parcels shall be combined to meet the acreage and frontage requirements. Additionally, site plans for Used Auto 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 designated parking spaces approved and defined on the plan.

Parking and Circulation

Ingress/egress to the site is via two 25' wide access drives off of Laskey Road. Pursuant to TMC§1107.0304, a Used Auto Sales facility is required to have one (1) parking space per every 5,000 square feet of open sales area, plus one (1) parking space per every 500 square feet of enclosed sales area, plus one and one-half (1.5) parking spaces for each service bay.

The site plan submitted depicts a car display area of ±38,818 square feet, requiring eight (8) customer parking spaces on site. The facility will have no enclosed sales area or service bays. The site plan indicates ten (10) parking spaces including six (6) handicap accessible parking spaces. The site plan also indicates 99 parking spaces for display of vehicles for sale. The submitted site plan complies with the minimum number of off-street parking spaces.

Landscaping/Screening

Per TMC§1108.0202, an extensively landscaped frontage greenbelt with a minimum fifteen-foot (15') width is required along the Laskey Road frontage and shall include grass, trees and shrub plantings. The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. With ±291' of frontage, a total of ten (10) trees are required in the frontage greenbelt. Trees are not required to be evenly spaced and may be clustered. Additionally, since the parking lot is visible from the right-of-way, the frontage greenbelt shall include a solid hedge or shrub row in order to screen the parking lot and ensure that headlights do not project onto the public street. The site plan submitted depicts only four (4) trees within the greenbelt and no shrubs. A revised landscape plan will need to be submitted indicating compliance with the minimum requirements of ten (10) trees and a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street.

STAFF ANALYSIS (cont'd)

Landscaping/Screening (cont'd)

Per TMC§1108.2023(C), a Type B Landscape Buffer is required along the eastern property line where the site abuts an IG General Industrial zoning district, and along the northern property line where the site abuts an IL Limited Industrial zoning district. The Type B Landscape Buffer shall consist of a minimum ten-foot (10') wide buffer area with four (4) canopy trees and fifteen (15) shrubs for every one-hundred (100) linear feet. However, as stated in TMC§1108.2023(D)(2), a fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements. The site plan submitted does not indicate a Type B Landscape Buffer along either the eastern or northern property lines. A revised landscape plan will need to be submitted indicating compliance with the minimum requirements. No landscape buffer is required along the western property line.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan recommends Regional Commercial uses for the area around the northeast corner of Laskey Road. The intent of the Regional Commercial future land use designation is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. The proposed SUP conforms to the future land use designation identified in the 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit for this location because once the lots are combined it will meet the minimum lot width and area requirements of TMC§1104.0306. Additionally, the request meets the stated purpose of the Zoning Code and is compatible with the adjacent commercial land uses along Laskey Road. Finally, the proposed use and location is consistent with the goals of the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6002-18, a request for a Special Use Permit for Used Auto Sales at 1630 & 1632 W. Laskey Road, to Toledo City Council for the following three (3) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision-Making Criteria*).
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C) – *Review & Decision-Making Criteria*); and
3. The proposed use is consistent with the goals of the 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION (cont'd)

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-6002-18, a request for a Special Use Permit for Used Auto Sales at 1630 & 1632 W. Laskey Road, to Toledo City Council subject to the following **forty-seven (47)** 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.

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

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

7. 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 BSIonlinetracking.com @ 800-414-4990. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow prevention requirements for this site.
8. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
9. All existing water services to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
10. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more (including an overall common plan of development) and/or the installation of storm sewer services be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.)
11. The following documents shall be submitted to the Division of Engineering Services (Andy Stepnick) for review & approval:
 - Detailed site grading plan
 - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's).
 - A Stormwater Pollution Prevention Plan (SWP3) – including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>
 - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

12. Submittals shall be in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>
13. All developments are required to provide Stormwater detention, post-construction stormwater best management practices (BMP's) and a stormwater pollution prevention plans (SWP3) plans, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre-and post-construction land use.
14. All disturbed land areas over 1 acre must submit an NOI to, and obtain a permit from, the Ohio EPA.
15. City of Toledo does not have a complete record for the existing storm sewer system on site and per the City's MS4 permit all storm sewers must be mapped. The Developer/Owner/Consultant shall verify the location and outlet of the storm system and provide that information to the City of Toledo Division of Engineering Services.
16. Nonresidential properties which have Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and may be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on this program can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
17. All storm drainage must be internal and not run off onto adjacent properties.
18. No construction work, including any earth disturbing work will be permitted without approval plans.
19. 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.
20. Any 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer and Drainage Services

21. S&DS require that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
22. 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.

Fire Prevention

No comments or concerns.

Division of Environmental Services

23. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
24. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
25. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
26. 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 Practises.
27. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.
<http://ohiodnr.gov/portals/0/pdfs/invasives/ohio-invasive-plants-r0400.pdf>
28. 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 RECOMMENDATION (cont'd)

Division of Transportation

29. 4 Car Accessible Parking spaces required and 1 Van Accessible Parking space including a Van Accessible 8' loading area and 5' loading area for cars per TMC 1107.

Plan Commission

30. Pursuant to TMC§1104.0306, a Used Auto Sales facility is required to have one-half (1/2) acre in area and 150' feet of main road frontage. **The applicant shall combine the three subject lots into one (1) parcel in order to meet these requirements.**

31. Pursuant to TMC§1107.0304, a Used Auto Sales facility is required to have one (1) parking space per every 5,000 square feet of open sales area, plus one (1) parking space per every 500 square feet of enclosed sales area, plus one and one-half (1.5) parking spaces for each service bay. **Acceptable as depicted on site plan.**

32. 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)).

33. All 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.**

34. Pursuant to TMC§1104.0308, all vehicles on display must 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.

35. 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.**

36. Repairs and services of vehicles shall be conducted wholly within an enclosed building(s) permanently located on the site.

37. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

38. Four (4) landscaping plans separate from the Building Plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. A fifteen-foot (15') frontage greenbelt is required along the Laskey Road right-of-way (TMC§1108.0202[B]3). The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. A total of ten (10) trees are required in the frontage greenbelt. Trees are not required to be evenly spaced and may be clustered. The frontage greenbelt shall include a solid hedge or shrub row in order to screen the parking lot and ensure that headlights do not project onto the public street.
 - b. A Type B Landscape Buffer is required along the eastern property line where the site abuts an IG General Industrial zoning district, and along the northern property line where the site abuts an IL Limited Industrial zoning district. The Type B Landscape Buffer shall consist of a minimum ten-foot (10') wide buffer area with four (4) canopy trees and fifteen (15) shrubs for every one-hundred (100) linear feet. A fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements.
 - c. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground cover, unless approved as part of the stormwater treatment facility;
 - d. Topsoil must be back filled to provide positive drainage of the landscape peninsula or island, unless landscape peninsula or island is being utilized as a stormwater management practice.
 - e. Foundation plantings are required along all portions of the building that are visible from the public right-of-ways and landscaping at all major building entrances.
 - f. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards.
 - h. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- i. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed; and
 - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
39. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.
40. If the building is modified in the future, the building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. EIFS may not constitute more than 15% of the exterior for facades visible from the public right-of-way. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.
41. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
42. The existing buildings on the two parcels at 1630 Laskey Road shall be demolished within one (1) year of the approval of this Special Use Permit.
43. Any/all 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 or the public right-of-way as stated in TMC§1361.10(b) (10) of the Building Code; **if applicable**.
44. It has been the Plan Commission's policy to prohibit free standing signs higher than forty-two (42") inches. Electronic Message Center (EMC) signs are limited to a maximum height of ten (10') feet. Any proposed signage must meet the requirements of the *Toledo Municipal Code Title Nine – Sign Code*.
45. 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 RECOMMENDATION (cont'd)

Plan Commission (cont'd)

46. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.

47. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

Respectfully Submitted,



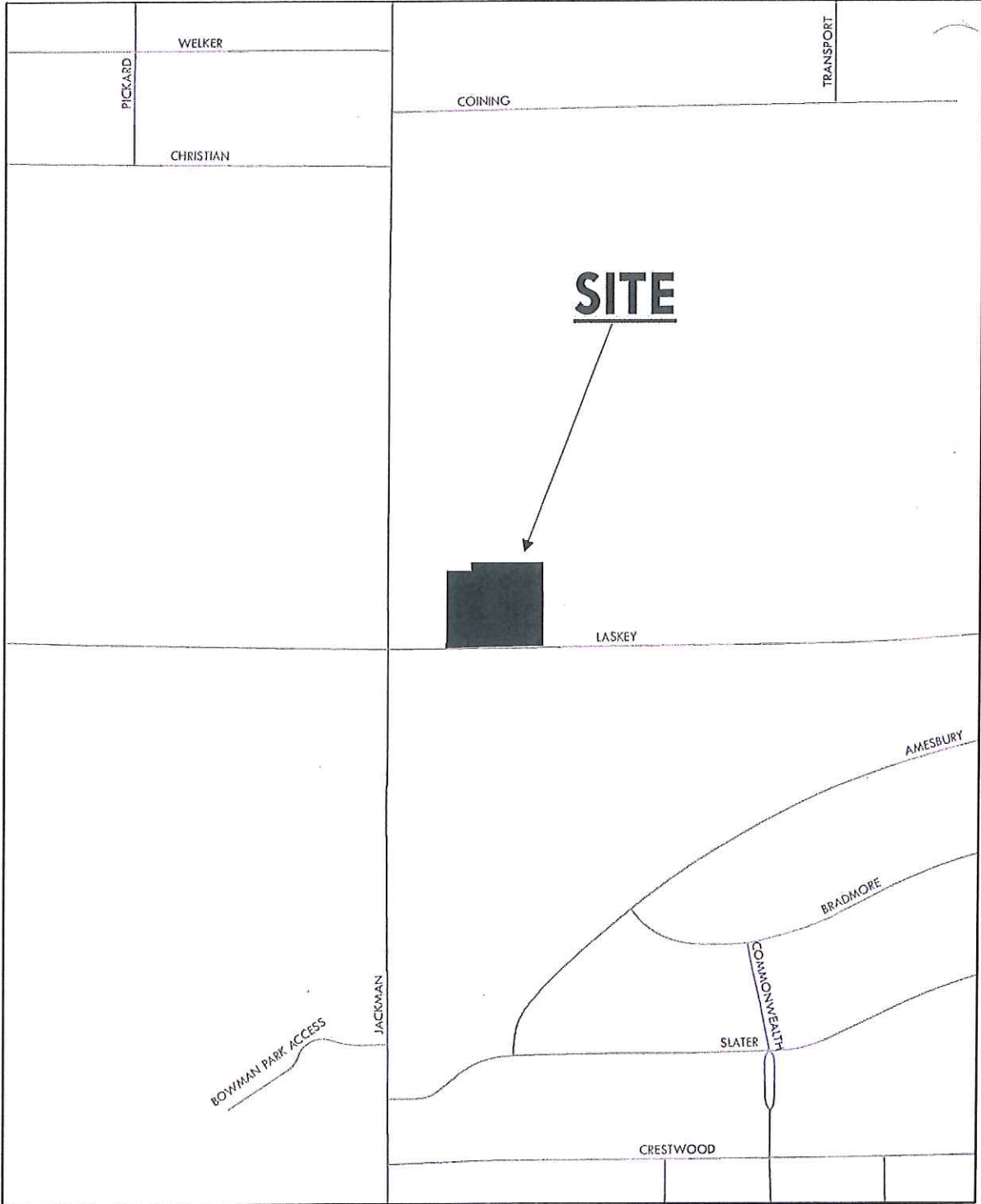
Thomas C. Gibbons
Secretary

CC: Lisa Cottrell, Administrator
Daryl Graus, Planner

John A. Weithman
P.O. Box 184
Waterville, OH 43566

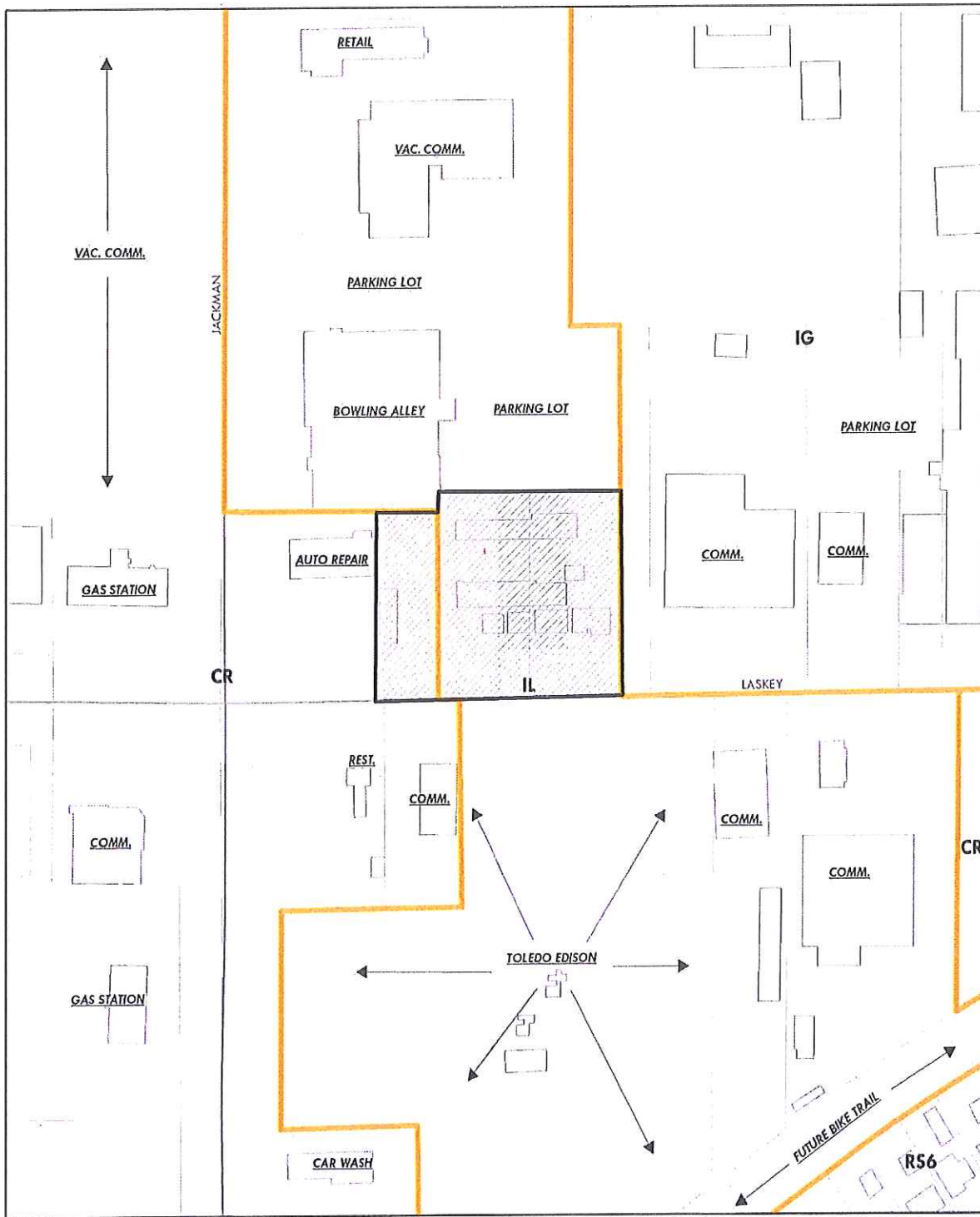
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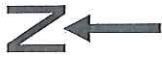
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ZONING AND LAND USE

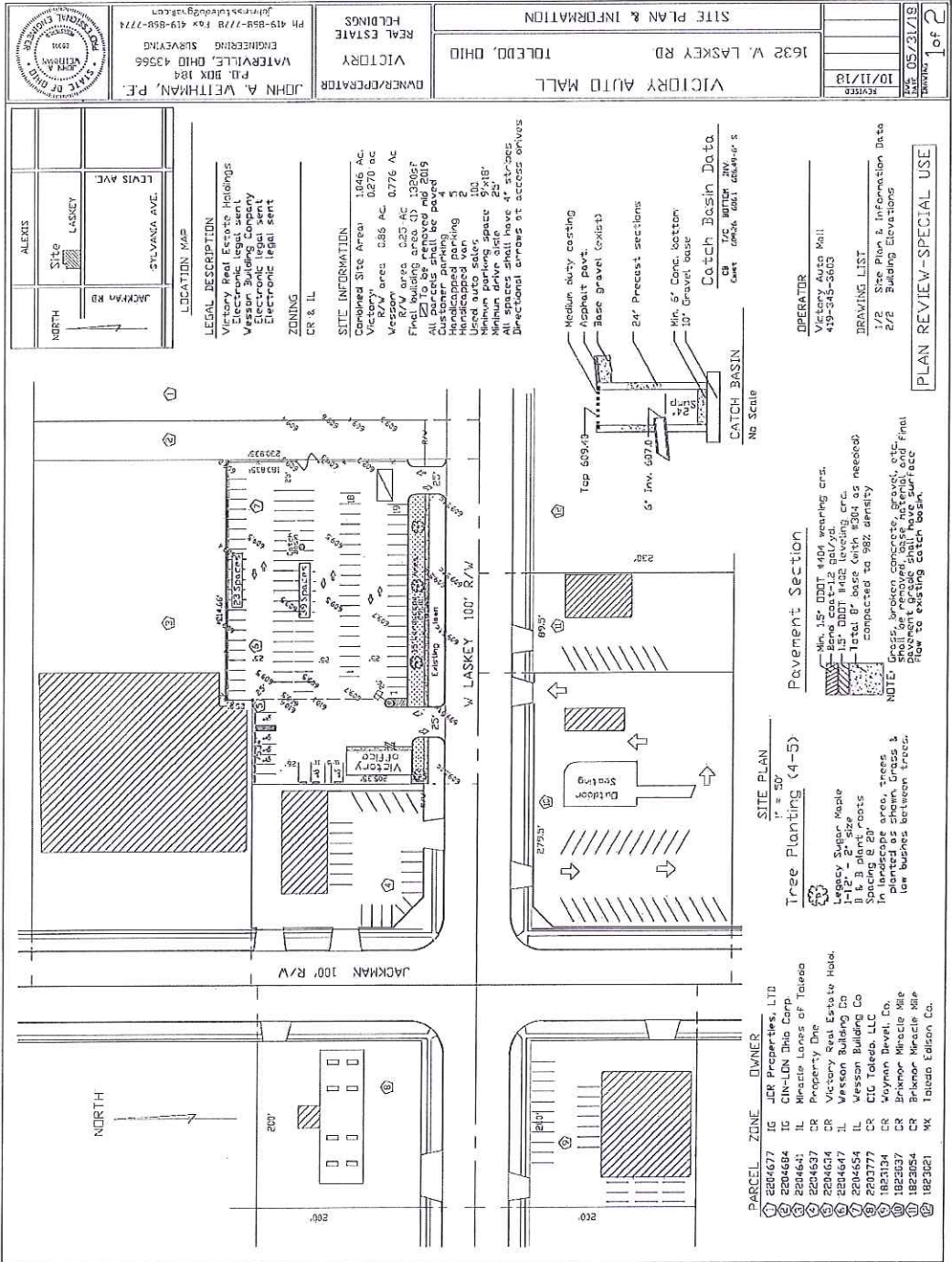
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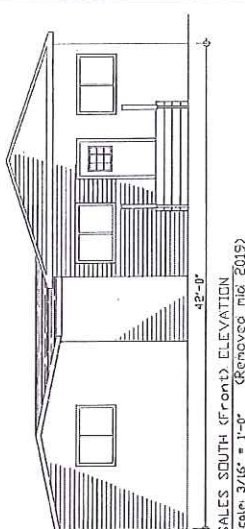
SITE PLAN



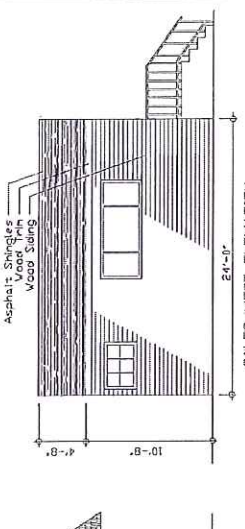
ELEVATIONS

SUP-6002-18
ID 57

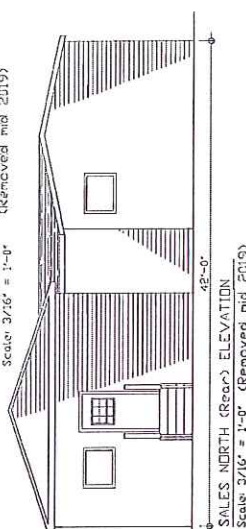
	JOHN A. WEITHMAN, P.E. P.O. BOX 184 WATERVILLE, OHIO 43566 ENGINEERING SURVEYING Ph 419-868-7770 Fax 419-868-7774 johnsweith@aol.com	DIVER/OPERATOR VICTORY REAL ESTATE HOLDINGS	VICTORY AUTO MALL 1632 W. LASKEY RD. TOLEDO, OHIO OFFICE & SALES BUILDING ELEVATIONS
DATE PLOTTED: 05/31/18 DATE: 05/31/18 SHEET: 2 of 2			



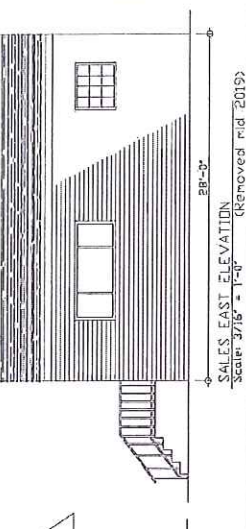
VICTORY SOUTH (Front) ELEVATION
Scale: 3/16" = 1'-0" (Removed mid 2019)



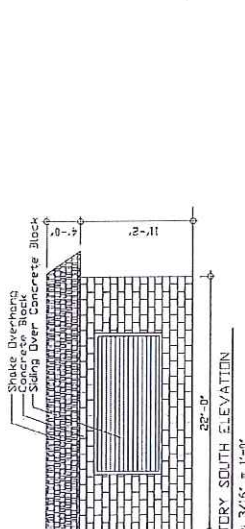
VICTORY WEST ELEVATION
Scale: 3/16" = 1'-0" (Removed mid 2019)



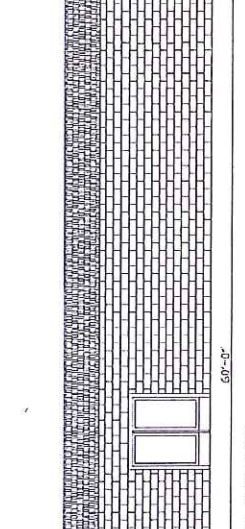
VICTORY NORTH (Rear) ELEVATION
Scale: 3/16" = 1'-0" (Removed mid 2019)



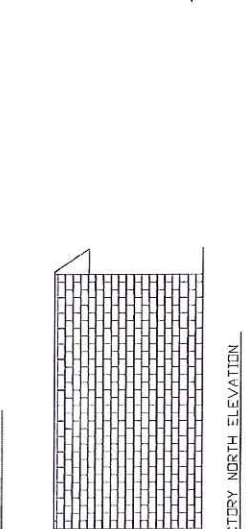
VICTORY EAST ELEVATION
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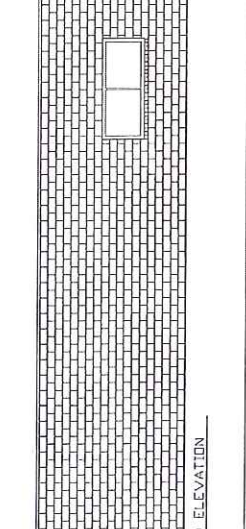
VICTORY SOUTH ELEVATION
Scale: 3/16" = 1'-0"



VICTORY EAST (Front) ELEVATION
Scale: 3/16" = 1'-0"



VICTORY NORTH ELEVATION
Scale: 3/16" = 1'-0"



VICTORY WEST (Rear) ELEVATION
Scale: 3/16" = 1'-0"