



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: July 12, 2019
REF: SUP-10010-13

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

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

SUBJECT: Review of Possible Revocation of the Special Use Permit for a Used Auto Sales Facility approved via Ord. 70-14. at 4154, 4158 & 4160 Monroe Street.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 11, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

- Request - Review of Possible Revocation of the Special Use Permit for a Used Auto Sales Facility approved via Ord. 70-14.
- Location - 4154, 4158 & 4160 Monroe Street
- Applicant - KCA Investments, LLC
4410 Charles Street
Dearborn, MI 48126

Site Description

- Zoning - CR Regional Commercial
- Area - ± .324 Acres
- Frontage - ± 124' along Monroe Street
± 98' along Harley Road
- Existing Use - Light Equipment Repair Shop
- Proposed Use - Used Car Lot

Area Description

- North - Single Family Residential / RD6
- South - Commercial / CR
- East - Gas Station and Residential / CR, RD6 & RM36
- West - Commercial / CR



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GENERAL INFORMATION (cont'd)

Parcel History

- SUP-10010-13 - Request for a Special Use Permit for a Used Auto Sales Facility (PC approved 01/9/14, Ord. 70-14 approved 2/25/14)
- SUP-10010-13 - Review of the Special Use Permit for a Used Auto Sales Facility approved via Ord. 70-14 (PC approved 3/10/16 set a compliance date of 7/14/16 where a 1-year compliance re-review period was issued)

Applicable Plans and Regulations

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

STAFF ANALYSIS

City Council requested a review and possible revocation of SUP-10010-13, granted by Ordinance 70-14 for a used auto sales facility, located at the corner of Monroe Street and Harley Road. City Council has concerns that the business is being operated in a manner that is inconsistent with the approved plan, zoning code and the conditions of approval. The Special Use Permit process recognizes that certain businesses having the right to be located within certain districts also have extenuating circumstances or additional effects on the surrounding community. Therefore additional criteria and conditions are often included to reduce the effects on neighboring properties. The original SUP was granted in 2014. In 2016, lack of compliance with the approved SUP resulted in the re-review of the Special Use Permit. The Plan Commission considered the re-review at their March 10, 2016 meeting and set a compliance date of July 14, 2016. Following the July 2016 hearing, the applicant began to work towards bringing the site into compliance with Ordinance 70-14. The biggest issue has been the overcrowding of the site with vehicles. Staff conducted periodic inspections of the site, which resulted in a reduction in the crowding of the lot. However, the applicant would permit the site to return to a disheveled state. At the request of City Council, staff conducted an on-site inspection with the applicant on June 19, 2019. Staff's findings are outlined in the report below and within Exhibits "A" & "B".

Background and Site Conditions

In 2014, the used auto sales facility was approved to operate in conjunction with the existing light equipment repair business that is located on the site. The .324 acre parcel is zoned CR Regional Commercial and was approved prior to the adoption of the current used car standards that require a minimum of .5 acres.

STAFF ANALYSIS (cont'd)

Background and Site Conditions (cont'd)

The existing building has four (4) service bays and an approximate 195 square foot office area. Prior to 2014, the site was accessed via two (2) curb cuts on Monroe Street and one (1) curb cut on Harley Road. A large pole sign currently exists on the property and is situated toward the corner of Monroe Street and Harley Road within the drive aisle. On January 20, 2016, an inspection of the site was conducted by staff and found approximately thirty-five (35) vehicles on the lot with only thirteen (13) parking spaces provided (see Exhibit B). On January 28, 2016, a letter that was sent to the applicant which outlined the noncompliance issues with Ordinance 70-14. The applicant requested additional on-site inspections. Staff met with the applicant on February 24, 2016 and the applicant indicated that he has started to bring the site into compliance with Ord. 70-14. On June 10, 2016, the applicant requested staff visit the site and document the improvements that had been made prior to the July 14th Plan Commission hearing.

On July 13, 2016, staff conducted a site visit and found that fencing, landscaping and defined planter beds had been installed at that time. However, cars (22 cars were noted) were still being stored in non-defined spaces and drive aisles. The Plan Commission recognized the site upgrades the applicant has conducted and set a full compliance period of 1 year. On July 28, 2017, staff once again conducted an on-site compliance inspection and noted fifteen (15) cars mostly parked in defined spaces. Staff also noted that the fencing, landscaping and planter beds appeared to have been properly maintained. Staff provided a compliance report to the Commission at that time.

On June 19, 2019, staff conducted a compliance review of this site. The applicant met staff on-site where approximately thirty-five (35) vehicles are once again noted on the site, mostly within undefined parking spaces and drive aisles. The required planter beds appear to be in poor condition with numerous areas being breached and other areas where vehicles are currently parked in a manner that is damaging the planter bed. The trees and shrubs appear to be in quality shape while all other landscaping (hosta & ornamental grasses) did not survive. Staff noted that all planter beds appear unkempt and contained weeds, nuisance grass and unmaintained mulch.

Access and Circulation

As part of the June 10, 2016 compliance inspection, staff found that the site still had three (3) curb cuts, one (1) along Harley Road and two (2) on Monroe Street. The curbs and sidewalks did not appear to have been restored as required in Ord. 70-14. The applicant installed a concrete block planter bed across the area of the former curb cut to be removed on Monroe Street. The concrete blocks are simply stacked on edge, this does not constitute the removal and restoration of a curb cut.

STAFF ANALYSIS (cont'd)

Access and Circulation (cont'd)

Outlined in the March 10, 2016 staff report, the Division of Transportation had conditions that required the remaining curb cut along Monroe Street to be narrowed to twenty-five (25) feet and shifted eastward to prevent a conflict with the parking spaces in the northwest corner of the site along Monroe Street. The Division of Transportation also required that the curb cut along Harley Road be narrowed to twenty-five (25) feet to reduce the conflict with the existing pole sign and to increase the distance from the Monroe Street/Harley Road intersection. On June 19, 2019, staff noted that none of these conditions have been addressed. **As a result, Conditions # 1, #2, #3, #4, #13 & #14 are still not in compliance with requirements of the Division of Engineering Services and the Division of Transportation.**

Parking and Display Areas

Light equipment repairs have a parking requirement of 1.5 spaces per service bay, while the used car sales portion of the site has a parking requirement of one (1) space in addition to the seven (7) defined parking spaces for display vehicles. As a result, the applicant was required to dedicate seven (7) total customer and employee parking spaces for the light equipment repairs and used car sales uses on site. As part of the June 19, 2019 inspection, staff found that cars were once again being double and triple parked, parked in unapproved areas and parked in the drive aisles. The applicant requested that staff perform a compliance inspection on June 28, 2019. Staff visited the site on June 26, 2019 and found that cars were still located within the drive aisles and being double and triple parked. Furthermore, the applicant was required to denote a minimum of seven (7) spaces for customer use and the use of signage is encouraged to ensure customer parking is maintained. **As a result, Condition # 18 has not been brought into compliance.**

TMC§1104.0301 requires that a fifty (50) foot separation measured along the street frontage shall be maintained between any open display area and a residential district boundary line. The northeast corner of the property (with fifty (50) feet of residential boundary) was approved for customer and employee parking and not open display areas. As part of the June 19 & 26, 2019 site inspections, staff observed licensed and unlicensed vehicles double and triple parked and located within the drive aisles. The applicant indicated that he works on vehicles for other used car dealers and most of the vehicles on the site were not for sale. Storage of vehicles (for sale or not for sale) in undesignated spots has created a blighting nuisance condition that has had a negative impact on the residential neighborhood abutting the site to the north as well as along Monroe Street. **Upon the compliance inspection on June 19 & 26, 2019, staff found no evidence that seven (7) parking spaces had been denoted for customer and employee parking with signage or were even being used for customer and employee parking. As a result, Condition # 19 has not been brought into compliance.**

STAFF ANALYSIS (cont'd)

Landscaping

At the time of the 2014 approval, the site was only required to be brought closer into compliance with the landscape requirements of the zoning code. The revised plan offered a twenty (20) foot Type "A" Landscape Buffer with a three (3) foot solid fence along the northern property line, where the site abuts residential zoning. In an effort to install this buffer, the applicant was to remove approximately eleven (11) feet of asphalt and the fencing was to be raised to six feet (6') once located out of the front yard setback. Upon the compliance inspection on June 10, 2016 & June 19, 2019, staff found that a forty-two inch (42") solid fence and a planting bed had been installed. However, at the July 14, 2016 Plan Commission Hearing, the applicant was instructed to remove the forty-two inch (42") and replace it with a six (6') solid fence (when located out of the front yard setback) in order to obtain compliance with Condition #23. **Condition # 23(b) has not been brought into compliance with the Type A Landscape Buffer requirement, fencing needs to be raised to six feet (6') when located out of the front yard and the asphalt needs to be removed beneath the planting beds to provide an adequate growing environment.**

Additionally, the site plan offered a landscape area anchoring the corner of Monroe Street and Harley Road and five (5) foot greenbelts along Monroe Street and the Harley Road frontages. The applicant installed planting beds along Monroe Street and Harley Road according to the approved plan. Staff has concerns that the asphalt located beneath the planting beds was not removed, resulting in a less than ideal environment for tree and shrub growth. The March 10, 2016 staff report indicated that the six (6) inch planting beds appeared to be located over asphalt and that was not a conducive environment for trees and/or shrubs to grow according to the City of Toledo Division of Forestry. The applicant indicated that three feet (3') x three feet (3') sections of asphalt were removed beneath the newly installed trees and ensured the landscaping would be maintained indefinitely. As previously noted on June 19 and 26, 2019 the required planter beds appeared to be in poor condition with numerous areas being breached and other areas where vehicles were currently parked in a way that was damaging the planter bed. Furthermore, by not properly preparing the landscape beds when installed (not removing all asphalt) resulted in all hosta & ornamental grasses perishing, detracting from the aesthetics of the buffer.

Although the applicant has taken steps to comply with the landscaping requirements outlined in Ord. 70-14, staff has found that not removing the entire asphalt beneath the planting beds did not provide a suitable environment for landscaping to grow and thrive. The approved landscape plan submitted in 2014 indicated that three (3) Junipers and nine (9) yews were to be installed within this northern buffer. Staff found that six (6) shrubs of approximately forty-two (42") inches in height were located within this buffer. Furthermore, the planting beds did not appear to be finished with properly maintained mulch as required by code. **Condition # 23(a)(b)(c)&(e) is not in compliance as the Type A Buffer along the northern property line does not contain the required plantings as shown on the landscape plan. In addition the beds are sited over existing asphalt, providing an unfavorable environment for tree and shrub growth and all landscaped areas need to be finished with properly maintained mulch.**

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

Finally in 2014, City Council approved a condition that in the event the dumpster was needed to be located outside the building the applicant would be aware of the improvements required. As a result, the condition stated that the dumpster would be shown on a revised site plan, on a concrete pad and surrounded by a solid wooden fence or masonry screen enclosure with landscaping. On June 10, 2016 staff observed a dumpster located on the southwest corner of the lot, which was enclosed with a solid board-on-board fence and sited on paved surface. **Condition # 17 is has been brought into compliance.**

The conditions outlined in Ord. 70-14 are provided in Exhibit "A". Staff has included the status of compliance with each condition. In addition, photographs from the Plan Commission staff site inspection are included in Exhibit "B".

PLAN COMMISSION RECOMMENDATION

The Plan Commission recommended **REVOCATION** of the Special Use Permit for a Used Auto Sales Facility for the site located at 4154, 4158 & 4160 Monroe Street, to Toledo City Council Planning and Zoning Committee.

REVIEW OF SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-10010-13
DATE: July 11, 2019
TIME: 2:00 P.M.

BH
Three (3) sketches follow
Exhibit A follow
Exhibit B follow

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: August 14, 2019
TIME: 4:00 P.M.

Exhibit "A"
REVIEW AGENCY CONDITIONS

The following twenty-six (26) conditions were approved in Ord. 70-14 and are listed by agency of origin. The applicant agreed to all conditions at the January 9, 2014 Plan Commission and February 12, 2014 Planning and Zoning Committee.

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to the current City of Toledo Construction Standards Specifications; The Toledo Municipal Code; and The Americans with Disabilities Act Guidelines. The existing drive approach along Monroe Street that will remain, does not meet the above standards and shall be removed and replaced in order to be brought into compliance. **Not in Compliance.**
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, The Toledo Municipal Code, and The Americans with Disabilities Act Guidelines. **Not in Compliance.**
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with eight-inch (8") thick concrete per The City of Toledo Construction Standards and Specifications. Existing drive along Monroe Street that will not be reused shall be removed and the area restored to match the adjacent landscape. Curb drops through unused drives shall be removed and replaced with full height curb to match the adjacent curb. 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. **Not in Compliance.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph. (419) 245-1220. **Not in Compliance.**

Contact Joe Warnka at ph. (419) 245-1341 for inspection of above-mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities. **In Compliance.**
6. Plans for a new water service or modifications to the existing water service shall be submitted to the Division of Engineering Services for review and approval. **In Compliance.**
7. Contact the City of Toledo Fire Prevention Bureau to determine if a fire line is needed for this site. **Compliance to be determined.**

Exhibit "A" (cont'd)

Engineering Services (cont'd)

8. Contact the Division of Water Distribution for backflow prevention requirements. **Compliance to be determined.**
9. New fire, domestic, and irrigation taps will be installed by the City of Toledo at the owner/developer's expense. **Compliance to be determined.**
10. Plans submitted for review do not detail any revisions to the existing site, except for removing asphalt, a concrete apron and new landscaping. It therefore appears that there is no items requiring a storm water utility plan review. If in the future plans for the site change and result in revisions to the site drainage, the Storm Water Utility should be contacted. **In Compliance.**

Building Inspection

11. Demolition of the existing building will require a demolition permit issued from the City of Toledo through its Division of Building Inspection requiring termination of all utilities. Documentation from Columbia Gas and Toledo Edison/Energy One must be provided to Building Inspection that this has occurred. If the existing water and sewer taps are to be re-used, the applicant/contractor must identify this to the Department of Public Utilities and secure their release for the demolition permit to be processed and issued. **In Compliance.**
12. Construction of any new structures or alterations to any existing building will require construction documents stamped by a design professional to be submitted to the Division of Building Inspection for plan review and approval showing the construction to be in compliance with the City of Toledo's building mechanical and fire codes and, by referenced standards, those of the State of Ohio. Plans must identify the correct building type, use group, occupancy load, plumbing fixture count, egress and emergency egress locations, emergency evacuation routes and other life-safety and ADA compliancy facilities, in accordance with the Administrative Code of the Ohio Building Code Chapter 106. **In Compliance.**

Transportation

13. The two parking spaces south of the dumpster area encroach the Monroe St. access drive. This drive shall be narrowed to 25' and shifted eastward to prevent this conflict. **Not in Compliance.**

Exhibit "A" (cont'd)

Transportation (cont'd)

14. The width of the Harley Rd. drive shall be narrowed to 25' to reduce the conflict with the existing advertising sign and to increase the distance from the Monroe St. / Harley Rd. intersection. **Not in Compliance.**

Plan Commission

15. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. (TMC 1108.0302.B. Use Regulations). **Not in Compliance.**
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. Use Regulations). **In Compliance.**
17. In the event a dumpster is to be located outside the building, a revised site plan shall indicate a concrete pad surrounded by a solid wooden fence or a masonry screen enclosure with landscaping shall be installed and the dumpster shall not be located in any required setbacks. **In Compliance**
18. Seven (7) parking spaces shall be denoted and reserved for "Customer and Employee Only" and shall not be used for open auto display. **Not in Compliance**
19. Open display sales lots may not be located within the "Front Yard Setback" for 50ft when bordering a residential district boundary. **Compliance to be determined.**
20. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable. **In Compliance.**
21. Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot. **In Compliance.**
22. Fencing of customer display areas shall conform to TMC 1105.0302, outside storage screening shall comply with TMC 1108.0203.H. **In Compliance.**
23. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:

Exhibit "A" (cont'd)

Plan Commission (cont'd)

- a. A 5' frontage greenbelt is required along the Harley Road and Monroe Street frontages; the greenbelt shall include one tree for every 30' of lot frontage and a solid evergreen hedge to screen the parking lot. **Not in Compliance.**
 - b. A Type "A" buffer with solid fencing shall be installed along the northern property line. The solid fencing shall not exceed 42" in height in the front yard setback and shall be raised to six (6) feet for the remainder. **Not in Compliance.**
 - c. The corner of Monroe Street and Harley Road shall remain landscaped indefinitely (as shown on site plan). **Compliance to be determined.**
 - d. 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. **In Compliance.**
 - e. 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; shall be noted on revised landscape plan. **Not in Compliance.**
 - f. The location, height and materials for any fencing to be installed and maintained. **Not in Compliance.**
 - g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties). **In Compliance.**
 - h. The location, lighting and size of any signs. **In Compliance.**
24. 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. **In Compliance.**
 25. 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. **In Compliance.**

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. **In Compliance.**

TO: President Cherry and Members of Council
July 12, 2019
Page 11

REF: SUP-10010-13

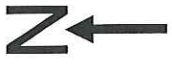
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Gibbons". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas C. Gibbons
Secretary

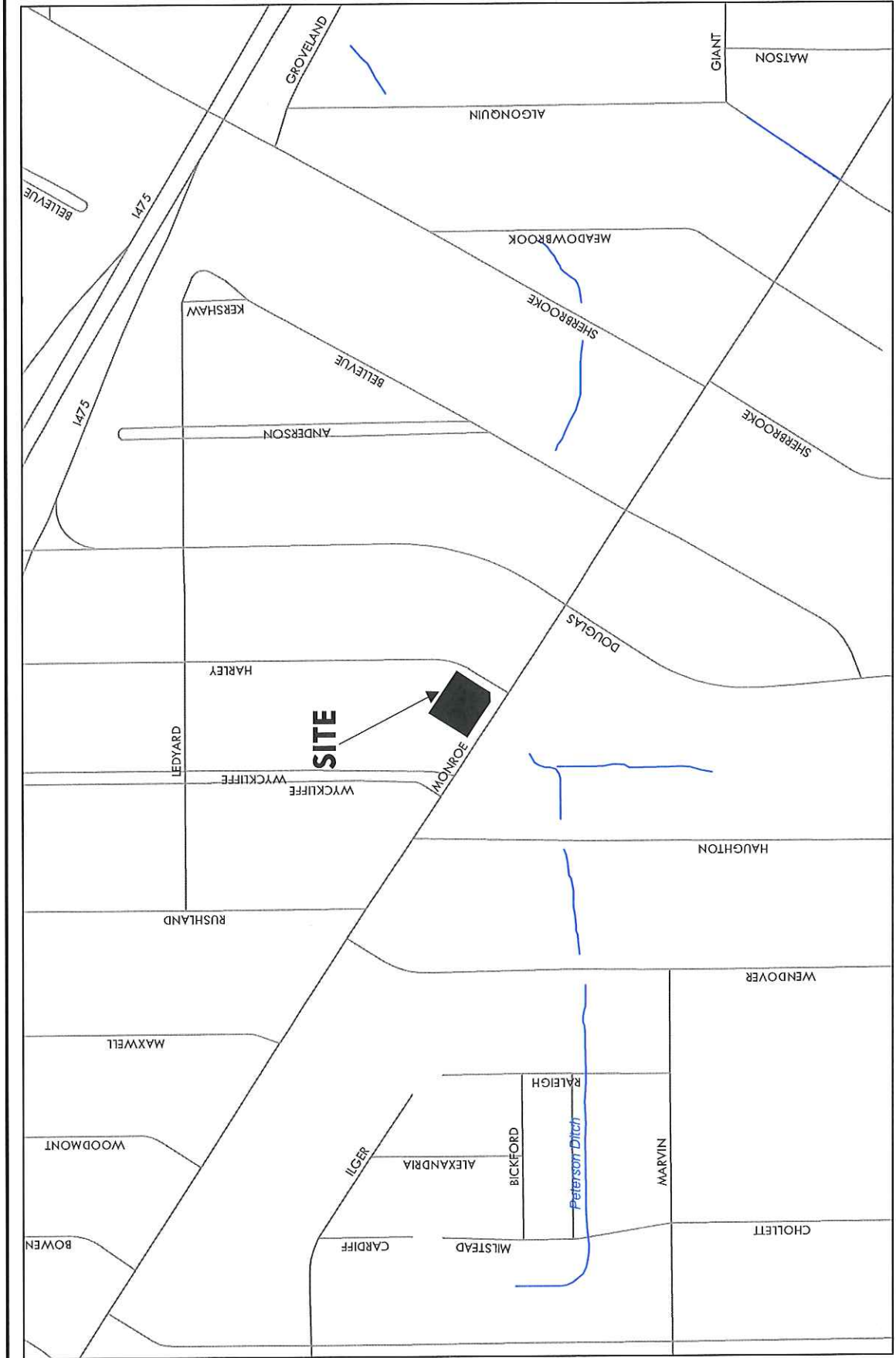
Four (4) sketches follow

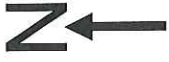
Cc: Adam Akl, 4154 Monroe Street, Toledo, OH 43612
Lisa Cottrell, Administrator
Bill Harbert, Planner



SUP-10010-13
ID 45

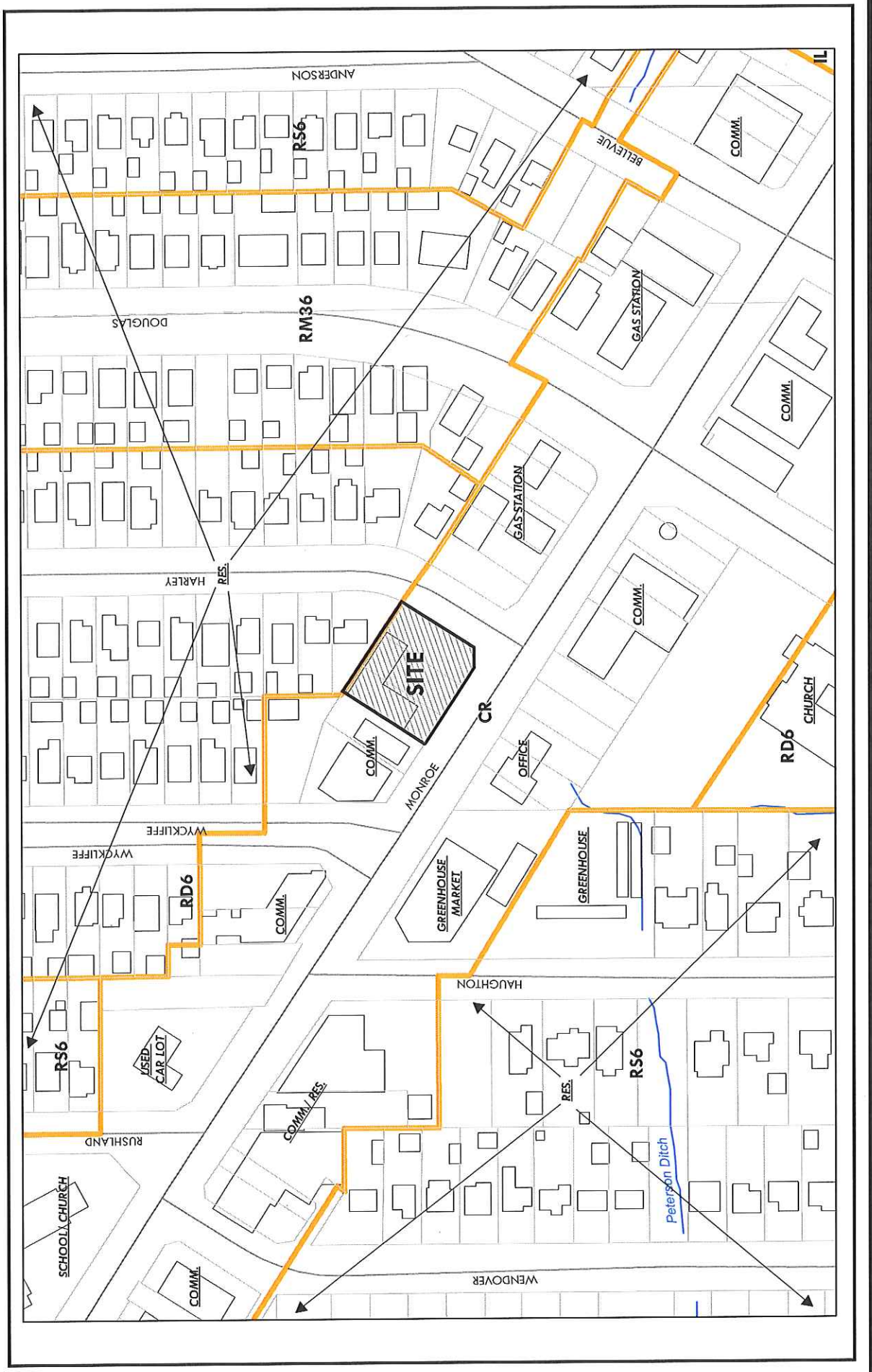
GENERAL LOCATION

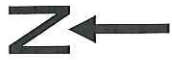




SUP-10010-13
ID 45

ZONING & LAND USE





SUP-10010-13
ID 45

SITE PLAN

PROPOSED SITE CONDITIONS:

ZONING: DR. COMMERCIAL
 AREA: 12.4 AC.
 PRESENT USE: AUTO SERVICE CENTER AND USED CAR SALES

BEHIND: FACING:
 EXISTING STORAGE AREA: 2,500 SF
 EXISTING STORAGE AREA: 800 SF

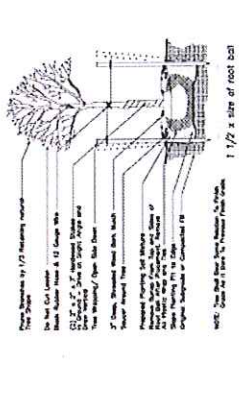
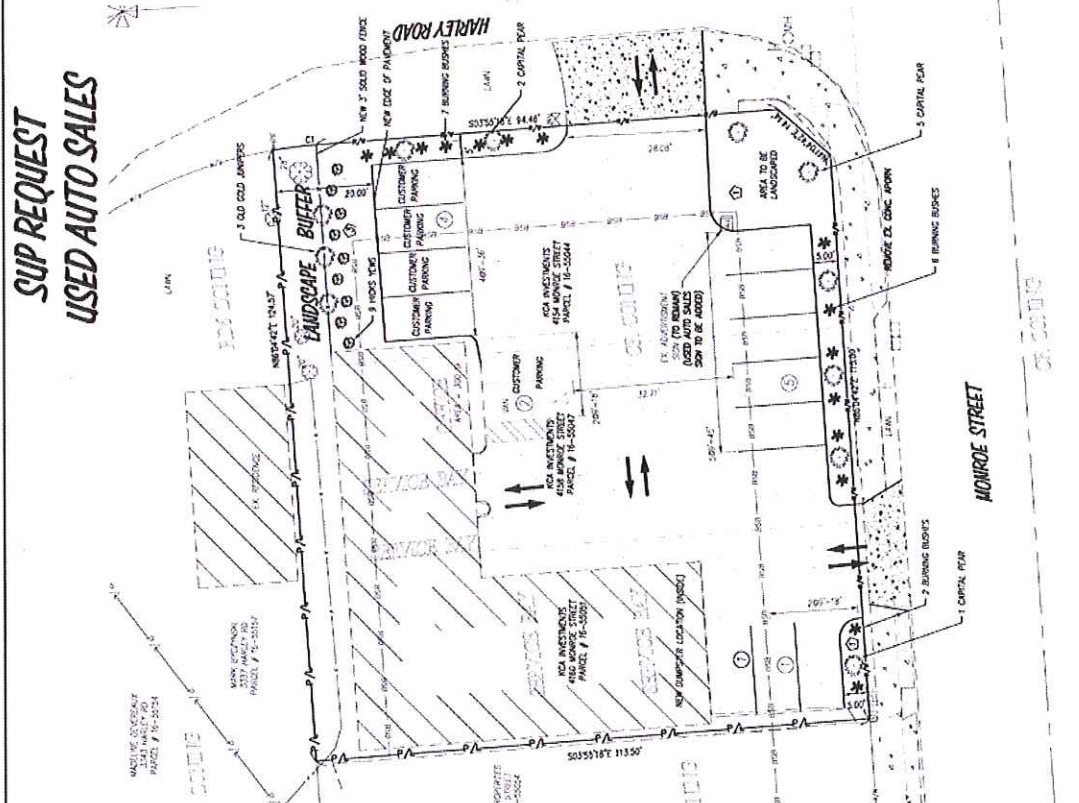
BUILDINGS SETBACKS:
 SIDEING STRIPS PER ZONING CODE IN DR. ZONE (SEE TABLE)
 FRONT SETBACK: 10 FT.
 SIDE SETBACK: 5 FT. (MINIMUM)
 REAR SETBACK: 5 FT. (MINIMUM)
 WALL SETBACK: 5 FT. (MINIMUM)
 WALL SETBACK: 5 FT. (MINIMUM)
 WALL SETBACK: 5 FT. (MINIMUM)

PROPOSED PARKING (CR ZONING):

STANDARD PARKING: 1.5 SPACES PER 100 SF
 CUSTOMER PARKING: 1.5 SPACES PER 100 SF
 MOTORCYCLE PARKING: 1.5 SPACES PER 100 SF
 BICYCLE PARKING: 1.5 SPACES PER 100 SF

STANDARD ACCESSIBLE PARKING: 1.5 SPACES PER 100 SF (SEE ADA COMPLIANCE)
 TOTAL PARKING: 1.5 TO 2.0 = 1 ACCESSIBLE SPACES PER 100 SF
 MINIMUM 8 x 8 ACCESSIBLE SPACES MUST BE IN ACCESSIBLE TRAFFICABLE AREA (ATA)
 TOTAL = 1 IN ACCESSIBLE SPACE

PARKING REMARKS:
 (1) STANDARD SPACES = 1 IN ACCESSIBLE = 1.5 TOTAL SPACES (STANDARD)
 (2) STANDARD SPACES = 1 IN ACCESSIBLE = 1.5 TOTAL SPACES (STANDARD)



TREE PLANTING DETAIL
NOT TO SCALE

SHRUB PLANTING DETAIL
NOT TO SCALE

GLASS CITY ENGINEERING & SURVEYING, LLC
 2103 PERITH, ST.
 TOLEDO, OHIO 43607
 419-293-0362, FAX 419-639-0867
 EMAIL: EMAIL.BIRKBY@GCELSN.COM

MONROE AUTO SALES
 CITY OF TOLEDO, OHIO
 418 MONROE STREET
 PROPOSED SITE CONDITIONS

DATE: 05-29-13
 REV: PLUM CONVOSSION: 09-13
 05-29-13

PLANS PREPARED BY:
 BRYAN D. LEBUS
 P.E. 5797

STATE OF OHIO
 PROFESSIONAL LANDSCAPE ARCHITECT
 BRYAN D. LEBUS
 LICENSE NO. 16311
 EXPIRES: 12-31-13

Exhibit "A"
REVIEW AGENCY CONDITIONS

The following twenty-six (26) conditions were approved in Ord. 70-14 and are listed by agency of origin. The applicant agreed to all conditions at the January 9, 2014 Plan Commission and February 12, 2014 Planning and Zoning Committee.

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to the current City of Toledo Construction Standards Specifications; The Toledo Municipal Code; and The Americans with Disabilities Act Guidelines. The existing drive approach along Monroe Street that will remain, does not meet the above standards and shall be removed and replaced in order to be brought into compliance. **Not in Compliance.**
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, The Toledo Municipal Code, and The Americans with Disabilities Act Guidelines. **Not in Compliance.**
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with eight-inch (8") thick concrete per The City of Toledo Construction Standards and Specifications. Existing drive along Monroe Street that will not be reused shall be removed and the area restored to match the adjacent landscape. Curb drops through unused drives shall be removed and replaced with full height curb to match the adjacent curb. 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. **Not in Compliance.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from the One Stop Shop, ph. (419) 245-1220. **Not in Compliance.**

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

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities. **In Compliance.**
6. Plans for a new water service or modifications to the existing water service shall be submitted to the Division of Engineering Services for review and approval. **In Compliance.**
7. Contact the City of Toledo Fire Prevention Bureau to determine if a fire line is needed for this site. **Compliance to be determined.**

Exhibit "A" (cont'd)

Engineering Services (cont'd)

8. Contact the Division of Water Distribution for backflow prevention requirements. **Compliance to be determined.**
9. New fire, domestic, and irrigation taps will be installed by the City of Toledo at the owner/developer's expense. **Compliance to be determined.**
10. Plans submitted for review do not detail any revisions to the existing site, except for removing asphalt, a concrete apron and new landscaping. It therefore appears that there is no items requiring a storm water utility plan review. If in the future plans for the site change and result in revisions to the site drainage, the Storm Water Utility should be contacted. **In Compliance.**

Building Inspection

11. Demolition of the existing building will require a demolition permit issued from the City of Toledo through its Division of Building Inspection requiring termination of all utilities. Documentation from Columbia Gas and Toledo Edison/Energy One must be provided to Building Inspection that this has occurred. If the existing water and sewer taps are to be re-used, the applicant/contractor must identify this to the Department of Public Utilities and secure their release for the demolition permit to be processed and issued. **In Compliance.**
12. Construction of any new structures or alterations to any existing building will require construction documents stamped by a design professional to be submitted to the Division of Building Inspection for plan review and approval showing the construction to be in compliance with the City of Toledo's building mechanical and fire codes and, by referenced standards, those of the State of Ohio. Plans must identify the correct building type, use group, occupancy load, plumbing fixture count, egress and emergency egress locations, emergency evacuation routes and other life-safety and ADA compliancy facilities, in accordance with the Administrative Code of the Ohio Building Code Chapter 106. **In Compliance.**

Transportation

13. The two parking spaces south of the dumpster area encroach the Monroe St. access drive. This drive shall be narrowed to 25' and shifted eastward to prevent this conflict. **Not in Compliance.**
14. The width of the Harley Rd. drive shall be narrowed to 25' to reduce the conflict with the existing advertising sign and to increase the distance from the Monroe St. / Harley Rd. intersection. **Not in Compliance.**

Exhibit "A" (cont'd)

Plan Commission

15. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. (TMC 1108.0302.B. Use Regulations). **Not in Compliance.**
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. Use Regulations). **In Compliance.**
17. In the event a dumpster is to be located outside the building, a revised site plan shall indicate a concrete pad surrounded by a solid wooden fence or a masonry screen enclosure with landscaping shall be installed and the dumpster shall not be located in any required setbacks. **In Compliance**
18. Seven (7) parking spaces shall be denoted and reserved for "Customer and Employee Only" and shall not be used for open auto display. **Not in Compliance**
19. Open display sales lots may not be located within the "Front Yard Setback" for 50ft when bordering a residential district boundary. **Compliance to be determined.**
20. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable. **In Compliance.**
21. Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot. **In Compliance.**
22. Fencing of customer display areas shall conform to TMC 1105.0302, outside storage screening shall comply with TMC 1108.0203.H. **In Compliance.**
23. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A 5' frontage greenbelt is required along the Harley Road and Monroe Street frontages; the greenbelt shall include one tree for every 30' of lot frontage and a solid evergreen hedge to screen the parking lot. **Not in Compliance.**
 - b. A Type "A" buffer with solid fencing shall be installed along the northern property line. The solid fencing shall not exceed 42" in height in the front yard setback and shall be raised to six (6) feet for the remainder. **Not in Compliance.**

Exhibit "A" (cont'd)

Plan Commission (cont'd)

- c. The corner of Monroe Street and Harley Road shall remain landscaped indefinitely (as shown on site plan). **Compliance to be determined.**
 - d. 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. **In Compliance.**
 - e. 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; shall be noted on revised landscape plan. **Not in Compliance.**
 - f. The location, height and materials for any fencing to be installed and maintained. **Not in Compliance.**
 - g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties). **In Compliance.**
 - h. The location, lighting and size of any signs. **In Compliance.**
24. 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. **In Compliance.**
25. 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. **In Compliance.**
26. 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. **In Compliance.**

**PLAN COMMISSION
PHOTOGRAPHS 06-10-16**

**EXHIBIT
"B"**

SUP-10010-13



**PLAN COMMISSION
PHOTOGRAPHS 06-10-16**

**EXHIBIT
"B"**

SUP-10010-13



**PLAN COMMISSION
PHOTOGRAPHS 06-10-16**

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PHOTOGRAPHS 06-10-16**

**EXHIBIT
"B"**

SUP-10010-13



**PLAN COMMISSION
PHOTOGRAPHS 07-13-16**

**EXHIBIT
"B"**

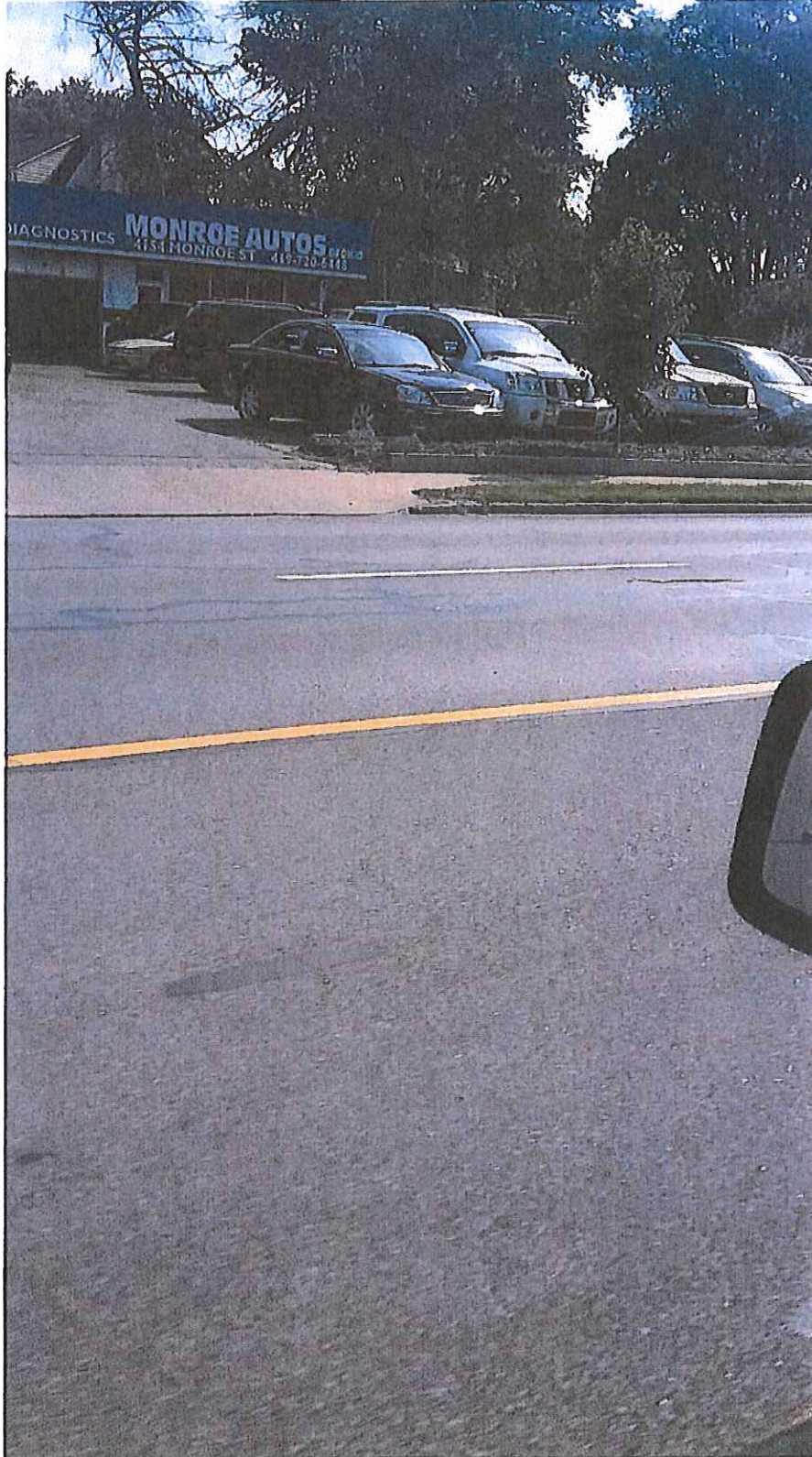
SUP-10010-13



**PLAN COMMISSION
PHOTOGRAPHS 07-13-16**

**EXHIBIT
"B"**

SUP-10010-13



**PLAN COMMISSION
PHOTOGRAPHS 05-02-17**

**EXHIBIT
"B"**

SUP-10010-13





**PLAN COMMISSION
PHOTOGRAPHS 05-02-17**

**EXHIBIT
"B"**

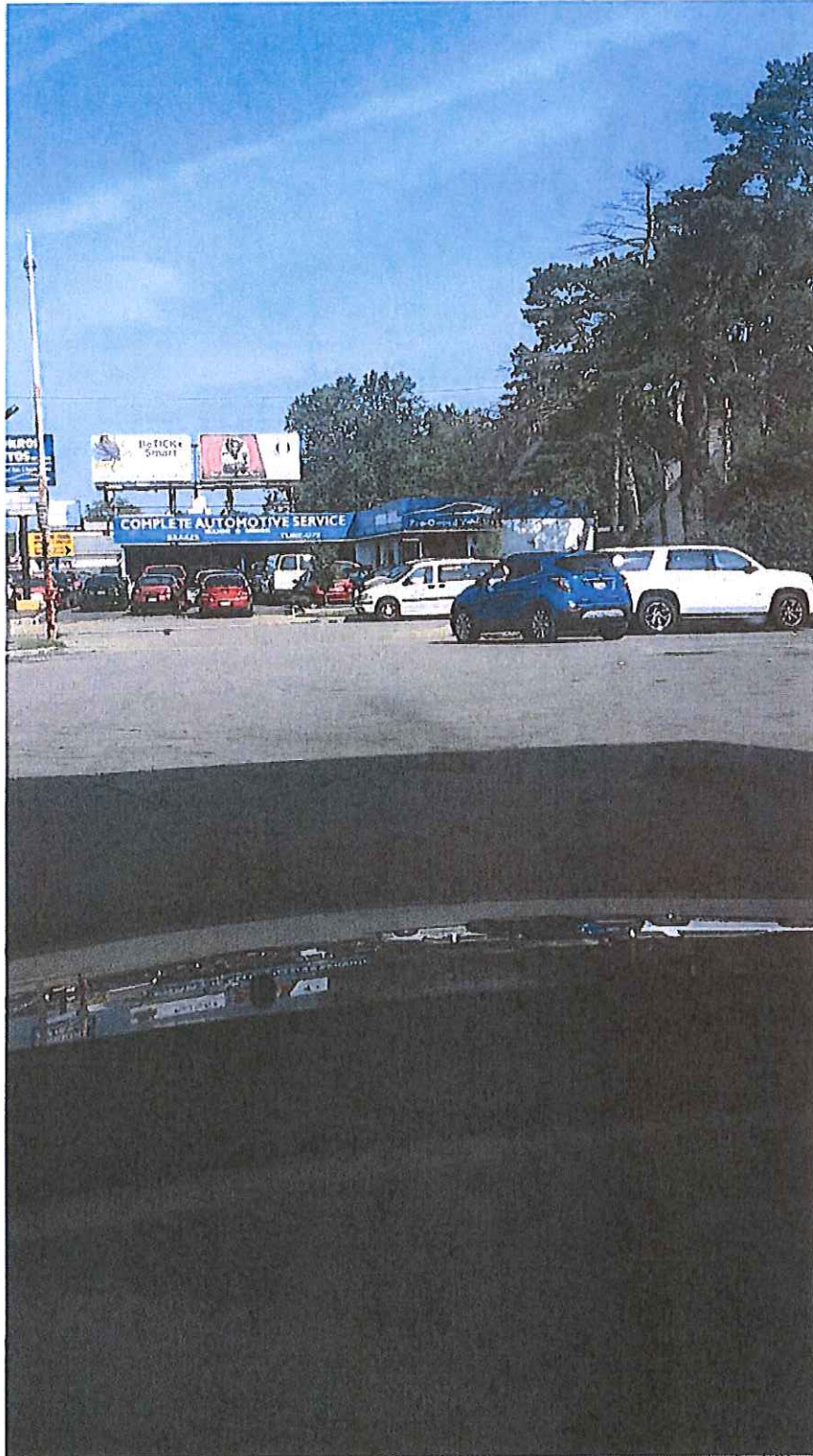
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**PLAN COMMISSION
PHOTOGRAPHS 07-10-18**

**EXHIBIT
"B"**

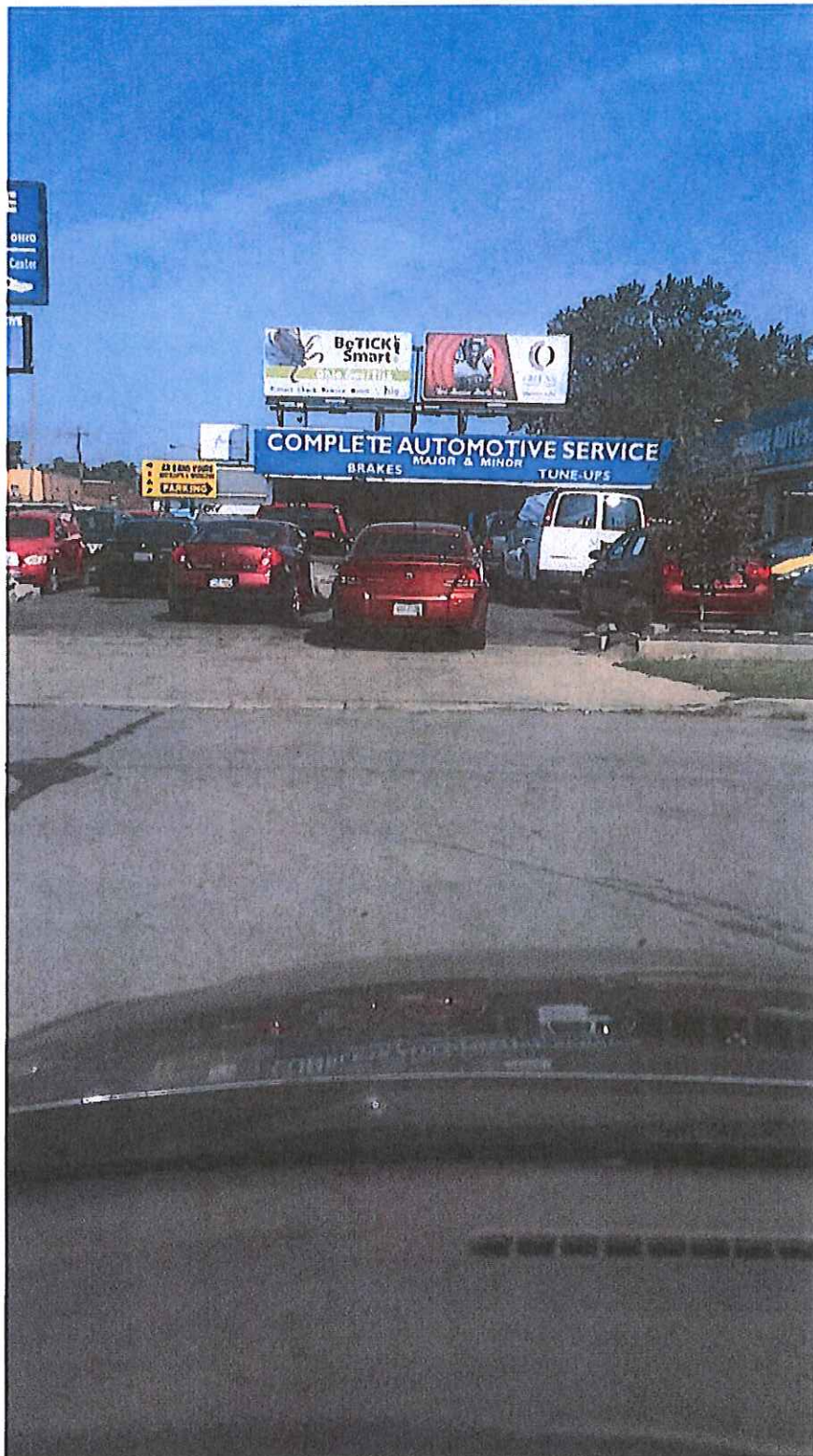
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**PLAN COMMISSION
PHOTOGRAPHS 07-10-18**

**EXHIBIT
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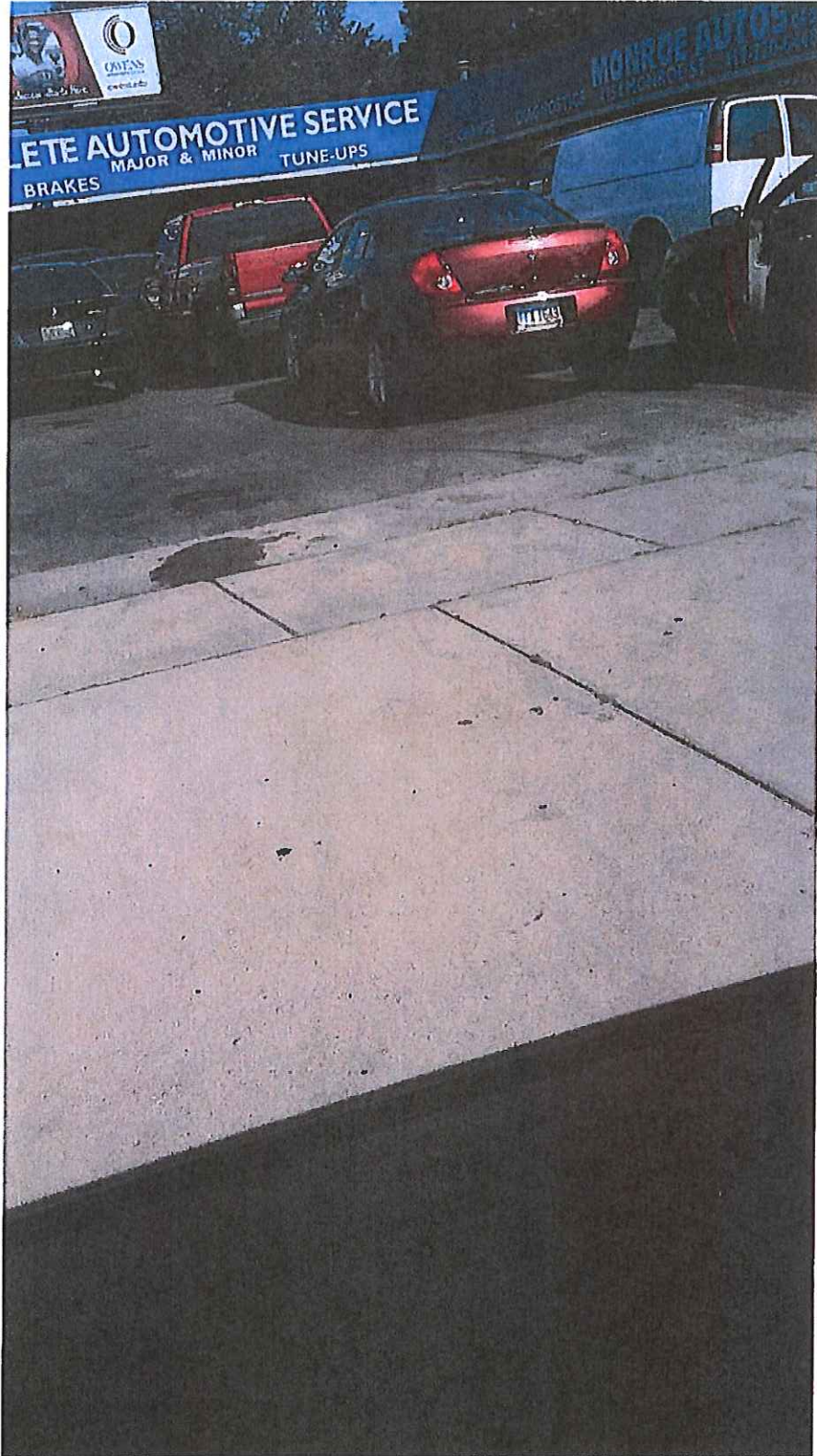
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**PLAN COMMISSION
PHOTOGRAPHS 07-10-18**

**EXHIBIT
"B"**

SUP-10010-13



**PLAN COMMISSION
PHOTOGRAPHS 06-19-19**

**EXHIBIT
"B"**

SUP-10010-13



**PLAN COMMISSION
PHOTOGRAPHS 06-19-19**

**EXHIBIT
"B"**

SUP-10010-13





**PLAN COMMISSION
PHOTOGRAPHS 06-19-19**

**EXHIBIT
"B"**

SUP-10010-13





**PLAN COMMISSION
PHOTOGRAPHS 06-19-19**

**EXHIBIT
"B"**

SUP-10010-13

