

REF: SPR-5-23  
DATE: June 8, 2023

## GENERAL INFORMATION

### Subject

- |                 |   |  |
|-----------------|---|--|
| Request         | - | Appeal of Conditions of Approval for Minor Site Plan Review for a New Building                       |
| Location        | - | 952 Matzinger Road   |
| Applicant/Owner | - | Todd Alspaugh<br>Todd Alspaugh & Associates<br>5353 Secor Road<br>Toledo, OH 43623                   |
| Engineer        | - | Jeff Ruch<br>Engineers, Surveyors & Associates<br>4841 Monroe Street, Ste. 103<br>Toledo, Ohio 43623 |

### Site Description

- |              |   |                               |
|--------------|---|-------------------------------|
| Zoning       | - | IG General Industrial         |
| Area         | - | ± 19.8 acres                  |
| Frontage     | - | ± 205' along Matzinger Road   |
| Existing Use | - | Construction Sales & Services |
| Proposed Use | - | Construction Sales & Services |

### Area Description

- |       |   |  |
|-------|---|--|
| North | - | Industrial / IG General Industrial   |
| South | - | Industrial & Ottawa River / IG General Industrial                                    |
| East  | - | Industrial / IG General Industrial   |
| West  | - | Industrial, Restaurant, Gas Station / IG General Industrial & CR Regional Commercial |

### Parcel History

- |         |   |   |
|---------|---|---|
| S-49-65 | - | Final Plat for Dunbar's Northeast Industrial Park. Plan Commission approved 3/23/67. Recorded 4/7/67. |
|---------|---|---|

**GENERAL INFORMATION (cont'd)**

Parcel History (cont'd)

- |           |   |   |
|-----------|---|---|
| S-11-15   | - | Final Plat of Moore Transport. Plan Commission approved 10/8/15. Recorded 11/2/15.    |
| SPR-41-17 | - | Minor Site Plan Review for New Industrial Building. Administratively approved 9/5/17. |

Applicable Plans and Regulations

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

**STAFF ANALYSIS**

The applicant is requesting an Appeal of Conditions of Approval for Minor Site Plan Review for a New Building at 952 Matzinger Road. The ± 19.8 acre site is zoned IG General Industrial and is occupied with a construction sales and service use. The project includes a 7,200 sq. ft. building addition in the rear and seven paved parking spaces closer to Matzinger. A portion of the parking spaces shown on the current plan are being relocated to comply with conditions regarding parking in required setbacks and will be reflected on a revised plan.

The applicant is requesting an appeal of the following two items (three conditions) from the letter of approval:

- **#19:** Sidewalk along Matzinger Road is required per TMC 1107.1300.
- **#22:** All off street 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.  
**&**  
**#27:** 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 TMC 1107.1906. **Parking spaces and drive aisles to all rear building entrances shall be in compliance with this section unless a variance from the Board of Zoning Appeals is obtained. Paved drive aisles shall be a minimum of 25'. Shall be submitted on a revised site plan.**

The full conditions of approval are included as Exhibit “A” of this report.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission take the following actions on the requested waivers:

- **#19:** Sidewalk along Matzinger Road is required per TMC 1107.1300.

Disapprove a waiver to remove the requirement for the sidewalk along Matzinger Road.

- **#22:** All off street 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.

**&**

**#27:** 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 TMC 1107.1906. **Parking spaces and drive aisles to all rear building entrances shall be in compliance with this section unless a variance from the Board of Zoning Appeals is obtained. Paved drive aisles shall be a minimum of 25'. Shall be submitted on a revised site plan.**

Disapprove a waiver to allow parking lots, maneuvering areas, aisles and driveways without concrete, bituminous asphalt, or other dust-free materials.

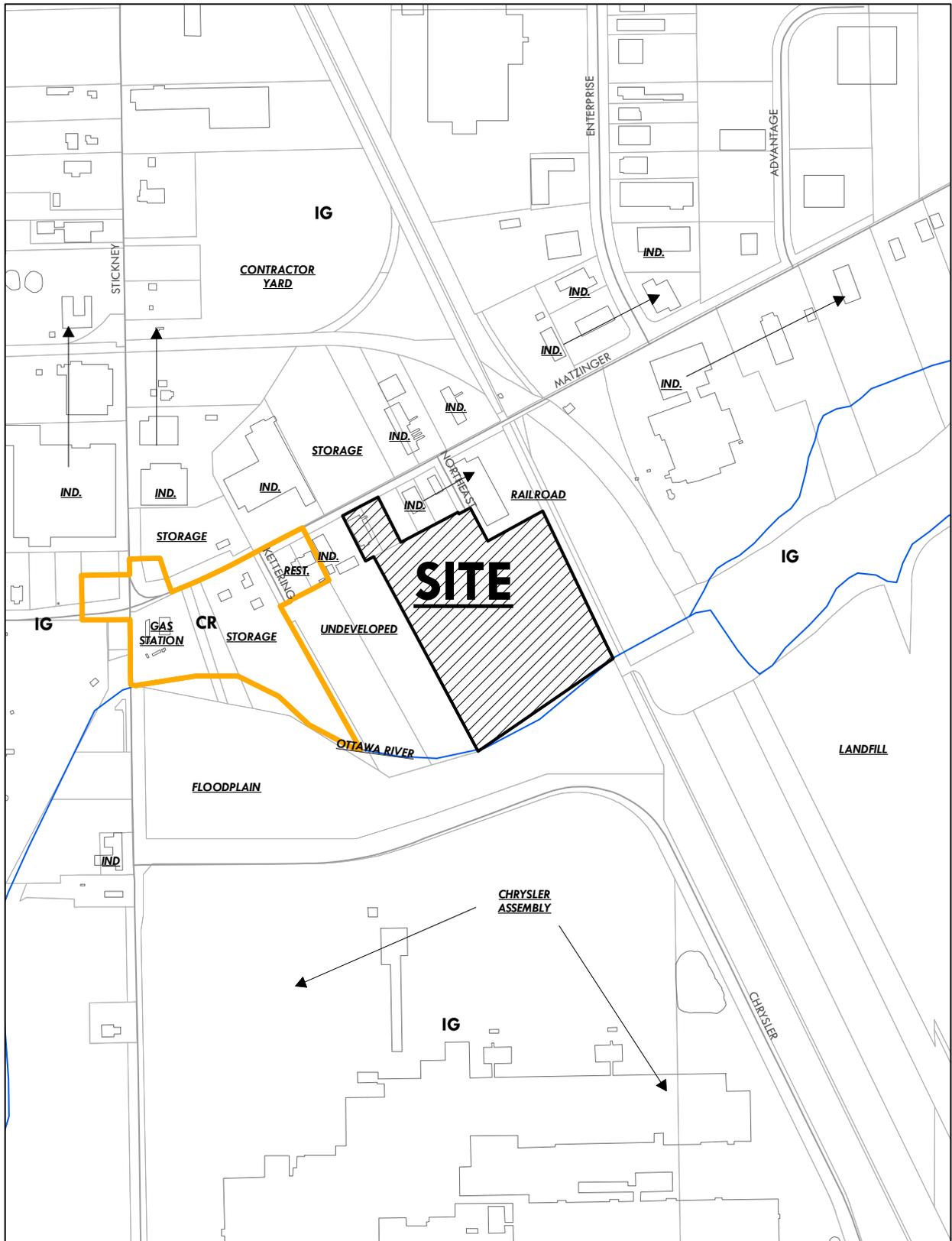
SPECIAL USE PERMIT  
TOLEDO PLAN COMMISSION  
REF: SPR-5-23  
DATE: June 8, 2023  
TIME: 2:00 P.M.

JL  
Three (3) Sketches  
Exhibit "A"  
Exhibit "B"



# ZONING AND LAND USE

SPR-5-23  
ID 61





**EXHIBIT “A”  
APPROVAL CONDITIONS**

Division of Engineering Services (cont’d)

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. Toledo's infrastructure requirements for stormwater management of a project of this size are per the document available online in the drop down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>
5. Stormwater site planning is adequate for the SPR, and engineering review is underway for the full submittal of multiple items as outlined on the regional submittal cover sheet, listed under the heading for submittal step 1: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
6. The proposed work is in or adjacent to a flood hazard zone; this area is subject to Toledo Municipal Code, Chapter 1110, which must be complied with in full.
7. Following the stormwater review, additional items are needed to complete the construction permit application:
  - a. As outlined on the regional submittal cover sheet, submittal step 2.
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.

**EXHIBIT “A” (cont’d)**

Sewer & Drainage Services

8. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
9. 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.

Fire Prevention

10. The proposed new building will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
11. Approved Premises identification is required.
12. Key box(s) for access to buildings and areas restricted by fences, gates, ect...

Division of Environmental Services

13. Applicant shall maintain compliance with the City of Toledo’s Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
  - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
  - b. Construction BMPs shall be in place prior to the start of construction activities.
  - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
14. Applicant shall maintain compliance with Ohio EPA’s General Storm Water NPDES permit programs.
15. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.

**EXHIBIT “A” (cont’d)**

Division of Environmental Services (cont’d)

16. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
17. Applicant shall maintain compliance with the City of Toledo and the State of Ohio’s Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Division of Transportation

18. Bicycle parking is required per TMC 1107.0900.
19. Sidewalk along Matzinger Road is required per TMC 1107.1300.
20. One 9'x18' van accessible parking spot with 8' wide loading area is required per TMC 1107,1701.
21. Accessible parking signage is required per TMC 1107.1704.
22. All off street 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.
23. If one has not already been established, a cross access with the adjacent property to the northeast is required.

Plan Commission

24. Parking shall adhere to the requirements of TMC 1107.0500 – Parking Schedule “C”. The parking schedule requires one (1) parking space per one-thousand (1,000) square feet of floor area (18,494 sq.ft.). The development requires nineteen parking spaces. **Staff is supportive of the spaces as proposed that bring the site closer into compliance.**
25. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC 1107.1700. **Not acceptable as depicted. One (1) van accessible space with an eight foot (8’) wide aisle is required. Shall be submitted on a revised site plan.**

**EXHIBIT “A” (cont’d)**

Plan Commission (cont’d)

26. Off-street parking is prohibited within the thirty (30’) foot parking lot setback TMC 1107.1202(B). **Not acceptable as depicted. Staff is supportive of a revised agreement reducing the number of spaces from seven to three in the required front setback. A variance from the Board of Zoning Appeals must also be obtained. Shall be submitted on a revised site plan. [REVISED]**
27. 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 TMC 1107.1906. **Parking spaces and drive aisles to all rear building entrances shall be in compliance with this section unless a variance from the Board of Zoning Appeals is obtained. Paved drive aisles shall be a minimum of 25’. Shall be submitted on a revised site plan.**
28. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A,” (TMC§1107.0300). Minimum number of bicycle parking slots required for a General Industrial use is 1 per 10 parking spaces. Per TMC§1107.0902, bicycle parking is a space at least two feet (2’) by six feet (6’) per slot. **Not acceptable as depicted. Two (2) bicycle parking slots shall be provided and location shall be identified on a revised site plan.**
29. 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). **Acceptable as depicted.**
30. 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. **Not acceptable as depicted. Shall be submitted on a revised site plan.**
31. All structures shall utilize durable building materials such as brick, stone, metal, or concrete. **Proposed architectural metal is acceptable as depicted.**
32. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors (i.e., gray, browns, tans). Building trim and accent areas may feature brighter colors, including primary colors, subject to the approval of the Planning Director. **Final color shall be submitted to our office indicating compliance.**

**EXHIBIT “A” (cont’d)**

Plan Commission (cont’d)

33. 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 1108.0202, a thirty-foot (30’) frontage greenbelt is required along Matzinger Road and shall include at least one (1) tree per every thirty feet (30’) of frontage or fraction thereof. **A total of seven (7) trees shall be planted. Trees and the 15’-30’ greenbelt shall be indicated on a revised site plan. Greenbelt is reduced near parking areas. [REVISED]**
  - b. Per TMC 1108.0202, if a parking lot is proposed to be developed in the front of the property, the frontage greenbelt shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Low, undulating (horizontal and vertical) earth berms or decorative stone or brick walls (no concrete block), or ornamental metal fencing or combinations thereof may also be approved by the Planning Director. **Shall be submitted on a revised site plan.**
  - c. Topsoil must be back filled to provide positive drainage of the landscape area.
  - d. No rip-rap, crushed stone, concrete or other impervious materials may be exposed above the average pool elevation for any retention pond.
  - e. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards. **Shall be submitted on a revised site plan.**
  - f. The location, height and materials for any new and existing fencing to be maintained. Per TMC 1108.0203(H), the fencing shall be at least 6 feet high, but not higher than 10 feet and may be shadow box, chain link with slats, stockade, or another type approved by the Plan Commission.
  - g. The location and direction of any proposed lighting.
  - h. The location, lighting and size of any signs.
  - i. No new free-standing signs greater than forty-two (42) inches from grade are permitted - any proposed signage must meet the requirements of Toledo Municipal Code Title Nine - Sign Code.

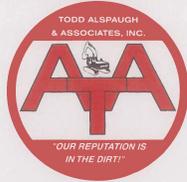
**EXHIBIT “A” (cont’d)**

Plan Commission (cont’d)

34. New or renovated buildings shall meet the industrial standards of TMC 1109.0400. **Building addition has limited visibility from public view and is not subject to 70% max blank wall coverage TMC 1109.0401.**
35. 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.
36. Per TMC 1111.0814, if a building permit is not issued within one (1) year of this approval date then the site plan approval shall become null and void.
37. 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.

# EXHIBIT "B" APPEAL LETTER

SPR-5-23



**Todd Alspaugh & Associates, Inc.**  
952 Matzinger Road • Toledo, Ohio 43612  
(419) 476-8126  
CONTRACTOR FOR SITE DEVELOPMENT

May 23, 2023

Toledo- Lucas County Plan Commission  
One Government Center  
Suite 1620  
Toledo, OH 43604

Attn: Mr. Josh Lewandowski

RE: PC File SPR-5-23

Dear Mr. Lewandowski,  
I would like to request an appeal of the conditions of approval associated with the above referenced site plan review. There are several items listed in the conditions for approval that I am concerned about and would like to discuss. I have listed the conditions below in the order they appear in the report, broken down by the City of Toledo division responsible for the item. I have also provided our rationale for the appeal.

#### Division of Transportation

##### **Item # 19- Sidewalk Along Matzinger Road**

- Currently there are no sidewalks on either side of Matzinger Road from Benore Rd. to Dura Ave., a distance of over 2 miles. We are concerned about the "bridge to nowhere" look. Further, per TMC 1107.1303 dealing with sidewalks in commercial districts, "sidewalks are to be constructed along public streets, at the time of development, of any parcel in any Commercial District." Would this apply as our parcel is already developed?

##### **Item # 22- Parking Lots and Driveways**

- This item is substantially the same as Plan Commission Item # 27. Please see the paragraph below for the rationale behind our appeal.

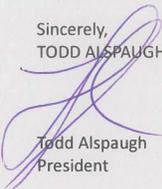
#### Plan Commission

##### **Item # 27- Parking Lots and Driveways**

- As shown on our site plan, asphalt pavement for parking and shop entrances on the east side of the existing building will be paved with asphalt. Due to the nature of our business, Todd Alspaugh and Associates operates steel tracked construction equipment that will damage asphalt and concrete pavement during any turns. We will request a variance from the Board of Zoning Appeals for this. The drawings currently depict the area in question as existing gravel. The surface is recycled asphalt. Would that surface be considered dust-free by the City of Toledo? The approaches into the proposed building will be concrete pavement.

If you have any questions, please don't hesitate to call our office.

Sincerely,  
TODD ALSPAUGH AND ASSOCIATES, INC.

  
Todd Alspaugh  
President