

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: November 6 2020

REF: SUP-9004-20

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 a used car lot

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, November 5, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a used car lot
Location	-	631 S Reynolds Road
Applicant	-	Hussein & Cheryl Khalaf 7940 Manore Road Whitehouse, Ohio 43515
Architect	-	Nick Bidlack Architecture by Design, Ltd 5622 Mayberry Square Sylvania, Ohio 43650

Site Description

Zoning	-	CR Regional Commercial
Area	-	±1.56 acres
Frontage	-	±322' along S Reynolds Road
Existing Use	-	Commercial space
Proposed Use	-	Used Car Lot

Area Description

North	-	Commercial strip center / CR
South	-	Parking lot / CR
East	-	Manufactured Home Park / RD6
West	-	School & Distribution Center / CR & IL

GENERAL INFORMATION (cont'd)

Parcel History

- Z-252-79 –
S-34-79 - January, 1980-rezoning request for eastern 36.6 acres of Jesse James property to be rezoned to R-3. Disapproved by Plan Commission and withdrawn before City Council hearing.

- Z-254-80 –
CUP-255-80 - Fall, 1980 – request to rezone entire Jesse James parcel into R-3 (36.6 acres), C-1 (5.8 acres) and C-3 (6.3 acres), with coordination of uses as defined in Community Unit Plan. Plan Commission disapproved. City Council approved zoning request November 11, 1980 (Ord. No. 797-80) subject to commercial plat approval. CUP referred back to Plan Commission. No action taken at the time because no plat was filed.

- S-3-81 - Commercial Plat for C-3 and C-1 portions of property. Cedar Estates, Plat 1 received final approval for configuration of the four lots on Plat 1 on July 21, 1983. The condition requiring site plan approval before issuing building permits (Ord. No. 797-80) appear on the plat and deed for each parcel.

- S-3-81 - Cedar Estates commercial plat site plan, plan commission approved on 07/21/88 for lots 3&4 to be developed for commercial building.

- S-3-81 - Cedar Estates commercial plat site plan, plan commission approved on 11/9/95, for lots 3&4 to be developed for mobile home display.

- S-3-81 - Major change to site plan for Cedar Estates Lots 3&4 was developed under the “commercial plat site plan review” process and approved with conditions 04/13/2004. The subject site was developed into an auto sales lot under this process in the past as Rose City Motors. However, Rose City Motors no longer occupies the site and a renewal is required under the recently adopted Special Use Permit process.

GENERAL INFORMATION (cont'd)

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo Subdivision Rules and Regulations
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a used car lot at 631 S Reynolds Road. The site is ±1.56 acres; and is zoned CR – Regional Commercial. Adjacent land uses include a commercial strip center to the north, vacant land to the south, a manufactured home park to the east, and a public school and distribution center to the west. Rose City Motors was approved to develop a used auto sales lot at this site in May 2004. A Special Use Permit is required for all used car lots.

An overview of project details is included in this analysis. A detailed list of all project related items is included in the agency conditions at the end of this report.

Car Lot Regulations

Used auto 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). Additionally Site plans for used automobile and recreational vehicle 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 areas approved and defined on the plan. Required customer/employee parking may not be used for used vehicle inventory.

Parking

Wheel stops must be provided when outdoor display areas abut public right-of-way, ensuring that display vehicles do not overhang directly on sidewalks.

Landscaping

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.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial land uses. Regional Commercial is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. The proposed Special Use Permit for a used car lot meets the intention of the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the request as the proposed use complies with all applicable provisions of the Zoning Code.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-9004-20, a request for a Special Use Permit for a used car lot at 631 S Reynolds Road, to the Toledo City Council, for the following reason:

1. The proposed use complies with all applicable provisions of the Zoning Code (TMC§1111.0706(B)).

The Toledo City Plan Commission recommend approval of SUP-9004-20, a request for a Special Use Permit for a used car lot at 631 S Reynolds Road, to the Toledo City Council, subject to the following **twenty-three (23)** 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.

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: Andy Stepnick 419-245-1338; Lorie Haslinger 419-245-3221

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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

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.

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

Storm

5. Whereas existing private storm sewers should be shown on the plan but are not, SPR applicant hereby acknowledges the presence of two parallel storm sewers that are their responsibility to maintain, one to the west of the building and one to the east, which convey drainage from the adjacent southern private property, drain through the subject property, and continue through the adjacent northern private property. The eastern of the two lines is under the proposed dumpster location, requiring precaution. Vertical conflict with the dumpster footings must be avoided, and the use of a sewer camera is necessary to confirm the storm sewer is, or needs repaired to be, in good condition prior to construction over top of it and afterwards.

Environmental Services

6. 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. Construction BMPs shall be in place prior to the start of construction activities. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
 - b. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
 - c. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

PLAN COMMISSION RECOMMENDATION (cont'd)
Environmental Services (cont'd)

- d. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
- e. 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.

Fire Prevention

7. Approved Premises identification is required.

Transportation

8. Adjacent parking lot must be shown to clarify traffic flow.
9. If not already established, a cross access agreement shall be formalized with the adjacent property owner to the South.

Plan Commission

10. A 50-foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained per TMC§1104.0301. This separation shall apply to both sides of a street and to intersecting streets on corner lots:
Acceptable as submitted on site plan.
11. Per TMC§1104.0306 (A&B) Lot Size. The minimum lot size shall be no less than one-half (1/2) acre. Each lot shall have a minimum average width of 150 feet along the main road frontage. **Acceptable as submitted on site plan.**
12. Per TMC§1104.0308 Site Plan. Site plans for used automobile and recreational vehicle 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 areas approved and defined. Required customer/employee parking may not be used for used vehicle inventory. **Not acceptable as submitted. Shall be depicted on revised site plan.**

STAFF RECOMMENDATION (cont'd)
Plan Commission (cont'd)

13. The following standards apply in all Commercial and Industrial Districts per TMC§1105.0302 (A) Fencing: Fences may not exceed 3½ feet in height in the required front setback. Fences may not exceed ten (10) feet in any other location on a lot. No part of any fencing or swing gate may extend into the public right-of-way. **Acceptable as submitted on site plan.**
14. A fifteen-foot (15') wide greenbelt is required for the site along S. Reynolds Road. With 320 linear feet of frontage, a total of eleven (11) trees are required in the frontage greenbelt. Trees are not required to be evenly spaced and may be clustered. In addition, since the parking lot is visible from the right-of-way, the frontage greenbelt shall include a solid hedge of evergreen shrubs to screen the parking lot and ensure that headlights do not project onto the public street. The submitted site plan indicates eleven (11) red maple trees, but no evergreen shrubs. The proposed 42" high decorative wrought iron or aluminum tube fence may be substituted for the hedge, conditioned on the approval of the Planning Director.
15. A Type A Landscape Buffer is required along the entire eastern boundary of the property that abuts the residential zoning district. This buffer shall consist of a solid six-foot (6') to eight-foot (8') tall wood or vinyl privacy fence with a ten-foot (10') wide landscaping buffer abutting the screening, including four (4) canopy trees and fifteen (15) shrubs for every one hundred (100) linear feet. The submitted landscaping plan depicts a six-foot (6') board-on-board wood fence and four (4) canopy trees, but did not indicate the appropriate number of shrubs. If approved, a revised landscaping plan shall be submitted accurately depicting the Type A Landscape Buffer, in areas where viable and included as a condition of approval.
16. Wheel stops must be provided when outdoor display areas abut public right-of-way, ensuring that display vehicles do not overhang directly on sidewalks per TMC§1104.0302 (C) Outdoor Display Areas: **Not acceptable as submitted: Shall be depicted on revised site plan.**
17. All used motor vehicles parked or displayed outdoors shall conform to [Chapter 337](#), Safety and Equipment, of the Traffic Code and shall be operable per TMC§1104.0303 Vehicle Quality: **Acceptable as submitted on site plan.**
18. Per TMC§1104.0309 Structures. A permanent structure with a minimum floor area of 200 square feet, meeting the building design standards of Sec. [1109.0500](#) shall be provided on site: **Acceptable as submitted on site plan.**
19. All recitations on the Cedar Estates Commercial Plat, including cross-access and shared parking, remain in effect.

STAFF RECOMMENDATION (cont'd)
Plan Commission (cont'd)

20. This Special Use Permit does not include any other lots in the Cedar Estates Commercial Plat. The used auto sales lot cannot encroach onto the remaining lots.
21. 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. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
22. 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.
23. 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,



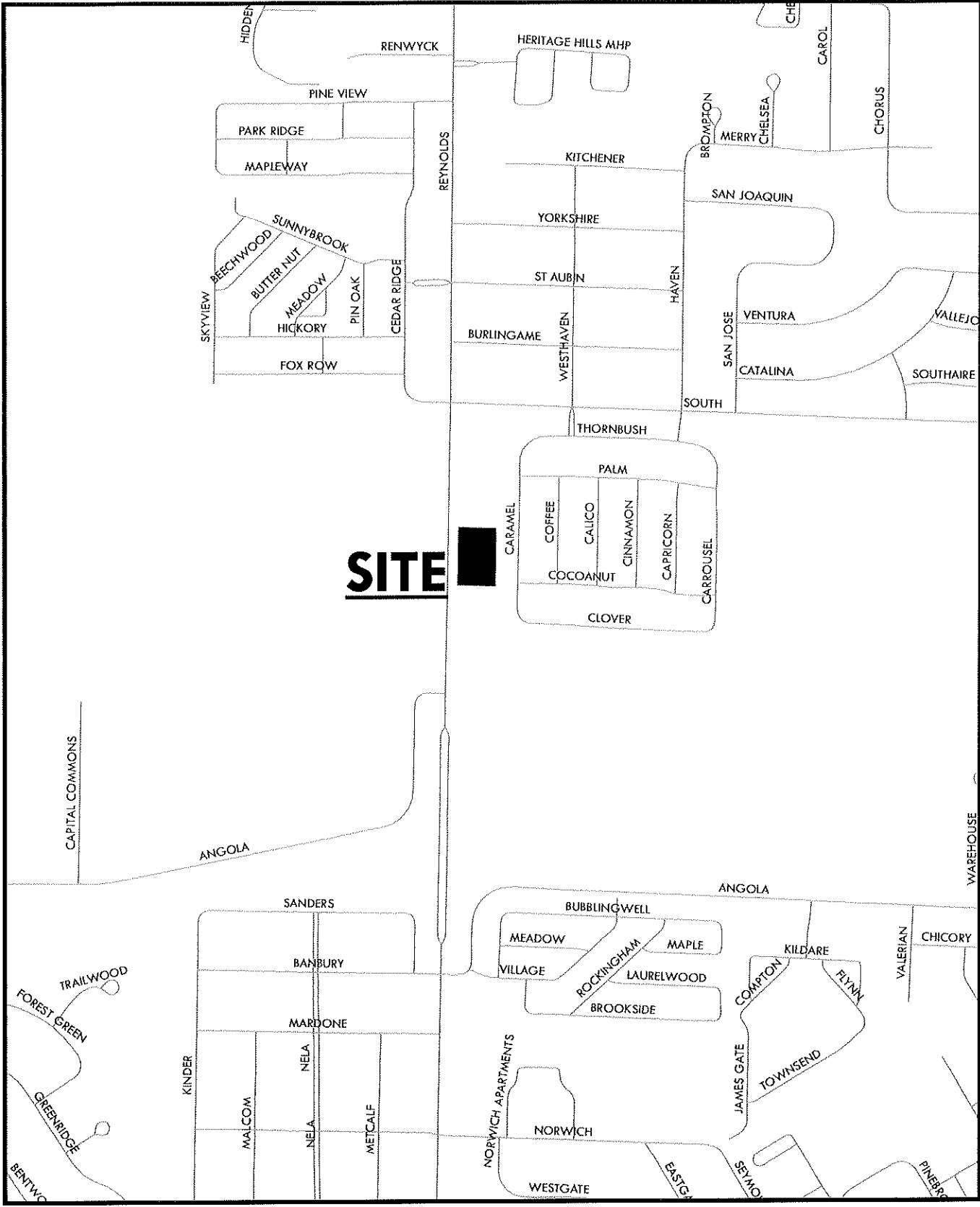
Thomas C. Gibbons
Secretary

NH
Two (2) sketches follow

Cc: Hussein & Cheryl Khalaf
Lisa Cottrell, Administrator
Nancy Hirsch, Planner

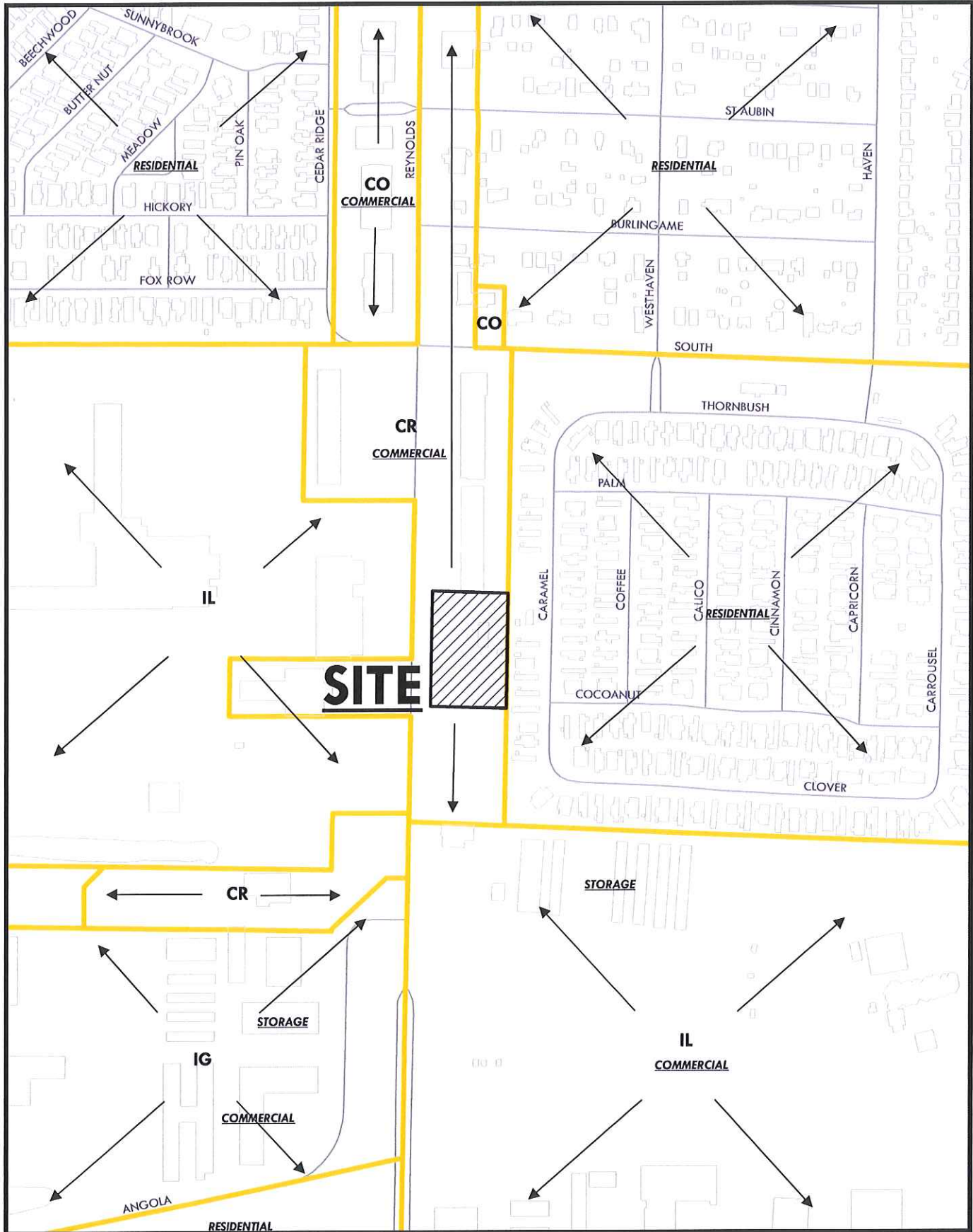
General Location

SUP-9004-20
ID 108



ZONING & LAND USE

SUP-9004-20
ID 108





TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: October 23, 2020
REF: SUP-9004-20
PLANNER: Hirsch

NOTICE OF PUBLIC HEARING

on

Date: Thursday, November 5, 2020

Request: Special Use Permit for a used car lot

Location: 631 S Reynolds Road

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the **project applicant** as well as owners of property within and contiguous to and directly across the street from subject parcel (or parcels at the addresses of such owners appearing on the County Auditor's current tax list). Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at **2:00 p.m.** on **Thursday, November 5, 2020** as a Zoom meeting. You may attend this hearing by clicking on the following link at the time of the hearing. You will then be added as an "attende" and will have opportunity to communicate via a "question and answer" tab. We will receive your comments/questions, and a facilitator will communicate them to the Commission Members. **If you are the project applicant, please make every effort to attend the hearing.**

Zoom Link:

Join from PC, Mac, Linux, iOS or Android: <https://toledo-oh-gov.zoom.us/j/92280745825>

Or Telephone:

Dial:

USA 602 333 2017

USA 8882045987 (US Toll Free)

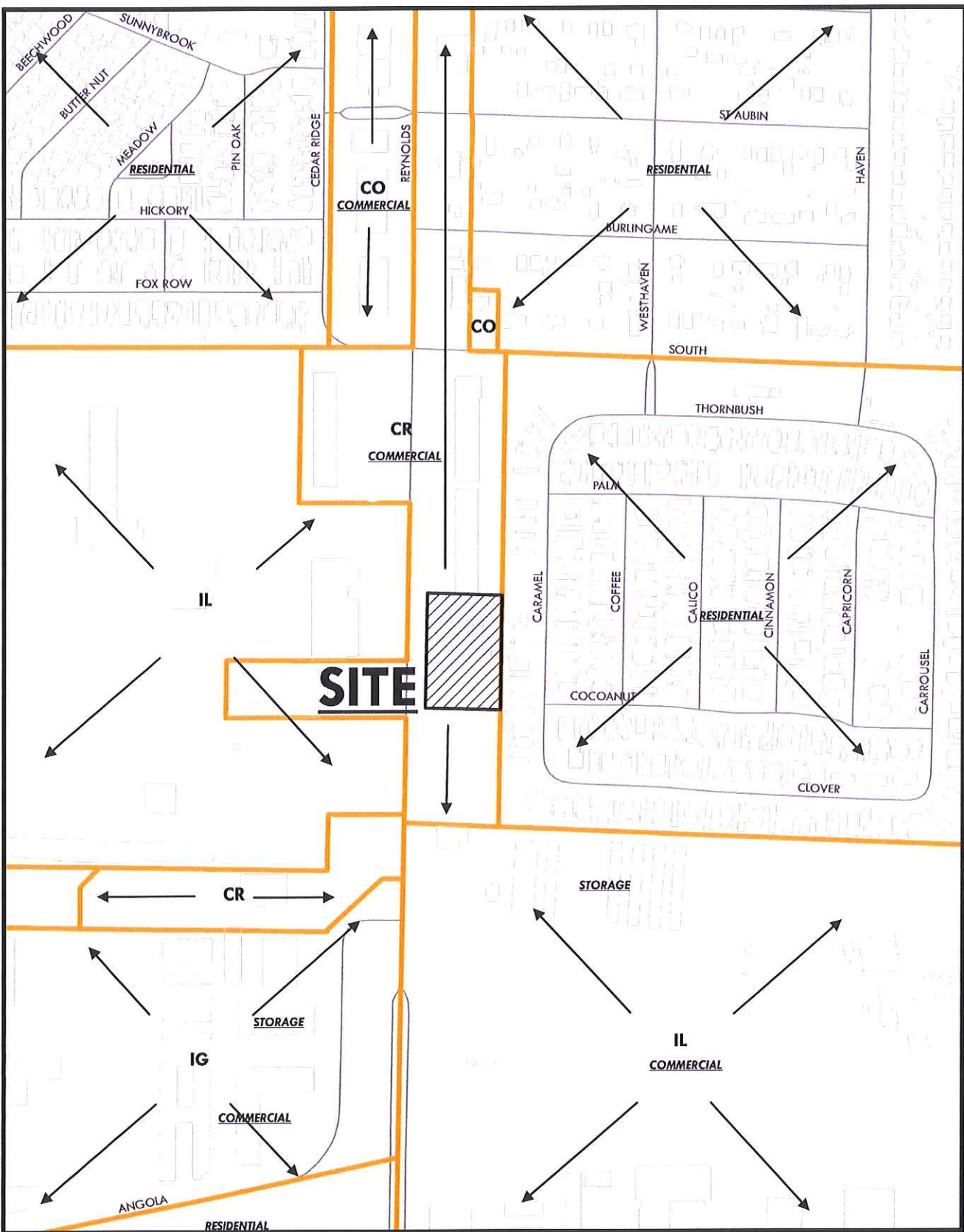
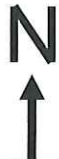
Conference code: 165882

You may also call the office of the Toledo City Plan Commission at 419-245-1200 or email any comments that you have to the planner at nancy.hirsch@toledo.oh.gov. We will ensure that your comments are incorporated as part of the public record.

TOLEDO CITY PLAN COMMISSION

ZONING & LAND USE

SUP-9004-20
ID 108



CITY OF TOLEDO, OHIO

Clerk of Council
One Government Center
Toledo, Ohio 43604

Julie Gibbons
Assistant Clerk of Council

Telephone
419-245-1060

Date: October 23, 2020
Ref: SUP-9004-20

NOTICE OF PUBLIC HEARING

Wednesday, December 9, 2020

The Zoning and Planning Committee of Council, at a Zoom meeting to be held on Wednesday, December 9, 2020 at 4:00 p.m., will consider the following request:

Special Use Permit for a used car lot at 631 S Reynolds Road

When: Dec 9, 2020 04:00 PM Eastern Time (US and Canada)
Topic: Toledo City Council Zoning & Planning Committee Meeting

Please click the link below to join the webinar:
<https://toledo-oh-gov.zoom.us/j/97460281461>

Or Telephone:
Dial:
USA 602 333 2017
USA 8882045987 (US Toll Free)
Conference code: 623767

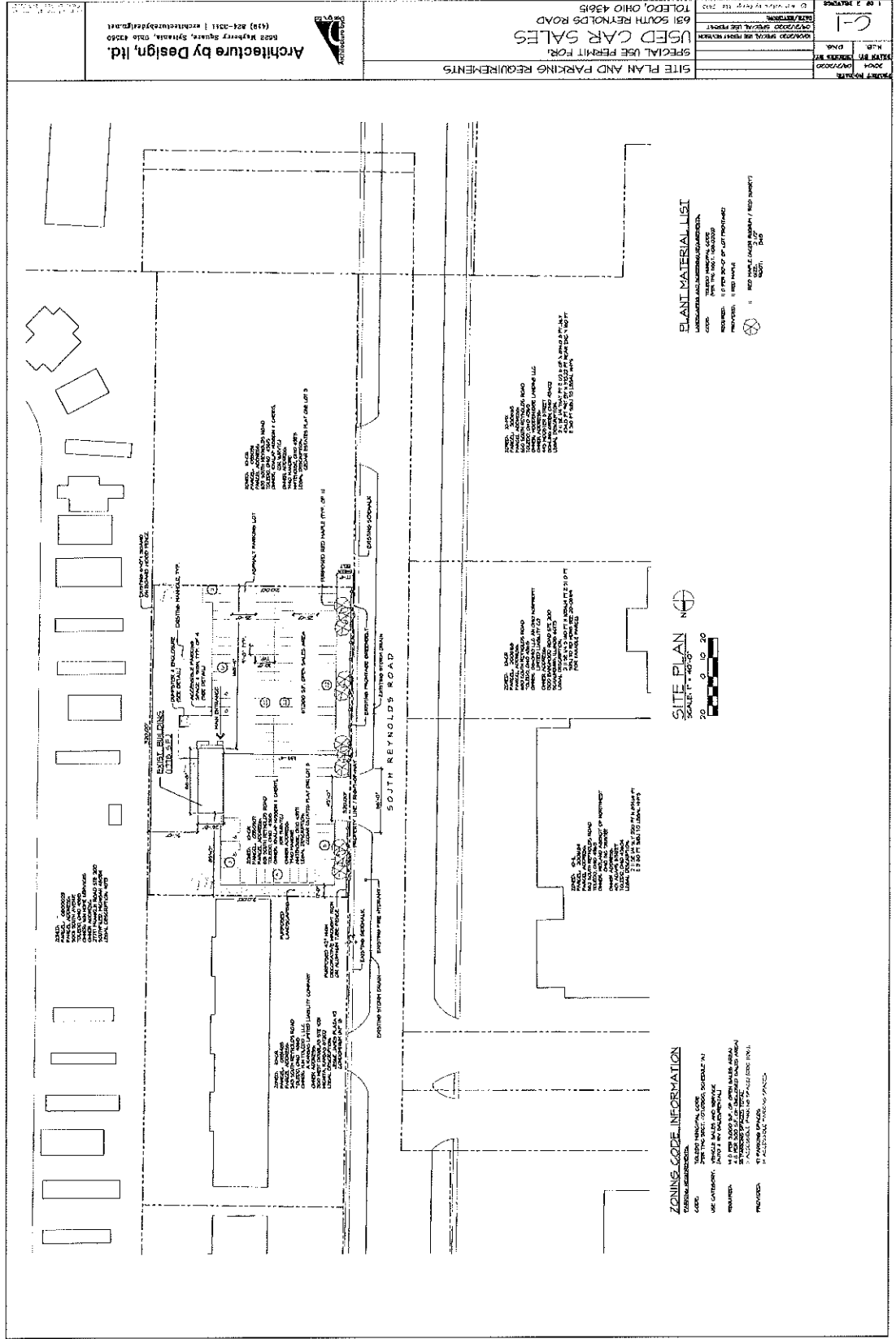
Julie Gibbons
Assistant Clerk of Council

****Failure of applicant to appear may result in a deferral or denial of your request.**

NOTICE PUBLISHED IN TOLEDO CITY JOURNAL

SITE PLAN

SUP-9004-20
ID 108



ZONING CODE INFORMATION
 GENERAL REQUIREMENTS:
 CODE: SUP-9004-20
 USE CATEGORY: COMMERCIAL
 REQUIRED: 10% OPEN SPACE, 5% TREE CANOPY, 10% PERMEABLE PAVEMENT, 10% BIOMIMICRY
 PROVIDED: 10% PERMEABLE PAVEMENT

SITE PLAN
 SCALE: 1" = 40'-0"
 0 10 20

PLANT MATERIAL LIST
 TREE: 4" DBH
 SHRUB: 6" DBH
 PERENNIAL: 18" HIGHER
 ANNUAL: 18" HIGHER
 SPREADER: 18" HIGHER
 MULCH: 2" DBH
 MULCH: 4" DBH
 MULCH: 6" DBH
 MULCH: 8" DBH
 MULCH: 10" DBH
 MULCH: 12" DBH
 MULCH: 14" DBH
 MULCH: 16" DBH
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 MULCH: 94" DBH
 MULCH: 96" DBH
 MULCH: 98" DBH
 MULCH: 100" DBH

SITE PLAN AND PARKING REQUIREMENTS
 SPECIAL USE PERMIT FOR
 USED CAR SALES
 681 SOUTH REYNOLDS ROAD
 TOLEDO, OHIO 43615

Architecture by Design, Ltd.
 1522 Weyburn Square, Grafton, Ohio 43020
 (614) 224-2311 | architecture@adgraff.com

owner	mailing address 1	mailing address 2
AMSTUTZ CORRINE	10 HIDDEN VALLEY DR APT 15	TOLEDO OH 43615 5818
OG-OHIO LLC	1300 BASSWOOD RD STE 200	SCHAUMBURG IL 60173
RANDHAWA REAL ESTATE LLC	1477 HIALEAH	CANTON MI 48188
BUCHANAN FRED	1905 OLD PLANKE RD	HOLLAND OH 43528
WILLOWBROOK CO.,LTD.	27777 FRANKLIN RD STE 200	SOUTHFIELD MI 48034 8205
MACLAREN MANAGEMENT LLC	2915 SECRETARIAT RD	TOLEDO OH 43615
HJH TOLEDO 1	300 W DOUGLAS STE 1031	WICHITA KS 67202
DIACOU KYPROS	3922 SECOR RD	TOLEDO OH 43623 4405
RINDERMAN MAKARIA MARIE	3979 AIRPORT HWY APT 20	TOLEDO OH 43615
MIDLAND AGENCY OF NORTHWEST OHIO INC TRUSTEE	401 ADAMS ST	TOLEDO OH 43604
ZALECKI RENEE M PICKERIGN	4039 FAIRVIEW DR	TOLEDO OH 43612
FAIR ROXANNA MICHELE	4425 MERRY LN	TOLEDO OH 43615 6034
WOODBIDGE LANDING LLC	445 WOOSTER ST	BOWLING GREEN OH 43402
CARR JOSHUA	5001 SOUTH AVE LOT 002	TOLEDO OH 43615
HOLCOMB JOHN T	5001 SOUTH AVE LOT 128	TOLEDO OH 43615
WHITMORE LUTHER & WILMA	5001 SOUTH AVE LOT 003	TOLEDO OH 43615
MARTINEZ MIGUEL	5001 SOUTH AVE LOT 124	TOLEDO OH 43615
HOLZEMER THOMAS B & MICHELLE E	5001 SOUTH AVE LOT 126	TOLEDO OH 43615 6449
LOWE RONALD L II	5001 SOUTH AVE LOT 127	TOLEDO OH 43615 6450
CRUZ BRANDON M	5001 SOUTH AVE LOT 129	TOLEDO OH 43615
WALLACE MICHAEL	5001 SOUTH AVE LOT 130	TOLEDO OH 43615
MOORE PAMELA L	5001 SOUTH AVE LOT 131	TOLEDO OH 43615
TRUSS LILLIAN, CHRISTOPHER G FIELDS	5001 SOUTH AVE LOT 133	TOLEDO OH 43615 6450
MEYER RAYMOND JMEYER DEBRA K WROS	644 WOODSDALE AVE	TOLEDO OH 43609
KHALAF HUSSEIN & CHERYL	7940 MANORE	WHITEHOUSE OH 43571
522 REYNOLDS LLC A MICHIGAN LLC	8130 TIMOTHY LN	SYLVANIA OH 43560
VAN KOUGHNET PROPERTIES LLC	853 S REYNOLDS RD	TOLEDO OH 43615 6309
MADDEN KELLY & MATTHEW	BOX 875	OAKS PA 19456
GOZDOWSKI LEONARD C	P O BOX 352645	TOLEDO OH 43635
ROYCE RICHARD E & KATHLEEN	P O BOX 477	KNOXVILLE TN 37901
440 SOUTH REYNOLDS LLC ANOHIO LLC	P.O. BOX 351057	TOLEDO OH 43635



SUP-9004-20

MAILING MAP

