

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

REF: SUP-6003-23
DATE: August 10, 2023

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 Scrap and Salvage Yard at 5846 & 5870 N. Detroit Avenue

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday August 10, 2023 at 2:00 P.M.

GENERAL INFORMATION

Subject

- Request - Special Use Permit for Scrap & Salvage Yard
- Location - 5846 and 5870 N. Detroit Avenue
- Applicant + owner - Alexis and Detroit Auto Parts Inc.
5846 and 5870 N. Detroit Avenue
Toledo, OH 43612
- Attorney - Joseph R. Torda Esq.
Barkan & Robon Ltd., Attorneys
1701 Woodlands Drive
Maumee, OH 43537
- Architect - Frederick & Associates
4645 N. Summit Street
Toledo, OH 43611

Site Description

- Zoning - IG / General Industrial
- Area - ± 6.6 acres
- Frontage - ± 166' along N. Detroit Avenue
±108' along N. Detroit Avenue
±1265' along E. Alexis Road
- Existing Use - Scrap & Salvage Yard, Single-family Home
- Proposed Use - Scrap & Salvage Yard, Single-family Home

GENERAL INFORMATION (cont'd)

Area Description

North	-	RS6, CR-SO / Single-family Homes, Duplex, Vacant Lots
South	-	IG / Vacant Lots, Used Auto Parts Store
East	-	IG / Vacant Lots
West	-	CR, CR-SO / Retail Store, Restaurant, Hotel

Parcel History

M-39-62	-	Interim Zoning for Area Bounded by Detroit Avenue Ann Arbor Railroad and City Line. PC Approved 1/3/63
Z-22-62	-	To Establish Permanent Zoning for the Area Roughly bounded by Detroit Avenue, Ann Arbor R.R and the South Line of the Fractional Section 1 T9s, R7E. PC Approved 2/28/63
Z-197-70	-	Resolution No. 197-70 requesting a Special Use Permit for a Police Tow Lot, Located East of Detroit Avenue and North of Alexis Road, in a M-2 Industrial District. PC Approved 8/20/1970
SUP-232-78	-	Resolution No. 232-78, Requesting a Special Use Permit for a Police Tow Lot at 5870 and 5880 N. Detroit Avenue on the East Side of Detroit Avenue North of Alexis Road. Approved by Ord. 822-78

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 to operate a scrap and salvage yard at 5846 & 5870 N. Detroit Avenue. The ±6.6-acre site is zoned IG General Industrial and currently occupied by a scrap and salvage yard and a rental residence. Surrounding land uses include single-family homes, duplex and vacant lots to the north, vacant lots and used auto parts store to the south, retail store, restaurant and hotel to the west and vacant lots to the east.

STAFF ANALYSIS (cont'd)

Scrap and salvage operations are only permitted in IG General Industrial and also requires a Special Use Permit. The site was operating as a tow lot in 1978 and transitioned into a scrap and salvage yard at some point without the necessary permits from the Plan Commission. It was recently cited for a code violation; hence, the applicant is requesting the Special Use Permit in order to bring the site into compliance.

Parking and Circulation

Pursuant to **TMC§1107.0304 – Parking, Loading, and Access**, scrap and salvage use requires one (1) parking space per acre, as well as one (1) bicycle parking stall per 10 parking spaces. The site plan depicts fourteen (14) parking spaces. In addition to that, one (one) accessible parking space and one bicycle space is required. An accessible parking space and bicycle space shall be shown a revised site plan. Per **TMC§1107.0902(C)** up to two vehicle parking spaces required under this chapter may be used for bicycle parking.

Furthermore, per **TMC§1107.1906**, Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways shall be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill. The submitted site plan depicts the vehicle storage areas and drive aisles surfaced with gravel. A revised site plan shall be submitted complying to **TMC§1107.1906**.

Landscaping

As required under **TMC§1108.0202** sites over five (5) acres are required to provide a thirty-foot (30') frontage greenbelt and contain at least one (1) tree for every thirty feet (30') of frontage. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. Applicant has the option to request credit for existing trees under **TMC§1108.0407(B)(9)**. The submitted site plan does not show the required frontage greenbelt landscaping along Detroit Avenue. This shall be shown on a revised site plan.

The southern portion of the property fronting Alexis Road is heavily landscaped with existing trees, hence a greenbelt buffer is not required in this area. Furthermore, parking lot landscaping is not required for this site since it is zoned IG General Industrial and does not abut a residential use. Per **TMC§1108.0203(H)**, in all Industrial Districts, fencing to screen from public view open storage areas shall be required. The chain link fence depicted on the site plan surrounding the site meets the minimum height required per this section of six feet (6'). However, **TMC§1108.0203(H)(2)** allows shadow box, chain link with slats, or stockade. As a condition of approval, fencing located along the northern, southern, and eastern perimeters of the site shall include vinyl, earth tone slats.

STAFF ANALYSIS (cont'd)

Building Design and Materials

No changes are being proposed to the existing buildings on the site.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Heavy Industrial land uses. This district is intended to accommodate heavy industrial and other moderate and high impact industrial uses, including large scale or specialized industrial operations requiring good transportation success and public facilities and services. Scrap and salvage uses are a compatible use for this designation and the proposed Special Use Permit conforms to the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6003-23, a Special Use Permit for Scrap and Salvage Yard at 5846 & 5870 N. Detroit Avenue, to Toledo City Council for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code [TMC§1111.0706(A) – *Review & Decision-Making Criteria*], and
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*].

The Toledo City Plan Commission approves SUP-6003-23, a Special Use Permit for Scrap and Salvage Yard at 5846 and 5870 N. Detroit Avenue subject to the following **thirty-three (33)** conditions.

Division of Engineering Services

1. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
2. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8” thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

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.

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

Division of Sewer and Drainage Services

4. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. 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.

Division of Environmental Services

6. Facility shall install permanent inlet filters that absorb oil in all catch basins on the property before the site is operational under the new zoning code.
7. If the SIC (standard industrial classification) code for this industry is listed in Appendix D of the Ohio EPA Multi-Sector General Permit for Industrial Stormwater Discharges and the facility is not yet covered under the Multi-Sector General Permit, it must submit a notice of intent to Ohio EPA for coverage under the permit prior to the site being operational under the new zoning code.
8. Any environmental protection measures called out in the Multi-Sector General Permit for their industry and SIC are to be installed before the site is operational under the new zoning code.
9. 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 storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

11. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
12. 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
13. 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

14. Sidewalk is required on N. Detroit Avenue per **TMC§1107.1300**.
15. One van accessible parking space with 8' loading aisle and accessible signage is required per **TMC§1107.1702 & 1107.1704**.
16. All parking, loading spaces, parking lots, maneuvering area, drive aisles and driveways must be surfaced with concrete, asphalt or other dust-free material other than gravel or loose fill in per **TMC§1107.1906**. (Driveway and drive approach to the residential structure on the property cannot be made of stone or gravel. Drive aisle through all junk/storage area shall be paved.) Protective sealing shall be applied to existing drive aisles subject to the approval of the Division of Transportation.
17. Wheel stops are required to be shown at parking abutting property lines, sidewalk, planting strips and buildings per **TMC§1107.1907**.
18. All parking spaces, drive aisles and drive approaches are required to be shown with dimensions per **TMC§1107.1911**.
19. Traffic Management recommends a cross access agreement for the two parcels shown if one is not already established.
20. Traffic Management would like the property lines on N. Detroit Avenue be brought into alignment with the right-of-way on N. Detroit Avenue.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Transportation (cont'd)

21. Limit to one 35' drive along Detroit Avenue in front of business. (New curb and grass must be installed where there is no longer any drive approach to match adjacent curb and grass areas.)

Plan Commission

22. 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 or to a stormwater treatment facility subject to the regulation's approval of the Department of Public Utilities. **Not acceptable as depicted on site plan. Applicant shall submit a revised site plan that is in compliance with TMC§1107.1906 and subject to approval by the Division of Fire Prevention**

23. Per **TMC§1107.1906** All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.

24. One (1) van accessible parking space shall be required. **Not acceptable as depicted on site plan. One accessible parking space shall be provided on a revised site plan.**

25. Per **TMC§1107.0400**, Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. **Not acceptable as depicted on site plan. Bicycle parking shall be provided on a revised site plan.**

26. 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)**). **Not acceptable as depicted on site plan. Wheel stops shall be shown on a revised site plan for parking spaces along the south property line.**

27. 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.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

28. In all Commercial and Industrial districts, fencing to screen from public view open storage areas shall be required as outlined in TMC§1108.0203(H). Fencing shall be at least six feet (6') in height and be shadow box, chain link with slats, or stockade. **Not acceptable as depicted. Existing chain link fencing along Detroit Avenue meets the height requirement; however, opaque slats must be provided with the chain link subject to the approval by the Planning Director. Chain link fencing screening parking spaces is acceptable as depicted.**

29. 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. **TMC§1108.0202** requires a minimum of thirty feet (30') of landscaped frontage greenbelt along public rights-of-way. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. **Not acceptable as depicted. a fifteen-foot (15') frontage greenbelt shall be provided along Detroit Avenue subject to approval by the Planning Director;**
- b. 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;
- c. 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;
- d. If the site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details;
- 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;

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties.
30. 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.
31. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
32. 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.
33. 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

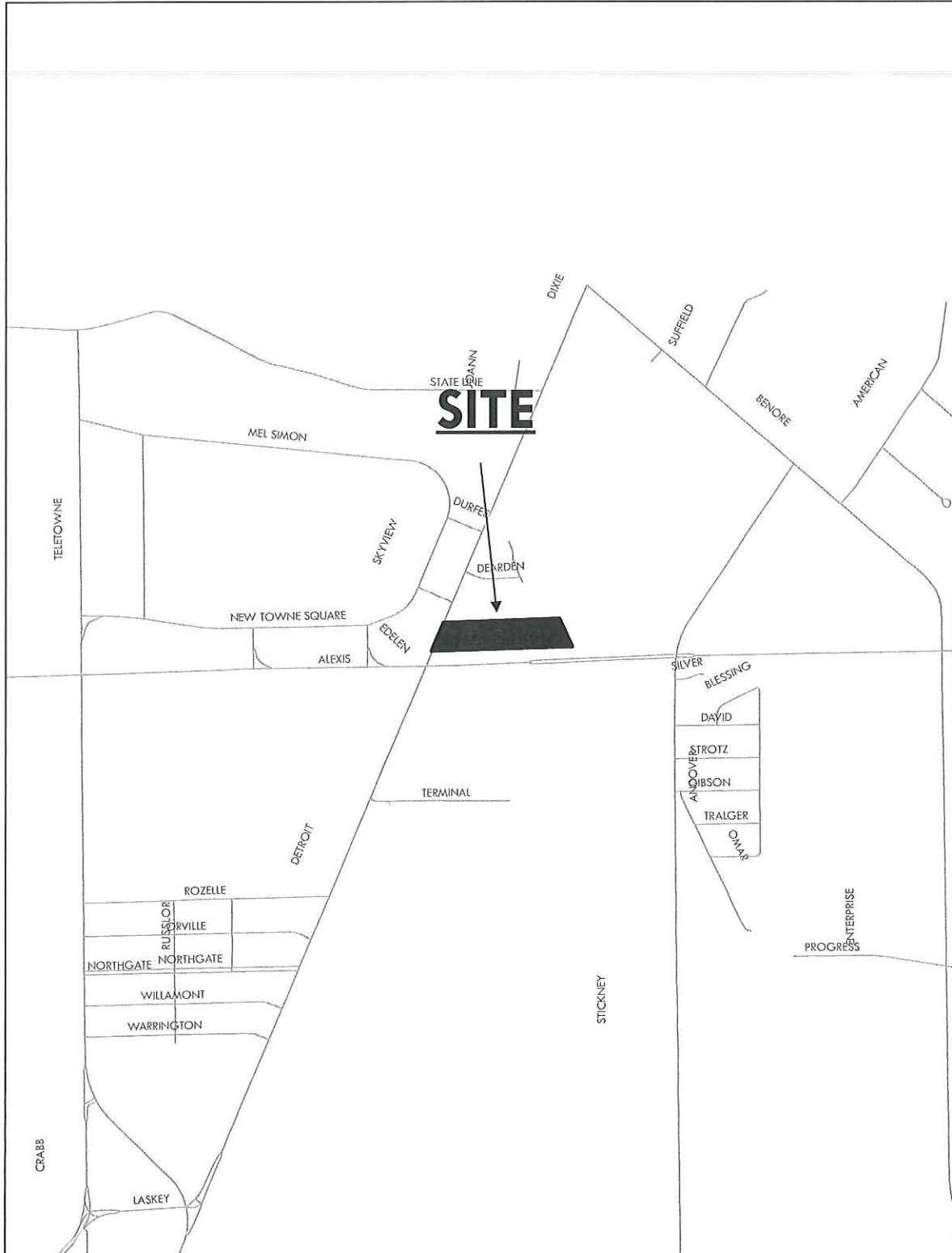
Secretary.

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Four (4) sketches follow

GENERAL LOCATION

SUP-6003-23



ZONING & LAND USE

SUP-6003-23

