



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: May 14, 2021

REF: SUP-3001-21

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 used car lot

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 13, 2021 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for a used car lot.
Location	-	3952 Jackman Road
Applicant	-	Richard Pham 3952 Jackman Road Toledo, OH 43612
Architect	-	Architecture by Design 5622 Mayberry Square Sylvania, OH 43560

#### Site Description

Zoning	-	CR / Regional Commercial
Area	-	±0.52 acres
Frontage	-	±172' along Jackman Road and 134' along West Sylvania Ave
Existing Use	-	Used car lot

#### Area Description

North	-	Dollar General and parking lots / CR
South	-	Multifamily residence / RM36
East	-	Professional offices, commercial stores / CR
West	-	Church / RM36

**GENERAL INFORMATION** (cont'd)

Parcel History

D-10-92	-	Review of drive-thru for Taco Bell. Aw/C 05-18-92
D-15-90	-	SPR for drive-thru restaurant, Snapps. Aw/C 11-16-90

Applicable Regulations

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

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit for a used car lot located at 3952 Jackman Road. The site is currently occupied by an office-trailer and has been operating as a used auto sales facility and vape shop. It has been cited by Code Enforcement for a zoning violation by having two different businesses operating and located on the same parcel. The applicant intends to use the existing ±900 square foot building.

The used car lot is located in a one-unit building. The structure consists of 900 square feet. The site is zoned CR, Regional Commercial. Surrounding land uses include a Dollar General and strip mall with parking lots to the north, a dentist office to the east, apartments to the south, and to the west is a vacant church.

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.

## **STAFF ANALYSIS (cont'd)**

### 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. Ornamental fencing will be installed along both Jackman Road and W. Sylvania Avenue within the existing turf greenbelt.

Dumpster receptacles are required to be screened and shall be separated from the main circulation and parking areas. As stated in TMC§1108.0203 (G)(5) - *Dumpster/Trash Receptacle Screening*, a dumpster may not be located in any required setbacks or landscape buffers.

### Elevations

There are no changes necessary for the building exterior at this time.

### 20/20 Comp Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial land uses. The intent of the CR Regional Commercial designation is to accommodate auto-oriented commercial development in areas already built in this manner. Development is intended to accommodate community and regional-oriented commercial uses. The proposed development conforms to this land use designation.

## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommend approval of SUP-3009-21, a request for a Special Use Permit for a used car lot located at 3952 Jackman Road, to the 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.**
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics **TMC§1111.0706. C.**

The Toledo City Plan Commission recommends approval of SUP-3009-21, a request for a Special Use Permit for a used car lot located at 3952 Jackman Road, to the Toledo City Council, subject to the following **twenty-eight (28)** conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

## PLAN COMMISSION RECOMMENDATION (cont'd)

### Division of Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

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

Sanitary Sewers: Mike Elling 419-936-2276

2. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.

3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.

4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

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

### Division of Environmental Services

5. 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.

6. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

## **PLAN COMMISSION RECOMMENDATION (cont'd)**

### Division of Environmental Services (cont'd)

7. 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.

8. 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](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)

9. 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 Fire

10. No comments or concerns.

### Sewer & Drainage

11. No comments received at time of publishing.

### Division of Transportation

12. All parking spot locations must be shown with dimensioning per TMC 1107.

13. A dumpster location must be shown on site plan.

### Plan Commission

14. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulation's approval of the Department of Public Utilities (TMC§1107.1906); **acceptable as depicted on site plan.**

15. 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; **acceptable as depicted on revised site plan.**

**PLAN COMMISSION RECOMMENDATION (cont'd)**

16. Per TMC§1109.0204(A), at least one (1) main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route; **Not acceptable as depicted on site plan. Pedestrian access shall be provided for the proposed building and depicted on revised site plan.**
17. 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.
18. 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.**
19. 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; **acceptable as submitted.**
20. 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.**
21. 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: **acceptable as submitted as there is an existing curb.**
22. 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.**
23. 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.**
24. 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:

## PLAN COMMISSION RECOMMENDATION (cont'd)

### Plan Commission (cont'd)

- a. A Type A Landscape Buffer is required along the entire southern 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 one (1) canopy tree and fifteen (15) shrubs for every one hundred (100) linear feet. The submitted landscaping plan depicts a six-foot (6') vinyl privacy fence and two (2) canopy trees, and seven (7) shrubs; 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.
  - b. A fifteen-foot (15') greenbelt is required along Jackman Road frontage. **In lieu of the fifteen-foot (15') greenbelt, the proposed landscape plan depicts wrought iron or aluminum tubing decorative fencing along Jackman Road and West Sylvania Avenue on an existing ten-foot (10) turf greenbelt.**
  - c. Interior parking lot landscaping requires two (2) canopy trees and six (6) shrubs for each ten (10) parking spaces within the parking lot. Landscape plan depicts seven (7) shrubs and eight (8) existing trees in the southeast corner and eastern edge of the parking lot; **not acceptable as depicted.**
  - d. The following shall be provided for interior site landscaping: one (1) two-inch (2") caliper tree for every 1000 square feet of building coverage (footprint); foundation plantings along all portions of the building that are visible from the public rights-of-way and at all major building entrances; **not acceptable as depicted.**
  - e. Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line; **acceptable as depicted on landscaping plan.**
  - f. 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.
  - g. 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.
  - h. The location, height, and materials for any fencing to be installed and maintained **(including the proposed dumpster screenings).**
25. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

26. 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.
27. 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.
28. 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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Three (3) sketches follow

Cc: Richard Pham, Applicant  
Lisa Cottrell, Administrator  
Nancy Hirsch, Planner