



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: November 2, 2018

REF: SUP-8002-18

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

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

SUBJECT: Request for a Special Use Permit for Used Auto Sales at 2433-2435 Tremainsville Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, November 1, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Used Auto Sales
Location	-	2433-2435 Tremainsville Road
Applicant	-	Mike M. Jaber Liberty Auto Fair, LLC 2433 Tremainsville Road Toledo, OH 43613
Architect	-	Scott J. Heacock 1303 Sabra Road Toledo, OH 43612

Site Description

Zoning	-	CR/Regional Commercial & RS6/Single Dwelling
Area	-	± 1.270 acres
Frontage	-	± 132' along Tremainsville Road
Existing Use	-	Used Auto Sales and Service
Proposed Use	-	Used Auto Sales and Service

GENERAL INFORMATION (cont'd)

Area Description

North	-	Multi Family, Single Family Residential / CR
South	-	Single Family Residential / RS6
East	-	Single Family Residential / RS6
West	-	Single Family Residential / RM36, RD6

Parcel History

Z-21-C64	-	Zone Change from R-2 One Family Dwelling to C-2 General Commercial at 2435 Tremainsville Road (Washington Township) Approved on 6/11/57
ORD-14-65	-	Annexation from Washington Township by City of Toledo. Zoning classification for 2435 Tremainsville Rd. converts from C-2 General Commercial (Washington Township) to C-3 Commercial (City of Toledo). Zoning classification for 2433 Tremainsville Rd. converts from R-2 One-Family Dwelling (Washington Township) to R-2 Single-Family Residence (City of Toledo).
Z-385-68	-	Zone Change from R-2 Single Family to C-3 Commercial at 2433 Tremainsville Rd. with the exception of the rear 114.5' to remain R-2 (Plan Commission recommended disapproval on 1/9/1969. City Council approved on 2/24/1969 by Ord. 148-69).

Applicable Plans and Regulations

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

STAFF ANALYSIS

This case was deferred from the October 11, 2018 meeting of the Plan Commission to the November 1, 2018 Plan Commission meeting in order for the applicant to be present to address concerns.

STAFF ANALYSIS (cont'd)

The applicant is requesting a Special Use Permit for used auto sales at 2433 & 2435 Tremainsville Road. The site consists of two parcels fronting onto Tremainsville Road and Mellwood Lane with a combined acreage of ± 1.270 acres. A single-family dwelling used only for office/storage purposes sits on the parcel located at 2435 Tremainsville. A 2,700 square foot garage/office building occupies the larger adjoining parcel to the south at 2433 Tremainsville. Surrounding land uses include single-family to the east, south and west. Commercial uses are to the north and northeast.

The site is mixed-zoned. The rear $\pm 125'$ of 2433 Tremainsville Rd. is zoned RS6, Single Dwelling. The remainder of that parcel, and all of the parcel at 2435 Tremainsville Road, is zoned CR, Regional Commercial.

Used auto sales is a pre-existing use on this site and one that has been conducted here for at least twenty years. An SUP was not required for used auto sales under the previous Zoning Code. The applicant intends to improve the site by expanding the existing facility. Intended new construction includes; a new 500 square foot office addition, a new 2,100 square foot auto repair building, and a new breezeway connecting the existing repair building with the new one. These proposed modifications generated the requirement for an SUP.

Used Auto Regulations

Used auto sales 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 Auto 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 designated parking spaces approved and defined on the plan. The existing use is non-compliant with the requirement of 150' frontage. The two parcels have a combined frontage of $\pm 132'$. Staff recommends the waiver of this requirement due to the long term pre-existing use.

Parking and Circulation

Ingress/egress to the site is via one 23.5' wide access drive off of Tremainsville Road. The site plan indicates 97 parking stalls. Five of these are designated as handicap accessible parking spaces.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

Per TMC§1107.1202[B]{3}; "*Off-street parking facilities, including vehicular drives and maneuvering areas, in Commercial or Industrial districts are prohibited within: 25 feet for properties less than 5 acres and/or those with less than 500 feet of frontage of the street right-of-way when located within 50 feet of a Residential district that fronts on the same street as the lot containing the offstreet parking area.*" The submitted site plan indicates three handicap accessible parking spaces, in front of the proposed office addition, within fifty feet of the abutting residentially-zoned property to the south. A revised site plan will need to be submitted reflecting compliance to the above code.

Landscaping/Screening

Per TMC§1114.0502, an existing site is only required to be brought closer into compliance of the 2004 Zoning Code landscape requirements. The applicant will be installing a maple tree along the Mellwood Lane frontage near the abutting residential use to the south of the subject property, as well as a row of taxus (yews) hedges along the northern edge of the access drive.

A privacy fence currently exists around most of the perimeter as screening for the abutting residential properties. However, this fence appears to be in poor condition. Staff recommends that the existing fence be replaced with a new wood, board-on-board privacy fence. An anti-vehicular barrier consisting of three (3') foot high pipes/bollards sited approximately ten (10') feet apart connected with a chain extends ±70' along the abutting commercial on the northern side. Staff recommends this barrier be replaced with a black chain-link fence and/or a five (5') foot landscape strip containing a continuous row of shrubs with a minimum height (at planting) of eighteen (18") inches. The residentially-zoned rear portion of the parcel at 2433 Tremainsville will remain undeveloped. A shed located on that portion of the parcel has been removed.

Signage

A low-profile sign currently exist on the front of the parcel. The applicant is proposing a new ten (10') foot high pole sign along the Tremainsville Road frontage. It has been the Plan Commission's policy to prohibit free standing signs higher than forty-two (42") inches. Electronic Message Center (EMC) signs are permitted and limited to a maximum height of ten (10') feet.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan recommends *Regional Commercial* uses for this area of Tremainsville Road; "*Predominantly large-scale commercial uses intended to accommodate auto-oriented development. (e.g.: malls, big box retail stores, & mixed use developments) Offices and multiple family residential developments may also be interspersed within these districts.*" (Toledo 20/20 Comprehensive Plan/Appendix D, Legend)

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-8002-18, a request for a Special Use Permit for used auto sales, at 2433 & 2435 Tremainsville Road, to Toledo City Council for the following four (4) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision Making Criteria*).
2. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C) – *Review & Decision-Making Criteria*); and
3. The proposed use will not have any adverse land or environmental impacts. (TMC§1111.0706(F) – *Review & Decision Making Criteria*)
4. The proposed use is consistent with the goals of the 20/20 Comprehensive Plan.

The Toledo City Plan Commission recommends the following recommendations to the Toledo City Council on the waiver requested for SUP-8002-18, request for a Special Use Permit for Used Auto Sales at 2433 & 2435 Tremainsville Road:

Chapter 1104 Use Regulations

Sec. 1104.0300 Auto and RV Sales, Used Only

Approve a waiver of eighteen feet (18') of the required minimum average width of 150' along the main road frontage, to allow a 132' wide frontage.

The Toledo City Plan Commission further recommends approval of SUP-8002-18, a Special Use Permit for Used Auto Sales at 2433 & 2435 Tremainsville Rd., to Toledo City Council subject to the following **forty-eight (48)** 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.

Division of Engineering Services

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

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

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.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Plans for new water service or modifications to the existing water service shall be submitted to the Division of Engineering Services for review and approval.
8. Plans for new water meter or modifications to the existing water meter shall be submitted to the Division of Water Distribution for review and approval.
9. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ 800-414-4990. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow prevention requirements for this site.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

10. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
11. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
12. The proposed new buildings are within pavement that was designed by a previous owner as a shallow holding area to contain some flood water in the event of heavy storms, to prevent runoff to adjacent properties and the street. The new buildings will remove some of this flood control, which must be mitigated. Provide a flood control plan showing that the volume has been compensated through an alternative means. Provide additional new flood control for new development in areas not previously paved.
13. Records show an existing privately owned storm line crossing underneath proposed buildings in the vicinity of the proposed breezeway. It is recommended that this line remain in service. New building foundations should be designed and installed with necessary precaution to not block or damage this line.
14. All storm drainage must be internal and not run off onto adjacent properties.
15. The proposal shows development with an area of earth disturbed greater than 2,500 square feet. All sites proposing earth disturbing activities of 2,500 sq. ft. or more shall be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.)
16. Provide Stormwater detention, post-construction stormwater best management practices (BMP's) and a stormwater pollution prevention plans (SWP3) plans in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>. Submit the following documents to the Division of Engineering Services (Andy Stepnick) for review & approval:
 - Detailed site grading plan
 - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's).
 - Stormwater Pollution Prevention Plan (SWP3)

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

- Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's.
17. Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and may be eligible for a reduction in the property's stormwater utility fee. Information on the fee credit program is at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
 18. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
 19. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
 20. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developers cost.
 21. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
 22. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

Division of Water Distribution

No comments received at time of print.

Sewer and Drainage Services

23. S&DS require that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
24. S&DS requires that the 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Fire Prevention

No comments or concerns.

Division of Environmental Services

25. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
26. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
27. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
28. 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 stormwater impacts from the modification, including but not limited to, long-term operation and maintenance of existing structural and non-structural Best Management Practises.
29. 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

No comments received at time of print.

Plan Commission

30. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; **acceptable as depicted on site plan.**
31. Pursuant to TMC§1104.0308, all vehicles on display must be parked in striped parking spaces that shall be designated on an approved Site Plan. Vehicle parking that deviates from the approved Site Plan shall not be permitted.
32. 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)); **if applicable.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

33. 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.
34. Repairs and services of vehicles shall be conducted wholly within an enclosed building(s) permanently located on the site.
35. 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.
36. Existing perimeter stockade/privacy fence shall be replaced. A new wood, board-on-board fence shall adhere to the requirements of TMC§1105.0302 and TMC§1108.0203; **shall be depicted on a revised site plan.**
37. The existing bollard chain anti-vehicular barrier along the northern property line shall be replaced with a six (6') foot high (except within the front setback) black coated chain-link fence and/or a five (5') foot landscape strip containing a continuous row of shrubs with a minimum height (at planting) of eighteen (18") inches; **shall be depicted on a revised site plan.**
38. The residentially zoned rear portion of the property shall not be used for any commercial purposes.
39. The proposed landscape along the Tremainsville Road frontage is acceptable as depicted on the site plan. 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 cover.
40. If the buildings are modified in the future, the building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. EIFS may not constitute more than 15% of the exterior for facades visible from the public right-of-way. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

41. 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.**
42. It has been the Plan Commission's policy to prohibit free standing signs higher than forty-two (42") inches. Electronic Message Center (EMC) signs are limited to a maximum height of ten (10') feet. Any proposed signage must meet the requirements of the *Toledo Municipal Code Title Nine – Sign Code.*
43. Pursuant to TMC§1104.0306, a used auto sales facility is required to have one-half (1/2) acre in area and 150' feet of main road frontage. The site is compliant in terms of acreage but not the frontage. Applicant shall obtain a waiver of TMC§1104.0306(B).
44. Pursuant to TMC§1107.0304, a Used Auto Sales facility is required to have one (1) parking space per every 5,000 square feet of open sales area, plus one (1) parking space per every 500 square feet of enclosed sales area, plus one and one-half (1.5) parking spaces for each service bay. **Acceptable as depicted on site plan.**
45. 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.
46. 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.
47. 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.
48. The submitted site plan indicates three handicap accessible parking spaces, in front of the proposed office addition, within fifty feet of the abutting residentially-zoned property to the south. Per TMC§1107.1202[B]{3}), off-street parking is prohibited within fifty (50') feet of a residential district that fronts onto the same street. **A revised site plan will need to be submitted reflecting compliance to the above regulation.**

TO: President Cherry and Members of Council
November 2, 2018
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Respectfully Submitted,

A handwritten signature in cursive script that reads "Thomas C. Gibbons".

Thomas C. Gibbons
Secretary

Three (3) sketches follow
CC: Lisa Cottrell, Administrator
Daryl Graus, Planner

Mike M. Jaber
2433 Tremainsville Road
Toledo, OH 43613

Scott J. Heacock, Architect
1303 Sabra Road
Toledo, OH 43612-2127

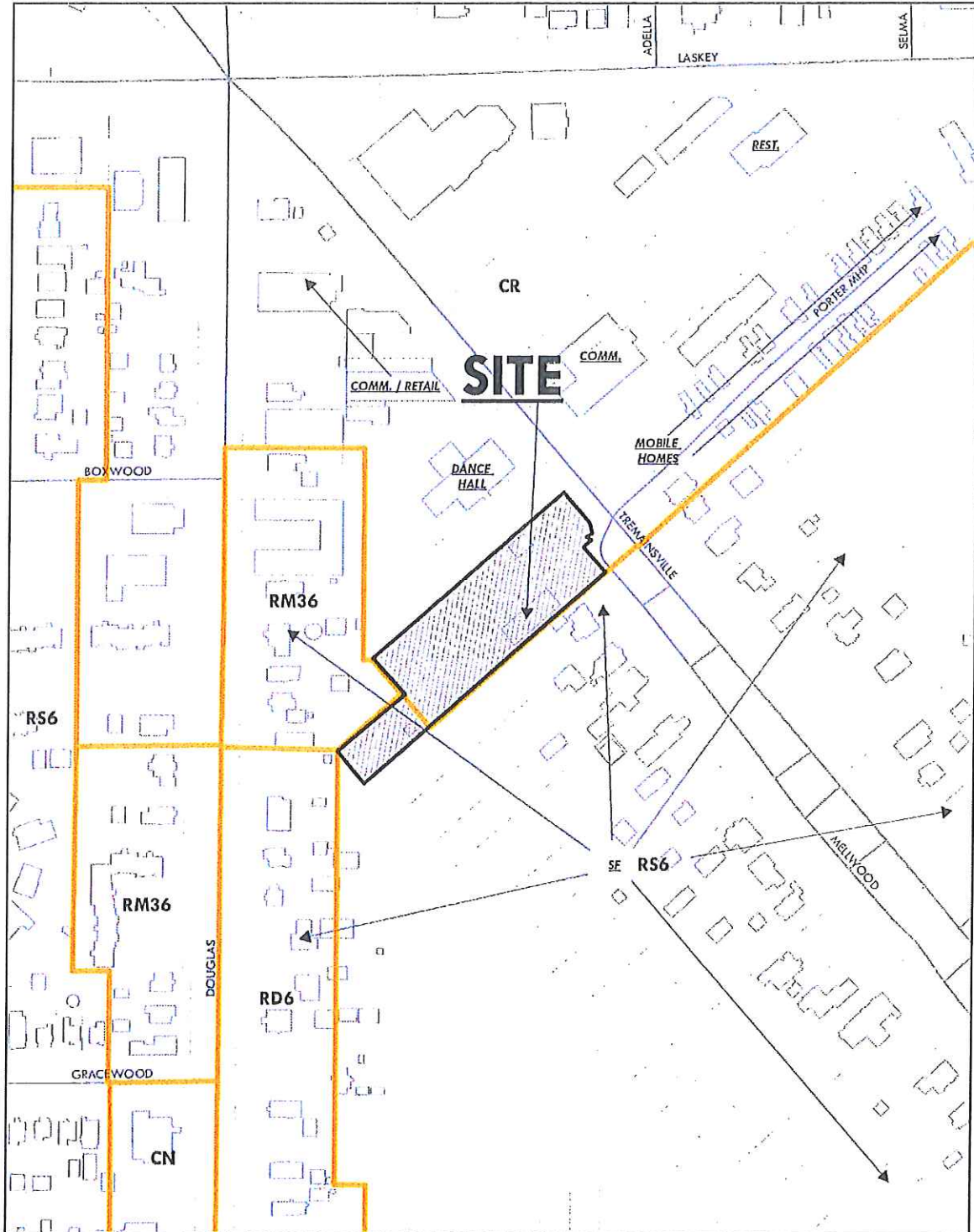
GENERAL LOCATION

SUP-8002-18
ID 40



ZONING AND LAND USE

SUP-8002-18
ID 40

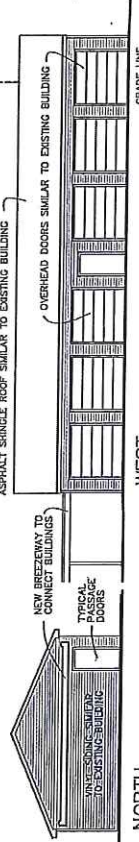


SITE PLAN (Revised)

SUP-8002-18
ID 40



PROPOSED SPECIAL USE PERMIT FOR:
LIBERTY AUTO FAIR
2433-2435 TREMAINVILLE ROAD, TOLEDO, OHIO 43560



NOTE: OFFICE ADDITION IS SIMILAR TO EXISTING BUILDING ALSO.

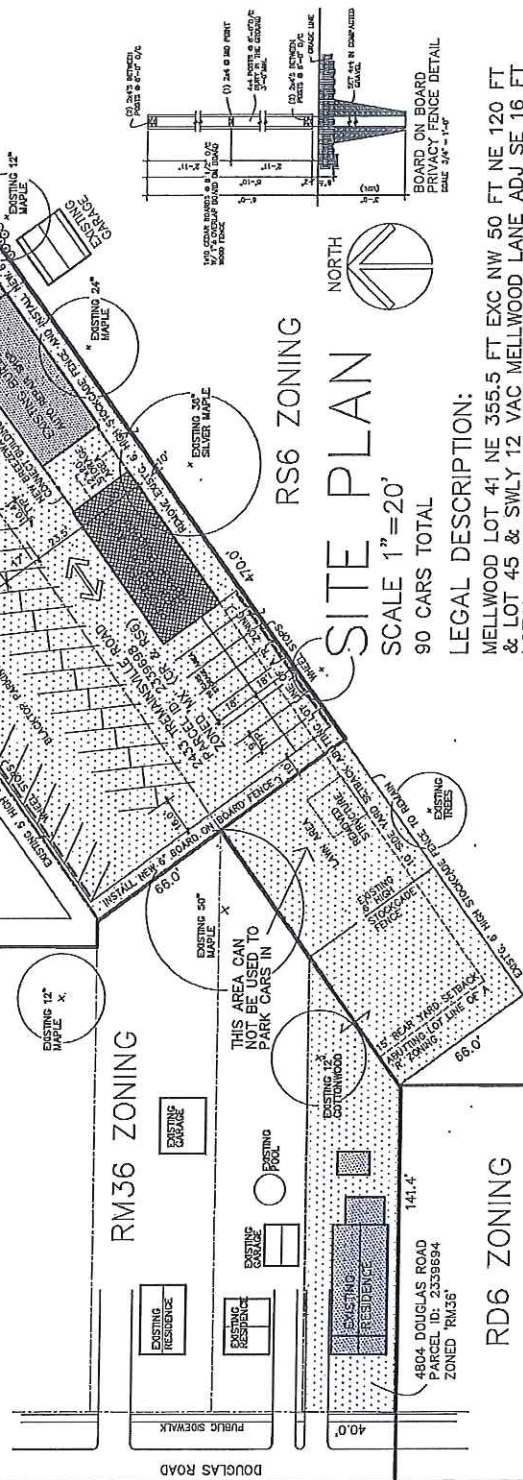
CR ZONING

CR ZONING

CR ZONING

CR ZONING

CR ZONING



SCALE 1"=20'
90 CARS TOTAL

LEGAL DESCRIPTION:
MELLYWOOD LOT 41 NE 355.5 FT EXC NW 50 FT NE 120 FT
& LOT 45 & SWLY 12 VAC MELLYWOOD LANE ADJ SE 16 FT
LOT 41 & NW 16 FT LOT 45 714.50 FT

SCOTT J. HEACOCK / ARCHITECT
1303 SABRA ROAD
TOLEDO, OHIO 43612
419/438-8779
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LIBERTY AUTO FAIR
PROPOSED SPECIAL USE PERMIT FOR
2433-2435 TREMAINVILLE ROAD, TOLEDO, OHIO 43560

1851
NOV 23, 2018
SHEET NO.
A-1
SET OF 1

THESE DRAWINGS MAY NOT BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE ARCHITECT.