



## **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: September 14, 2018

REF: SUP-3005-18

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

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

SUBJECT: Request for an Amendment to a Special Use Permit, originally granted by Ord. 400-16, for a Used Auto Sales Facility at 2809 & 2815 West Central Avenue.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 13, 2018 at 2:00 P.M.

### **GENERAL INFORMATION**

#### Subject

Request	-	Amendment to Special Use Permit, originally granted by Ord. 400-16, for a Used Auto Sales Facility
Location	-	2809 & 2815 West Central Avenue
Applicant	-	Jeffrey Kale 2815 W. Central Avenue Toledo, OH 43606
Engineer	-	Bryan D. Ellis, P.E., P.S., CPESC Glass City Engineering & Surveying, LLC. 2001 River Road Maumee, Ohio 43537

#### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.88 acres
Frontage	-	±150' on West Central Avenue
Existing Use	-	Auto repair shop
Proposed Use	-	Used Auto and RV Sales
Parking Required	-	10 customer spaces
Parking Provided	-	13 customer spaces

## GENERAL INFORMATION (cont'd)

### Area Description

North	-	Central Avenue, commercial offices / CO
South	-	Single-family and multi-family residential / RS6 & RM36
East	-	Veterinary clinic, Tire shop / CR
West	-	Video game store, restaurant / CR

### Parcel History

SUP-7006-16	-	Special Use Permit for a Used Auto Sales Facility at 2805 & 2815 W. Central Avenue (P.C. approved on 9/8/2016, C.C. approved on 10/25/2016 by Ord. 400-16).
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### Applicable Regulations

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

## STAFF ANALYSIS

This case was deferred from the August 9, 2018 and July 12, 2018 Plan Commission hearing and 60 days from the May 10, 2018 hearing in order for the applicant to submit a revised site plan. Staff has received a revised site plan addressing the previous conditions of approval. The initial request was for an amendment to the approved Special Use Permit for a Used Auto Sales facility at 2809 & 2815 West Central Avenue. The site was approved by Toledo City Council on October 25, 2016 via Ordinance (Ord.) 400-16, subject to thirty (30) conditions. The applicant is requesting the amendment in order to modify an existing condition of approval.

The overall site is  $\pm 0.88$  acres and comprised of two (2) parcels. A majority of the site is occupied by a parking lot with a mechanic shop on the parcel at 2815 West Central Avenue, which is an accessory use to the Used Auto Sales. Surrounding land uses include a mixture of single and multi-family homes immediately behind the subject property with Office Commercial and Regional Commercial land uses abutting the subject property along Central Avenue.

### Used Auto Regulations

TMC§1104.0300 – *Used Auto and RV Sales*, outlines site design criteria for used auto sales facilities. Included are criteria governing minimum lot size and frontage. Used auto sale 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. The site plan is in compliance with the minimum lot area and width requirements.



**STAFF ANALYSIS (cont'd)**

Site plans for used automobile and recreational vehicle sales shall be delineated, 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 (TMC§1104.0308). The revised site plan submitted delineates customer parking from the open sales area and satisfies the condition of approval.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Schedule A, a used auto and recreational vehicle sales/rental facility is required to have one (1) customer 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) per every service bay.

The revised site plan submitted depicts one (1) access drives on to Central Avenue with a total of fifty-one (51) open sales parking spaces at 16,258 square feet, requiring four (4) customer parking spaces on site. Additionally, calculations using the square footage of enclosed sales area with three (3) service bays conclude that an additional six (6) customer parking spaces are required. As a result, the total number of customer parking spaces required on site is ten (10) parking spaces. The revised site plan submitted depicts a total of thirteen (13) customer parking spaces with three (3) ADA handicap accessible spaces and complies with the minimum number of off-street parking spaces required for the site.

As part of the initial approval, the Division of Transportation had requested the westerly access drive onto Central Avenue be closed and removed. Staff was supportive of this request since eliminating the access drive will reduce the number of conflict points with pedestrian and vehicular traffic. Removing the second access will also allow for additional open sales parking in the front of the lot and an expansion of the frontage greenbelt. The revised site plan submitted depicts the westerly access drive removed and the greenbelt extended which satisfies the condition of approval.

Pursuant to 1107.1907(A) and included as condition number 24 in Ord. 400-16, 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. The applicant has agreed to install a proper concrete curb around the landscaping area in place of the westerly access drive per City of Toledo Construction Standards and Specifications and is listed as a condition of approval.

**STAFF ANALYSIS (cont'd)**

Landscaping

A fifteen-foot (15') frontage greenbelt is required along Central Avenue. The frontage greenbelt shall include a solid evergreen hedge 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. The revised site plan submitted depicts a complete fifteen-foot (15') greenbelt with a total of five (5) canopy trees and fourteen (14) shrubs which complies with the frontage greenbelt requirements.

A Type A landscape buffer was required along the southwest property line of the site that abuts the adjacent residentially zoned properties and was included as condition item number 27(b) in Ord. 400-16. Said buffer shall consist of a solid six-foot (6') to eight-foot (8') privacy fence or masonry wall and a ten-foot (10') wide landscape buffer including four (4) canopy trees with fifteen (15) shrubs every 100 linear feet. However, the applicant is requesting that this condition be amended because the requirement is not feasible and unnecessary along the western boundary of the property. The applicant has indicated the fencing, significant elevation change and the existing concrete wall are all characteristics which attribute to the limitations with installing the Type A Landscape Buffer.

Staff concurs with the applicant regarding the buffer. However, the existing fence installed on site is not in compliance with the applicable Landscape Material Standards of TMC§1108.0400 and must be addressed. As stated in TMC§1108.0404(B), the finished side of the fence must face the adjacent property, street, or place. The applicant shall receive a waiver to TMC§1108.0404(B), in order to allow for the fence as installed on site and is listed as a condition of approval. Additionally, any fencing in disrepair and/or deteriorating on site shall be removed or repaired in conformance with the TMC§1108.0404(B).

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial and Regional Commercial land uses. This portion of Central Avenue is commercial in nature and the Toledo 20/20 Comprehensive Plan identifies the area of the existing auto service station as Neighborhood Commercial. Staff recommends approval of the amendment to the Special Use Permit, revising condition 27(b), because it has been determined that it is not feasible or necessary for screening purposes.



## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-3005-18, an Amendment to a Special Use Permit, originally granted by Ord. 400-16, for a Used Auto Sales Facility at 2809 & 2815 West Central Avenue, to Toledo City Council for the following reason:

1. The applicant has demonstrated the ten-feet (10') of landscaping for the Type A Landscape Buffer is not feasible or necessary for screening purposes.

The Toledo City Plan Commission makes the following recommendations to the Toledo City Council on the waivers requested for SUP-3005-18, an Amendment to a Special Use Permit, originally granted by Ord. 400-16, for a Used Auto Sales Facility at 2809 & 2815 West Central Avenue:

### **Chapter 1108 Landscaping and Screening**

#### **Sec. 1108.0203 Buffer and Screening Requirements - E. Type A Landscape Buffer**

Approve a waiver of 10' of the required 10' Type A Landscape Buffer, to allow a 0' Type A Landscape Buffer with 6' tall privacy fence along the rear of the property.

#### **Sec. 1108.0404 Walls, Fences or Berms - B. Fences**

Any fence must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property, street, or place. Chain link fencing must not be used to meet buffers and screening requirements. Wood fence posts must be treated lumber.

Approve a waiver to require the finished side of the fence to be facing the adjacent property, street, or place, and allow the finish side of the fence to face the interior of the site.

The Toledo City Plan Commission further recommends approval of SUP-3005-18, an Amendment to a Special Use Permit, originally granted by Ord. 400-16, for a Used Auto Sales Facility at 2809 & 2815 West Central Avenue, to the Toledo City Council subject to the following **ten (10)** 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.

#### Plan Commission

1. All previous conditions of **Ordinance 400-16** shall apply and remain in effect.

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

Plan Commission (cont'd)

2. A minimum of ten (10) customer parking spaces shall be provided on site. **Acceptable as depicted on revised site plan.**
3. 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.
4. 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 on revised site plan. The applicant shall install a proper concrete curb around the landscaping area in place of the westerly access drive per City of Toledo Construction Standards and Specifications.**
5. 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. A fifteen-foot (15') greenbelt is required along the Central Avenue frontage, and shall include a solid evergreen hedge planting and one tree per every 30 feet of frontage; **acceptable as depicted on revised site plan.**
  - b. A Type A Landscape Buffer is required along the rear of the property where the site abuts residential zoning. This buffer shall include ten feet of landscaping and a solid fence or masonry wall; **applicant shall obtain waiver to TMC§1108.0203(E), to allow a 0' Type A Landscape Buffer with 6' tall privacy fence along the rear of the property.**
  - c. The location, height and materials for any fencing to be installed and maintained. **The finished side of the fence must face the adjacent property, street, or place per TMC§1108.0404(B). Applicant shall obtain a waiver to TMC§1108.0404(B) to allow for the new fencing installed on site with the finished side facing in toward the site; and**
  - d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties). **Shall be submitted to Plan Director on supplemental plan.**

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

Plan Commission (cont'd)

6. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. **Landscaping shall be installed and maintained indefinitely.**
7. 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.
8. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
9. 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.
10. 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

Three (3) sketches follow

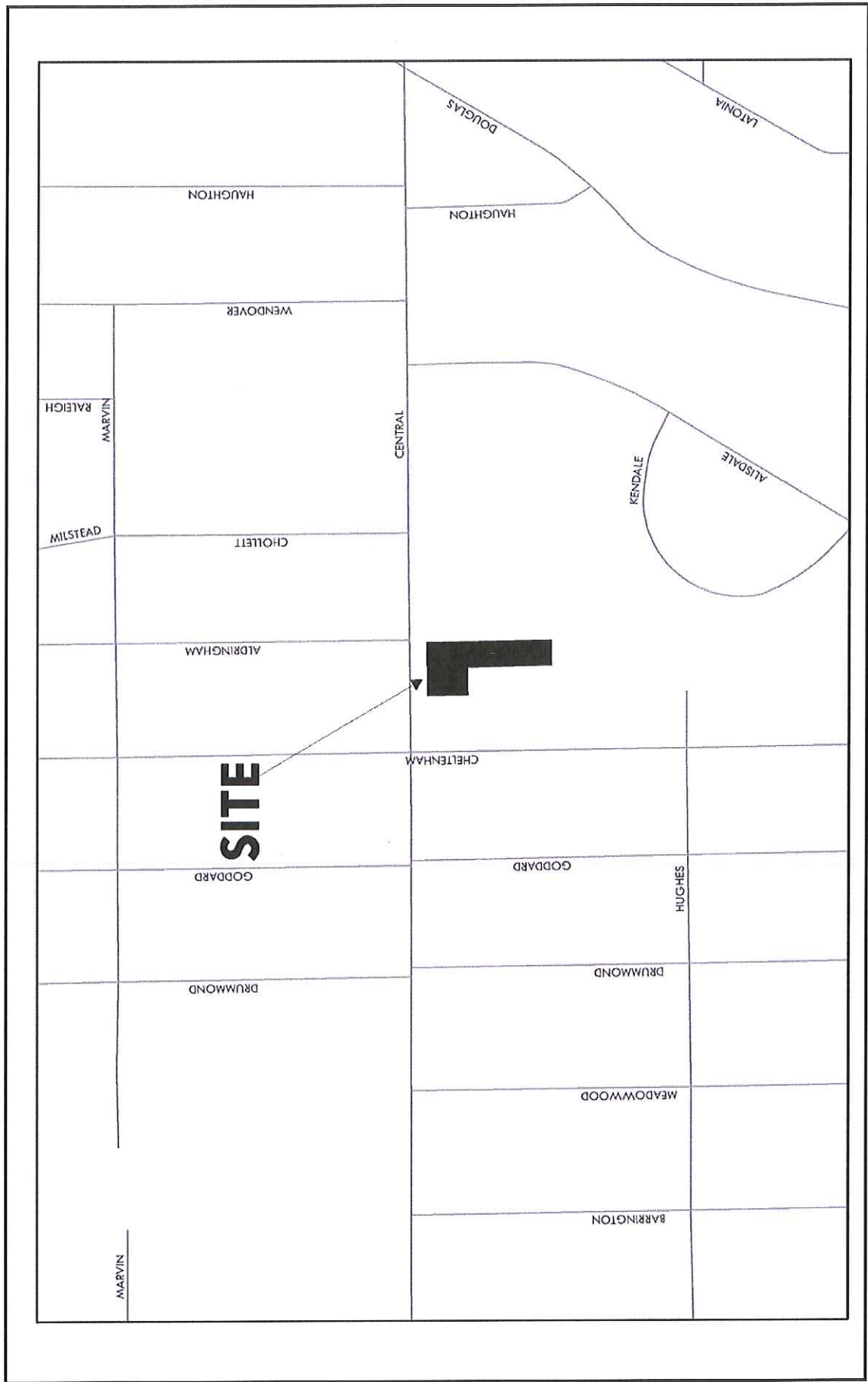
Cc: Lisa Cottrell, Administrator  
Ryne Sundvold, Planner





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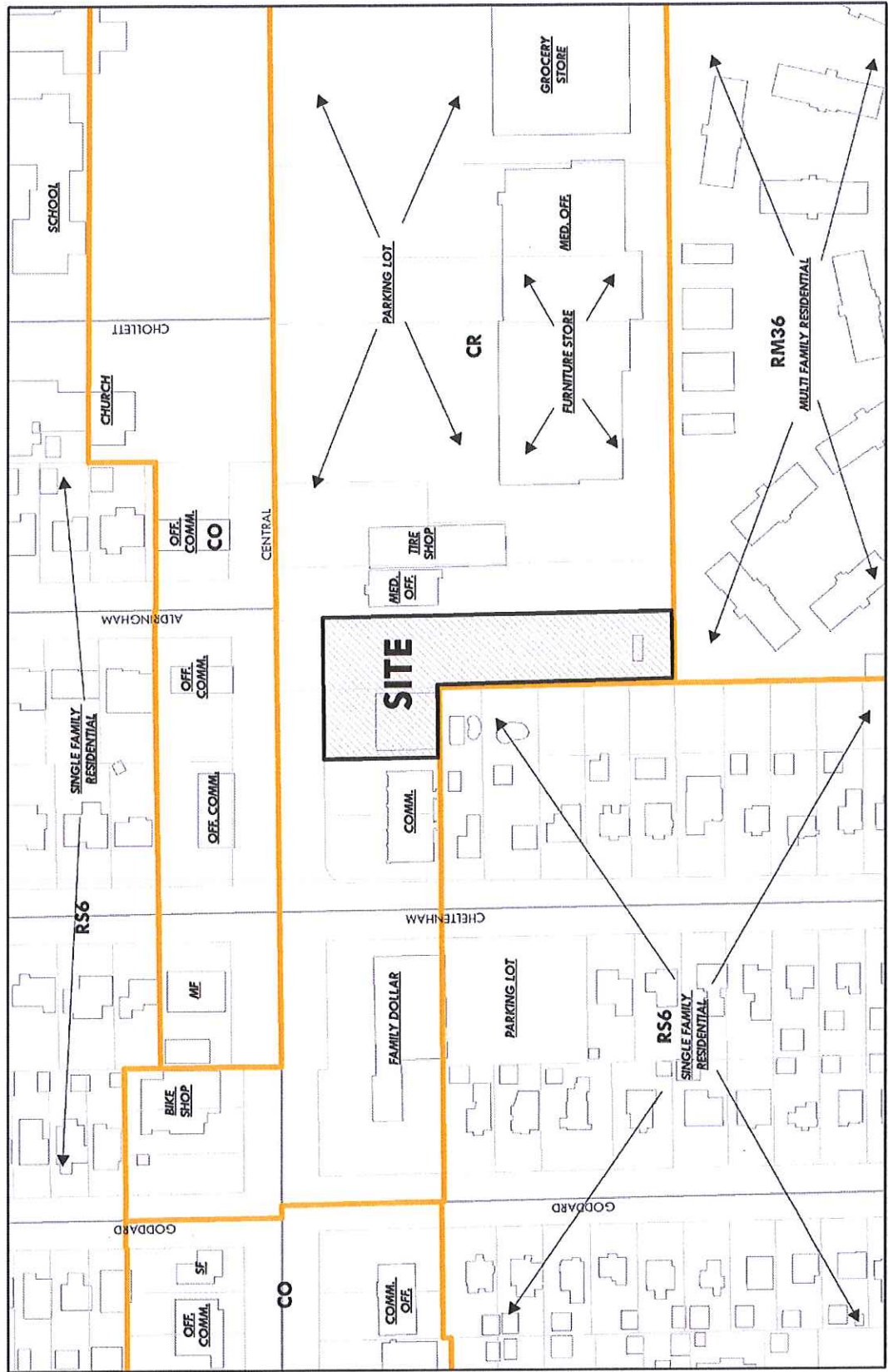
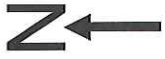
## GENERAL LOCATION





# ZONING & LAND USE

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**SUP-3005-18**  
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