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: December 12, 2017
REF: SUP-10004-17

TO: President Steven Steel 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 Lot at 4660 & 4712 North Detroit Avenue.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 7, 2017 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Used Auto Sales Lot
Location	-	4660 & 4712 North Detroit Avenue
Applicant	-	Rada & Sons Enterprises, LLC. 7654 W. Bancroft Street Toledo, OH 43617
Attorney	-	Tom R. Helberg Liebenthal, Padolsky & Levine, Ltd. 5800 Monroe Street, Bldg D, Ste 3 Sylvania, OH 43560

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.65 acres
Frontage	-	± 225' along North Detroit Avenue
Existing Use	-	Used Auto Sales Lot, Legal-Nonconforming
Proposed Use	-	Used Auto Sales Lot
Parking Required	-	7 spaces
Parking Provided	-	7 spaces

Area Description

North	-	Vacant industrial land / CR, IG
South	-	Restaurant, truck repair garage / CR

GENERAL INFORMATION (cont'd)

Area Description (cont'd)

East	-	Railroad, vacant industrial warehouse / IG
West	-	Detroit Avenue, vacant auto service garage / CR

Combined Parcel History

M-10-61	-	Interim Zoning for an area bounded by OH-MI state line, Detroit Ave, Dura Ave, Stickney Ave, and Benore Rd (P.C. approved on 4/27/1961).
M-22-62	-	Interim Zoning for an area bounded by T.T.R.R., Rampart Rd, Waggoner Blvd, Detroit Ave and Matzinger Rd (P.C. approved on 7/26/1962).
Z-168-62	-	Permanent Zoning for an area annexed by Ord. 361-62 (P.C. approved on 8/9/1962).

Applicable Regulations

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

STAFF ANALYSIS

The request is for a Special Use Permit for a Used Auto Sales Lot at 4660 & 4712 North Detroit Avenue. The site exists as a legal-nonconforming used auto sales lot which the applicant intends to upgrade to conform to the current Zoning Code requirements. The overall ±1.65 acre site is zoned CR Regional Commercial and comprised of two parcels with two (2) separate buildings. Surrounding land uses include vacant industrial land to the north; railroads to the east; a diner and truck garage south of the property; and a vacant auto service/sales garage to the west across Detroit Avenue.

Used Auto Regulations

TMC§1104.0300 – *Auto and RV Sales, Used Only* outlines site design criteria for used auto sales facilities, including criteria governing minimum lot size and frontage. 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. 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 site plan submitted is in compliance with these specific use regulations.

STAFF ANALYSIS (cont'd)

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) 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. The site plan submitted depicts a car display area of 8,500 square feet, requiring two (2) customer parking spaces on site. Additionally, calculations using the 2,400 square feet of enclosed sales area (1 per 500 sq. ft.) require an additional five (5) customer spaces. A minimum number of seven (7) customer parking spaces shall be provided on site.

The site plan submitted depicts a total of twenty-three (23) parking spaces. Sixteen (16) spaces are designated for display vehicle parking and seven (7) spaces for customer parking, including one (1) handicap accessible parking space. The proposed parking spaces and layout meets the minimum number of customer parking spaces required and complies with the applicable regulations.

The Division of Transportation did not object to the approval of the site plan subject to three conditions. First, a 4' wide concrete sidewalk shall be provided along the perimeter of the property on Detroit Avenue and must meet City of Toledo Construction Standards. Additionally, only one (1) curb cut shall be permitted to access the site. The north and south drives shall be closed and removed. Any existing unused drive approaches shall be completely removed and new curbs and sidewalk shall be installed in accordance with City of Toledo Construction Standards. Finally, any existing stone or gravel areas are not permitted and all shall be surfaced with concrete, with bituminous asphalt, or other dust free material. If approved, a revised site plan shall be submitted depicting the sidewalk location and existing curb cuts replaced with curbing.

Landscaping

The site was established before the 2004 zoning code update and therefore not required to fully comply with the landscape requirements. Per TMC§1114.0502, the site is required to be brought closer into compliance with the 2004 zoning code. A frontage greenbelt is required for the site along the Detroit Avenue frontage. The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. With ±225' of frontage, a total of eight (8) trees are required in the frontage greenbelt. Trees are not required to be evenly spaced and may be clustered. Additionally, since the parking lot is visible from the right-of-way, the frontage greenbelt shall include a solid hedge or shrub row in order to screen the parking lot and ensure that headlights do not project onto the public street. Staff shall only require a complete frontage greenbelt in order to bring the site closer into compliance with current landscaping regulations.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

The site plan submitted depicts a complete ten-foot (10') frontage greenbelt along Detroit Avenue with a combined total of six (6) trees and a solid row of shrubs in two (2) planter beds. Staff is requiring an additional two (2) trees be installed within the frontage greenbelt to meet the minimum requirements. Additionally, staff is requesting the applicant revise the proposed tree plantings to include a native species. The proposed tree species, Aristocrat Pear or Pyrus Calleryana, is not an approved plant species for street trees. A revised landscaping plan shall be submitted depicting the additional two (2) trees and a different tree species (type/size) and are listed as conditions of approval.

The site plan includes an existing six-foot (6') tall chain link fence along the front of the property which does not comply with the current requirements for commercial districts. In the event the fencing is removed from the required twenty-foot (20') front setback or impacts the proposed landscaping, all new fencing shall conform to the accessory use standards of TMC§1105.0302 and is listed as a condition of approval. Furthermore, any new fencing installed along Detroit Avenue shall be decorative and made of either aluminum tube or wrought iron.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial land uses. The intent of the Regional Commercial future land use designation is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. Staff recommends approval of the Special Use Permit for this location because it meets the minimum lot width and area requirements of TMC§1104.0306. Additionally, the request meets the stated purpose of the Zoning Code and compatible with the adjacent land uses along Detroit Avenue. Finally, the proposed use and location is consistent with the goals of the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-10004-17, request for a Special Use Permit for a Used Auto Sales Lot at 4660 & 4712 North Detroit Avenue, to Toledo City Council for the following three (3) reasons:

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

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*); and

PLAN COMMISSION RECOMMENDATION (cont'd)

3. The proposed use is consistent with the goals of the 20/20 Comprehensive Plan.

The Toledo City Plan Commission further recommends approval of SUP-10004-17, request for a Special Use Permit for a Used Auto Sales Lot at 4660 & 4712 North Detroit Avenue, to Toledo City Council, subject to the following **thirty-six (36)** 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:

   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, ph. 419-245-1344
   Water: Andrea Kroma, ph. 419-936-2163
   Stormwater Drainage: Lorie Haslinger, 419-245-3221; Andy Stepnick, 419-245-1338
   Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.

3. 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.

4. 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.

5. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

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. 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 at 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.

8. 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.

9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.

10. It is unclear from the Plan Commission submittal if the proposed work will entail earth-disturbing activity of 2,500 or more square feet or if there will be any changes to the existing storm sewer system. If revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site-plan review and approval will be required by the Division of Engineering Services. (Reconstruction of the existing pavement does count towards earth disturbing activity.) Plans will be subject to the rules and regulations of the City of Toledo, Stormwater Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

Sewer & Drainage Services

11. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer & Drainage Services (cont'd)

12. All 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

13. Site shall comply with local Fire Prevention Bureau regulations.

Division of Environmental Services

14. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.

15. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

16. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

17. 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 sources of pollutant in the stormwater runoff, including but not limited to long-term operation and maintenance of all structural and non-structural Best Management Practices.

18. Applicant shall maintain compliance with the City of Toledo and State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to Asbestos and the Anti-Noise Laws.

Division of Transportation

19. A 4' wide concrete sidewalk shall be provided along the perimeter of the business on N. Detroit Ave.; sidewalk must meet City of Toledo Construction Standards.

20. Only one drive shall be permitted to access the site. The north and south drives shall be closed and removed.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Transportation (cont'd)

21. Existing unused drive approaches shall be completely removed and new curbs and sidewalk shall be installed in accordance with City of Toledo Construction Standards.

22. Stone areas are not permitted and all shall be surfaced with concrete, with bituminous asphalt, or other dust free material other than gravel or loose fill.

Plan Commission

23. All lots of the development site shall be combined into a single taxable parcel identification number.

24. 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; **acceptable as depicted on site plan.**

25. 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**.

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. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.

28. 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.

29. 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)).

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

30. If the sales building is rebuilt or 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.

31. No free-standing signs greater than forty-two inches from grade are permitted – proposed signage must meet the requirements of low-profile signs per *Toledo Municipal Code Title Nine – Sign Code.*

32. 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 ten-foot (10') greenbelt is required along the Detroit Avenue frontage, and shall include one (1) tree for every thirty-foot (30') of frontage. Calculations conclude that a total of eight (8) trees are required in the frontage greenbelt. A continuous hedge or shrub row shall be installed in order to screen the parking lot and headlights from public view. **Not acceptable as depicted on site plan. A revised landscaping plan shall be submitted depicting the additional two (2) trees.**

    b. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **the proposed tree species, Aristocrat Pear or Pyrus Calleryana, is not an approved plant species for street trees. A native tree species shall be noted on revised landscaping plan**.

    c. 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.

    d. Topsoil must be back filled to provide positive drainage of the landscape area.

    e. If 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

f. The location, height and materials for any fencing to be installed and maintained; **all new fencing shall conform to the accessory use standards of TMC§1105.0302 and shall be decorative aluminum tube or wrought iron**; and

g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

33. 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**.

34. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC 1111.0707 have not been met.

35. 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.

36. 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,

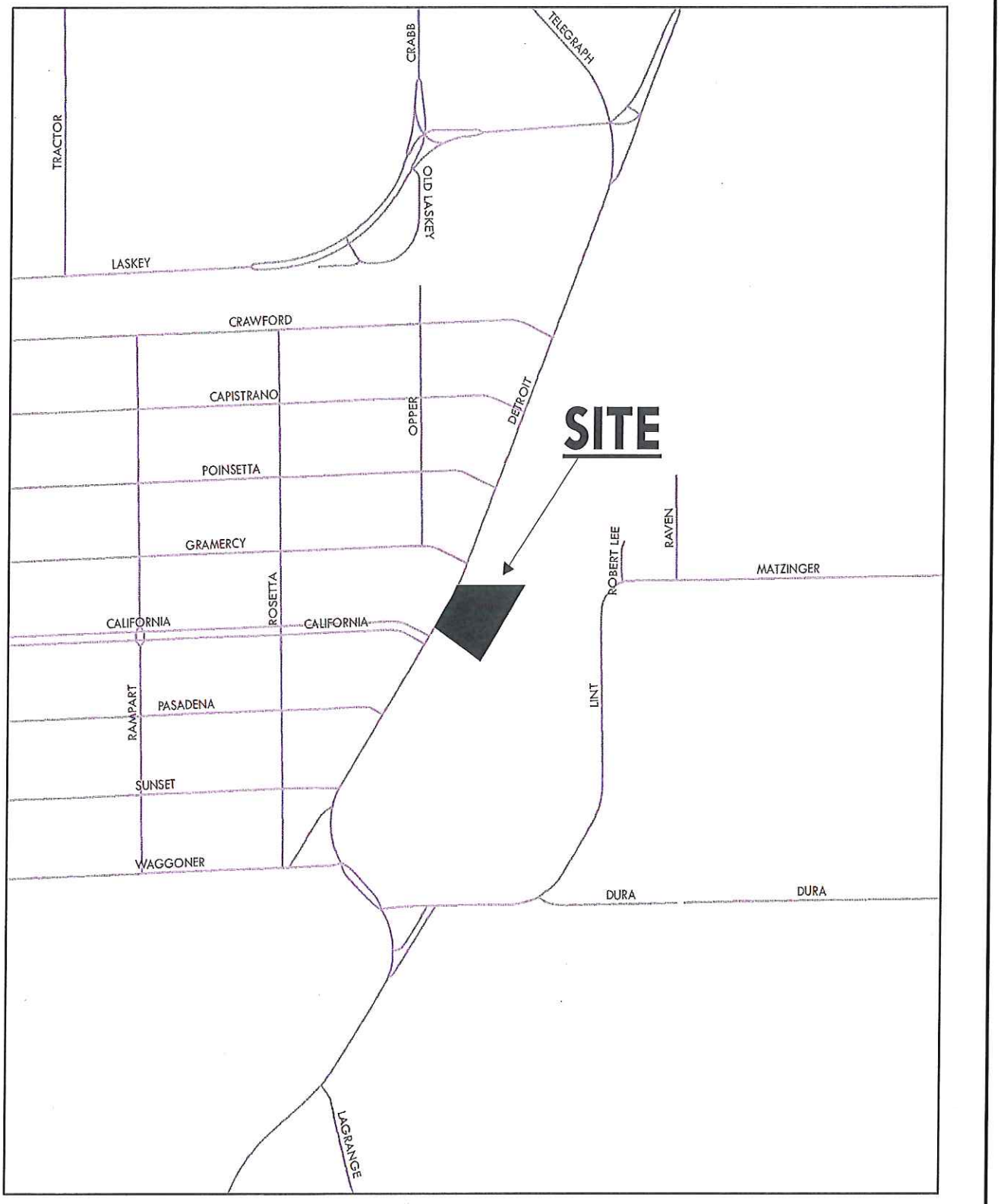
Thomas C. Gibbons
Secretary

Three (3) sketches follow
CC: Lisa Cottrell, Administrator
Ryne Sundvold, Planner

GENERAL LOCATION

SUP-10004-17
ID 39

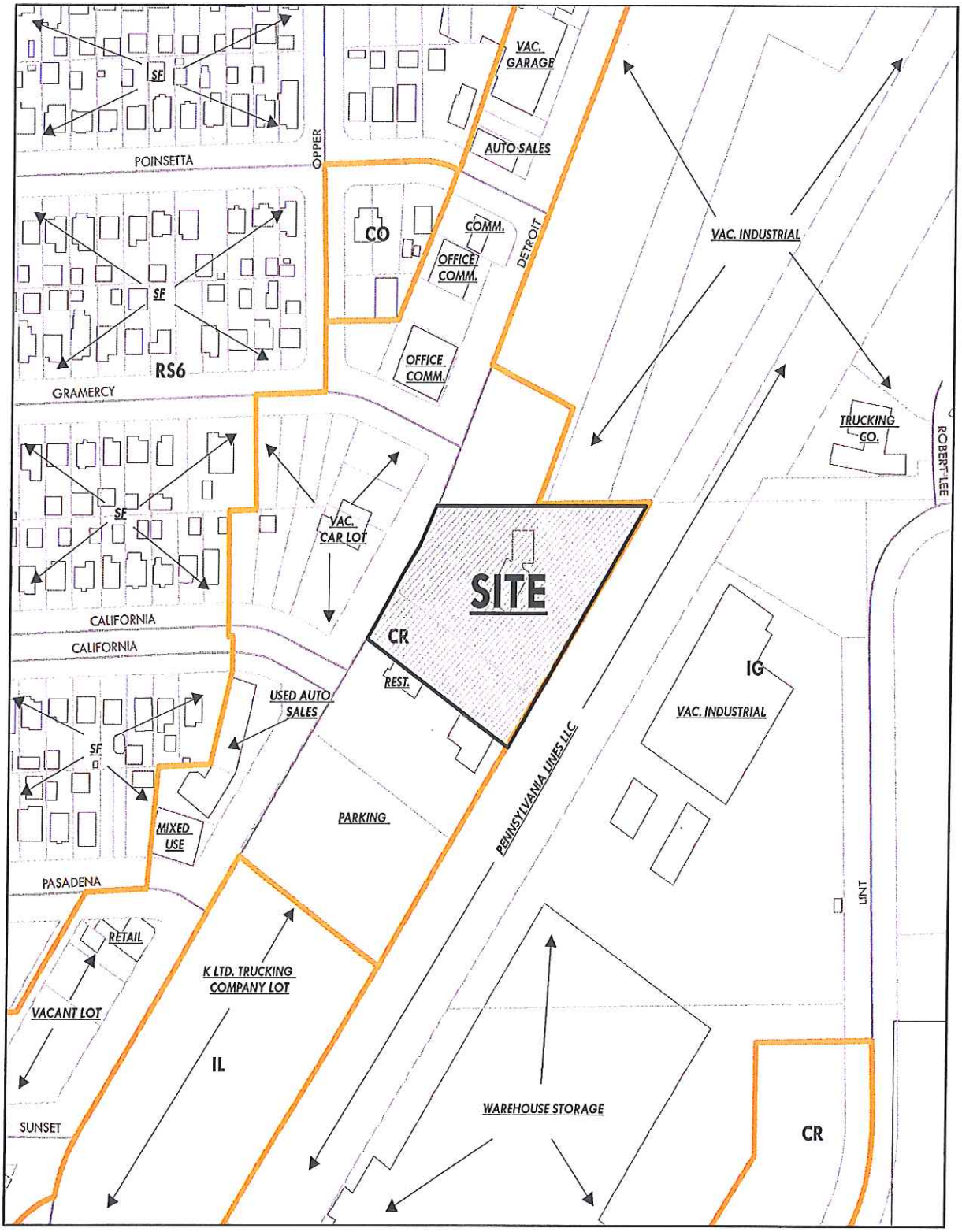
N



ZONING & LAND USE

SUP-10004-17
ID 39

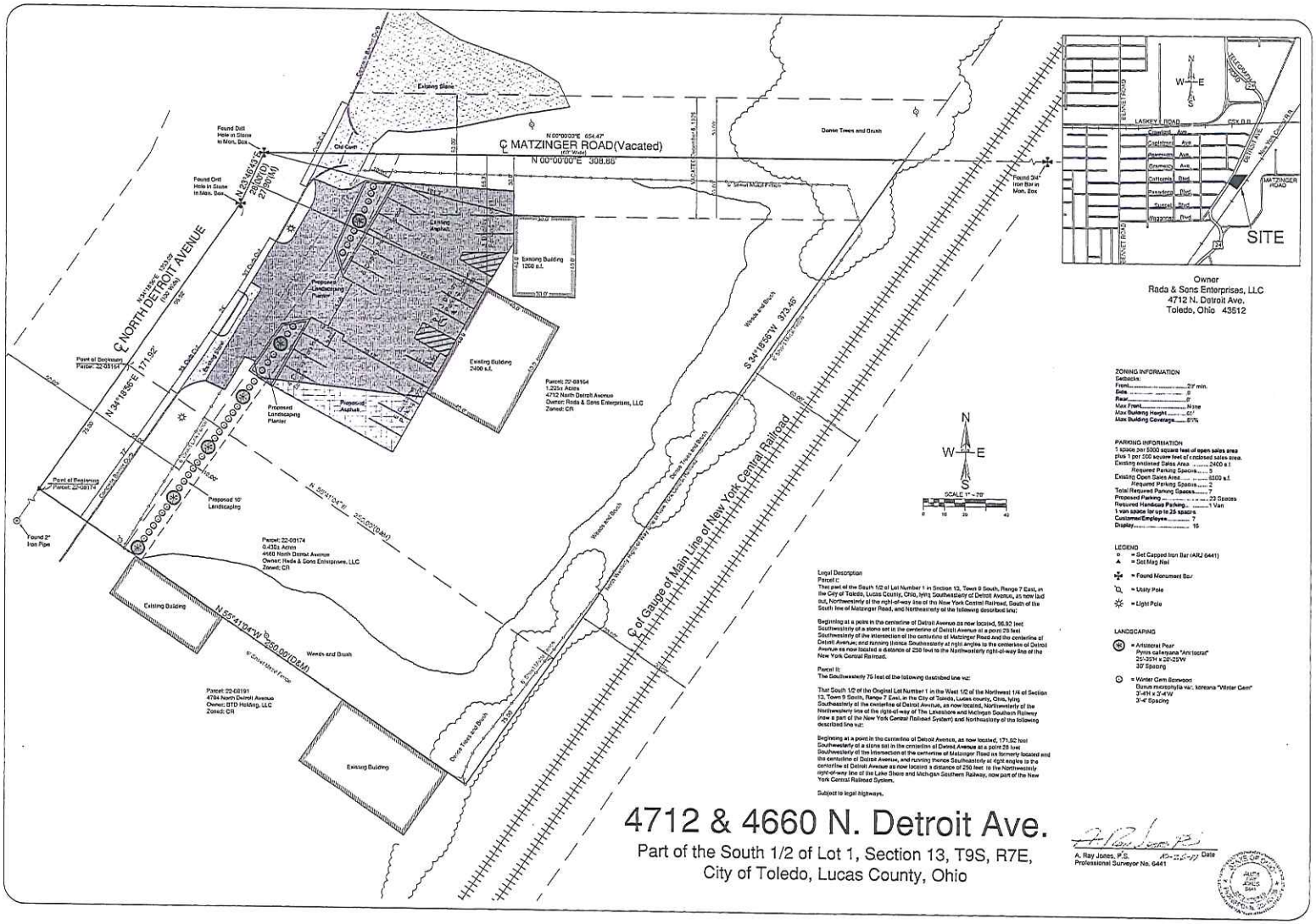
N



SITE PLAN

SUP-10004-17
ID 39

N



Owner
Rada & Sons Enterprises, LLC
4712 N. Detroit Ave.
Toledo, Ohio 43612

ZONING INFORMATION
Setbacks:
Front..... 20' min.
Side..... 0
Rear..... 0
Max Front..... None
Max Building Height..... 65'
Max Building Coverage..... 80%

PARKING INFORMATION
1 space per 5000 square feet of open sales area plus 1 per 200 square feet of enclosed sales area.
Existing enclosed Sales Area..... 2400 s.f.
Required Parking Spaces..... 5
Existing Open Sales Area..... 6800 s.f.
Required Parking Spaces..... 2
Total Required Parking Spaces..... 7
Proposed Parking..... 23 Spaces
Required Handicap Parking..... 1 Van
1 van space for up to 25 spaces
Customer/Employee..... 7
Display..... 16

LEGEND
o = Set Capped Iron Bar (ARJ 6441)
▲ = Set Mag Nail
✣ = Found Monument Box
◇ = Utility Pole
☼ = Light Pole

LANDSCAPING
(NB) = Antisteral Pear
Pyrus calleryana "Antisteral"
2½"-3½" x 22'-25'W
30' Spacing
⊙ = Winter Gem Boxwood
Buxus microphylla var. koreana "Winter Gem"
3'-4'H x 3'-4'W
3'-4' Spacing

Legal Description
Parcel C
That part of the South 1/2 of Lot Number 1 in Section 13, Town 9 South, Range 7 East, in the City of Toledo, Lucas County, Ohio, lying Southeasterly of Detroit Avenue, as now laid out, Northwesterly of the right-of-way line of the New York Central Railroad, South of the South line of Matzinger Road, and Northeasterly of the following described line:

Beginning at a point in the centerline of Detroit Avenue as now located, 56.92 feet Southwesterly of a stone set in the centerline of Detroit Avenue at a point 29 feet Southwesterly of the intersection of the centerline of Matzinger Road and the centerline of Detroit Avenue; and running thence Southeasterly at right angles to the centerline of Detroit Avenue as now located a distance of 250 feet to the Northeasterly right-of-way line of the New York Central Railroad.

Parcel II:
The Southeasterly 75 feet of the following described line viz:

That South 1/2 of the Original Lot Number 1 in the West 1/2 of the Northwest 1/4 of Section 13, Town 9 South, Range 7 East, in the City of Toledo, Lucas county, Ohio, lying Southeasterly of the centerline of Detroit Avenue, as now located, Northeasterly of the Northeasterly line of the right-of-way of The Lakeshore and Michigan Southern Railway (now a part of the New York Central Railroad System) and Northeasterly of the following described line viz:

Beginning at a point in the centerline of Detroit Avenue, as now located, 171.92 feet Southwesterly of a stone set in the centerline of Detroit Avenue at a point 29 feet Southwesterly of the intersection of the centerline of Matzinger Road as formerly located and the centerline of Detroit Avenue, and running thence Southeasterly at right angles to the centerline of Detroit Avenue as now located a distance of 250 feet, to the Northwesterly right-of-way line of the Lake Shore and Michigan Southern Railway, now part of the New York Central Railroad System.

Subject to legal highways.

4712 & 4660 N. Detroit Ave.

Part of the South 1/2 of Lot 1, Section 13, T9S, R7E,
City of Toledo, Lucas County, Ohio

A. Ray Jones, P.S. Date
Professional Surveyor No. 6441

FWB, INC.
SURVEYORS
5225 SECOR RD.
TOLEDO, OHIO 43623
(419) 473-1491 Fax: (419) 473-0506

4712 & 4660 N. Detroit Ave.
Part of the South 1/2 of Lot 1, Section 13, T9S, R7E,
City of Toledo, Lucas County, Ohio

Revisions
Date: Issued For:

Drawing By: WTC
Checked By: ARJ
Issue Date: October 19, 2017
Sheet No. 1 of 1
Survey No. 17-188
Scale 1" = 20'