



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: June 15, 2018

REF: SUP-5001-18

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 used auto sales facility

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 14, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Special Use Permit for a used auto sales facility

Location - 3553 Monroe Street

Applicant - Ali Hazem
3553 Monroe Street
Toledo, OH 43623

Engineering - John Weithman
P.O. Box 184
Waterville, OH 43566

Site Description

Zoning - CR / Regional Commercial

Area - ±0.28 acres

Frontage - ±120' along Monroe Street

Frontage - ±100' along Rosedale Avenue

Existing Use - Auto Repair Shop

Proposed Use - Used Auto Sales Facility

GENERAL INFORMATION (cont'd)

Area Description

North	-	Commercial Building / CR
South	-	Paved Parking Area / RD6
East	-	Commercial Building / CR
West	-	Church / CO
CDC	-	None
Overlay	-	Monroe Street Corridor UNO District
Overlay	-	Monroe Street Corridor Design and Livability Plan

Parcel History

None on record

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Monroe Street Corridor Urban Neighborhood Overlay District
- Monroe Street Corridor Design and Livability Plan
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit (SUP) to facilitate the development of a used auto sales facility at 3553 Monroe. The ±0.28 acre site consists of one (1) parcel that is zoned and CR Regional Commercial. The site is currently occupied by a 3-bay auto service station, but has recently been operating as a used auto sales facility and has been cited by Code Enforcement for a zoning violation. The structure was built in 1956 and the applicant intends to use the existing ±1,400 square foot building to operate a used auto sales facility. The request requires a Special Use Permit review because such uses may not be compatible with adjacent uses in terms of scale, site design, and operating characteristics.

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 sale facilities must 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. Lot width shall be measured as outlined in TMC§1106.0204. The site does not meet these criteria. The frontage along Monroe Street is 120 feet. The applicant is requesting a waiver of thirty (30') feet of main road frontage. Additionally, the site plan offers ±0.28 acres of total land area and the applicant is also requesting a waiver of ±0.22 acres of the minimum lot size requirement.

STAFF ANALYSIS (cont'd)

Used Auto Regulations (cont'd)

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. The site plan is not clearly dimensioned and, if the Special Use Permit is approved, will require revision showing compliance for the approval of the Planning Director. Additionally, a fifty (50') foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. This separation shall apply to both sides of a street and to intersecting streets on corner lots.

Parking and Circulation

Pursuant to TMC§1107.0304 – Parking, Loading, and Access: Schedule A, a used auto 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, plus one and one half (1.5) per every service bay. Calculations using the existing building's square footage as enclosed sales area conclude that a total of five (5) customer spaces are required for the site. The site plan depicts a total of eleven (11) customer parking spaces. The site plan depicts a total of twenty-four (24) spaces however it is unclear which are designated for customer/employee parking and auto sales display.

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. Required customer/employee parking may not be used for used vehicle inventory (TMC§1104.0308). Used vehicle inventory shall only be displayed, parked or located within parking spaces approved and defined on the site plan. All areas of the site used for customer parking must be paved per TMC§1107.1906 and adequate storm drainage shall be provided. Parking on grass or gravel is not permitted. Loading and/or unloading is prohibited in the public right-of-way. This is listed as a condition of approval.

Landscaping and Screening

The site is located in the Monroe Street Corridor UNO District, therefore, per TMC§1108.0300 – Urban Commercial Landscape Standards apply. The intent of said section is to recognize that compliance with the landscape standards of TMC§1108.0200 may be difficult or impossible for urban, pedestrian-oriented development and to therefore provide more flexible landscape standards for redevelopment of existing structures and infill development in such areas of the City.

STAFF ANALYSIS (cont'd)

Landscaping and Screening (cont'd)

Landscape improvements must be provided in the sidewalk or other paved area in front of a building with tree grates, or other walkable surface material treatment for open tree pits, in the form of one shrub or understory tree for every thirty (30') feet of lot frontage. The minimum tree pit size will be 4 feet by 4 feet unless otherwise approved by the Planning Director. Calculations conclude that four (4) tree pits are required along Monroe Street and four (4) trees (not tree pits) along Rosedale Avenue. The trees along Rosedale Avenue may be clustered and are not required to be evenly spaced. The applicant is required to obtain an encroachment permit from the Division of Engineering Services in order to place the trees in the public right-of-way.

Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway. Perimeter landscaping will consist of one of the following, located between the parking lot and the property line: landscaped area at least five (5') feet wide, exclusive of easements, sidewalks, or rights-of-way, planted with at least one (1) shrub for every three (3') to five (5) feet of property line, as determined by growth characteristics; 3 ½ feet high metal tuber or solid bar fence, with at least one (1) shrub for every three (3') to five (5') feet of property line planted on the outside of the fence; or solid 3 ½ foot high brick or stone wall. Existing trees are accredited as outlined in TMC§1108.0407(B)(d).

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for CN Neighborhood Commercial land uses. The intent of this designation is to accommodate pedestrian oriented small-scale retail and service businesses that serve nearby residential areas. The Plan makes recommendations that are intended to improve the quality of life in neighborhoods and make them more attractive for current and future residents. The proposed development does not conform to the intent of this land use designation and is not compatible with adjacent uses in terms of scale, site design, and operating characteristics. The proposed use is not in compliance with the intent of the designated future zoning district proposed in the Toledo 20/20 Comprehensive Plan.

Staff has reviewed the proposed Special Use in accordance with the criteria of TMC§1111.0706 and the minimum requirements for used auto sales facilities in TMC§1104.0300. Based on the results of the review, staff has determined that the Special Use Permit is not suitable for this location because the proposed use does not meet the minimum lot acreage and average lot width along a main road. Although, the proposed development is within a well defined CR Regional Commercial zoning district, the use is not compatible with residential uses in the immediate vicinity in terms of scale, site design, and/or operating characteristics.

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PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP-5001-18, a request for a Special Use Permit for a used auto sales facility, for a site located at 3553 Monroe Street, to the Toledo City Council, for the following three (3) reasons:

1. The proposed site plan does not meet the minimum frontage or lot size requirements in TMC§1104.0306.
2. The proposed use is not compatible with residential uses in the immediate vicinity in terms of scale, site design, and/or operating characteristics.
3. The proposed use does not comply with The Toledo 20/20 Comprehensive Plan.

Although staff is recommending disapproval, conditions of approval are attached as Exhibit "A".

Respectfully Submitted,



Thomas C. Gibbons
Secretary

GP
Three (3) sketches follow
Exhibit A follow

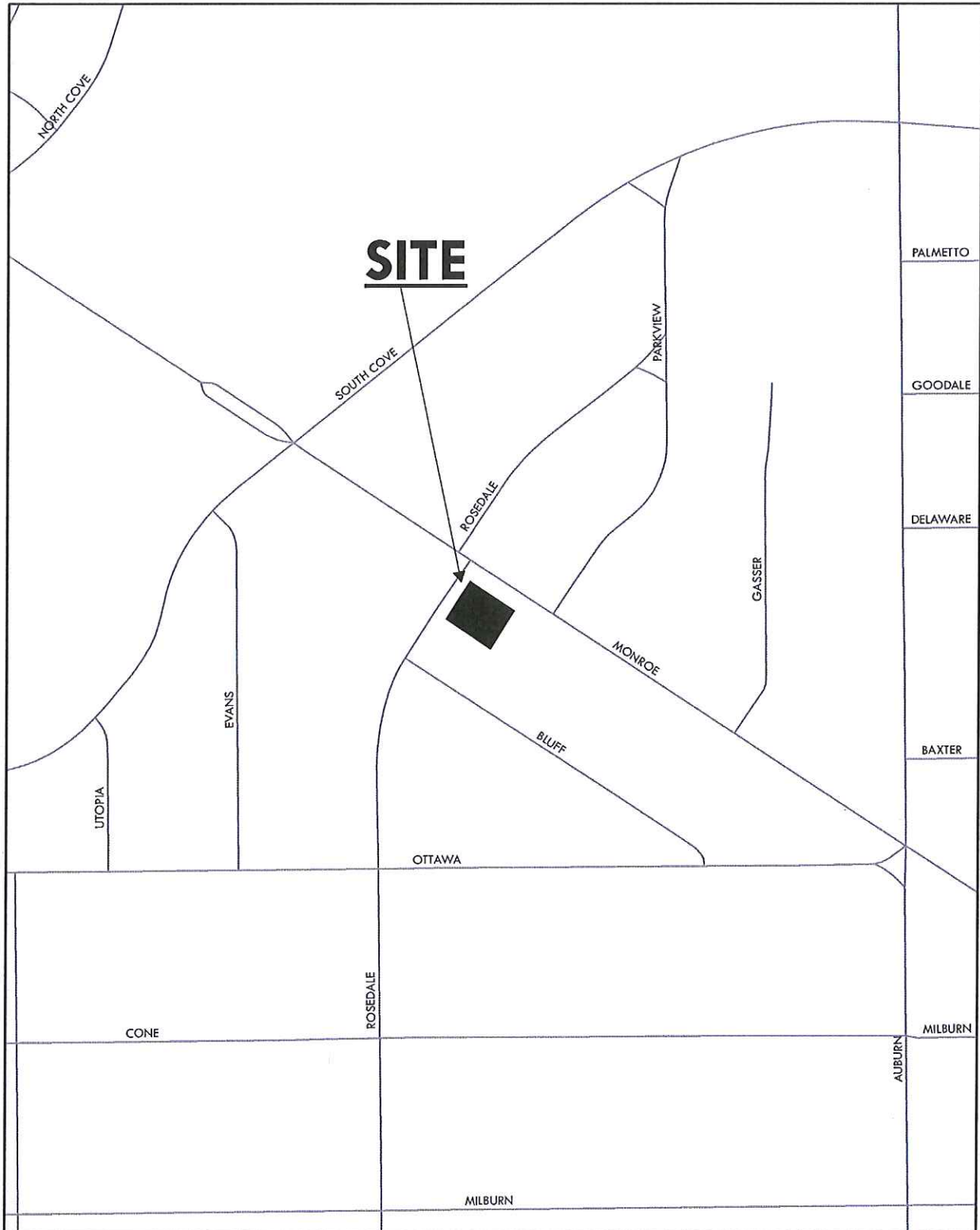
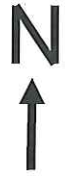
CC: Ali Hazem, 3553 Monroe Street, Toledo, OH 43623

John Weithman, P.O. Box 184, Waterville, OH 43566

Lisa Cottrell, Administrator
Gyasi "JC" Pullum, Planner

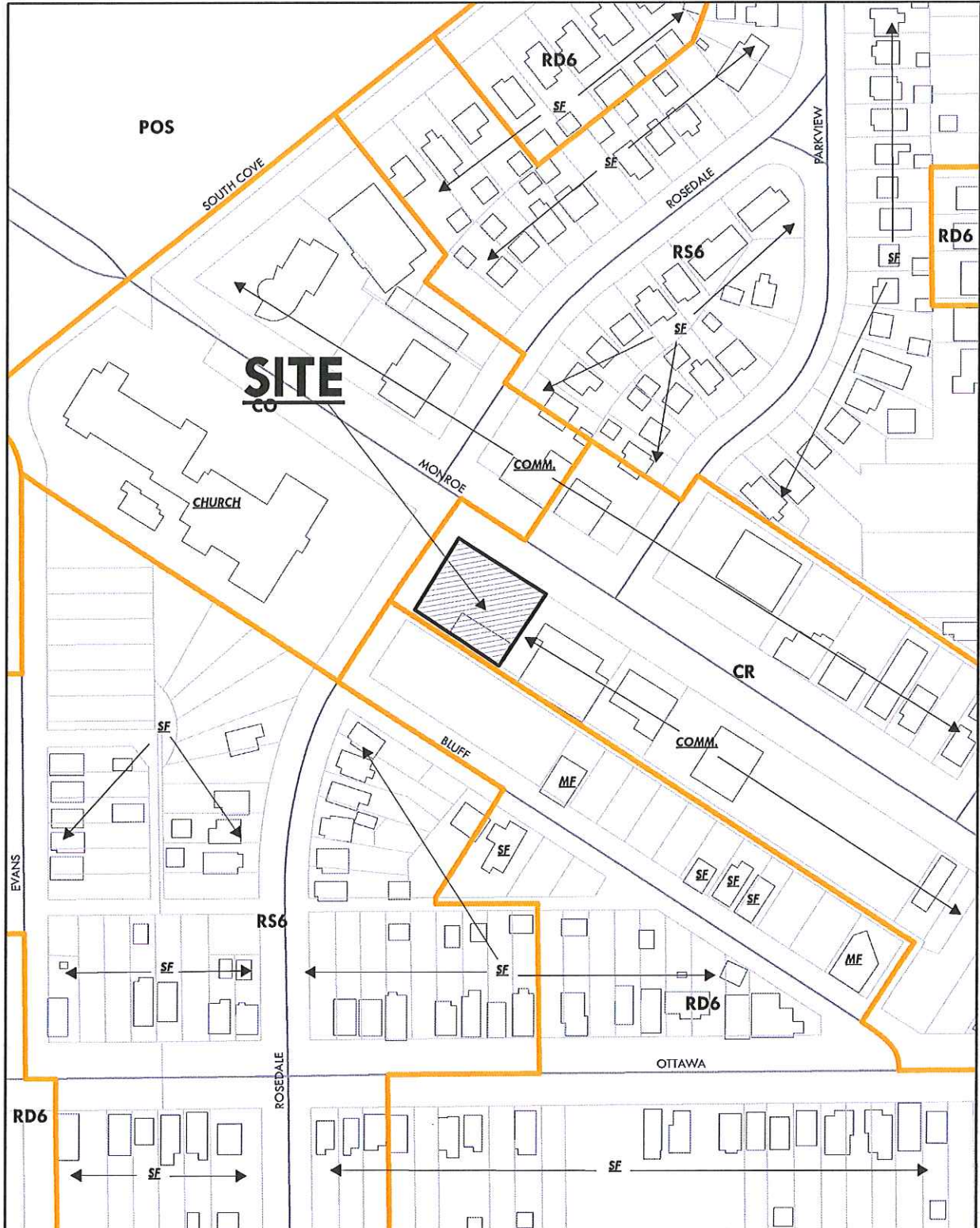
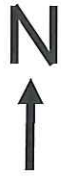
GENERAL LOCATION

SUP-5001-18
ID 14



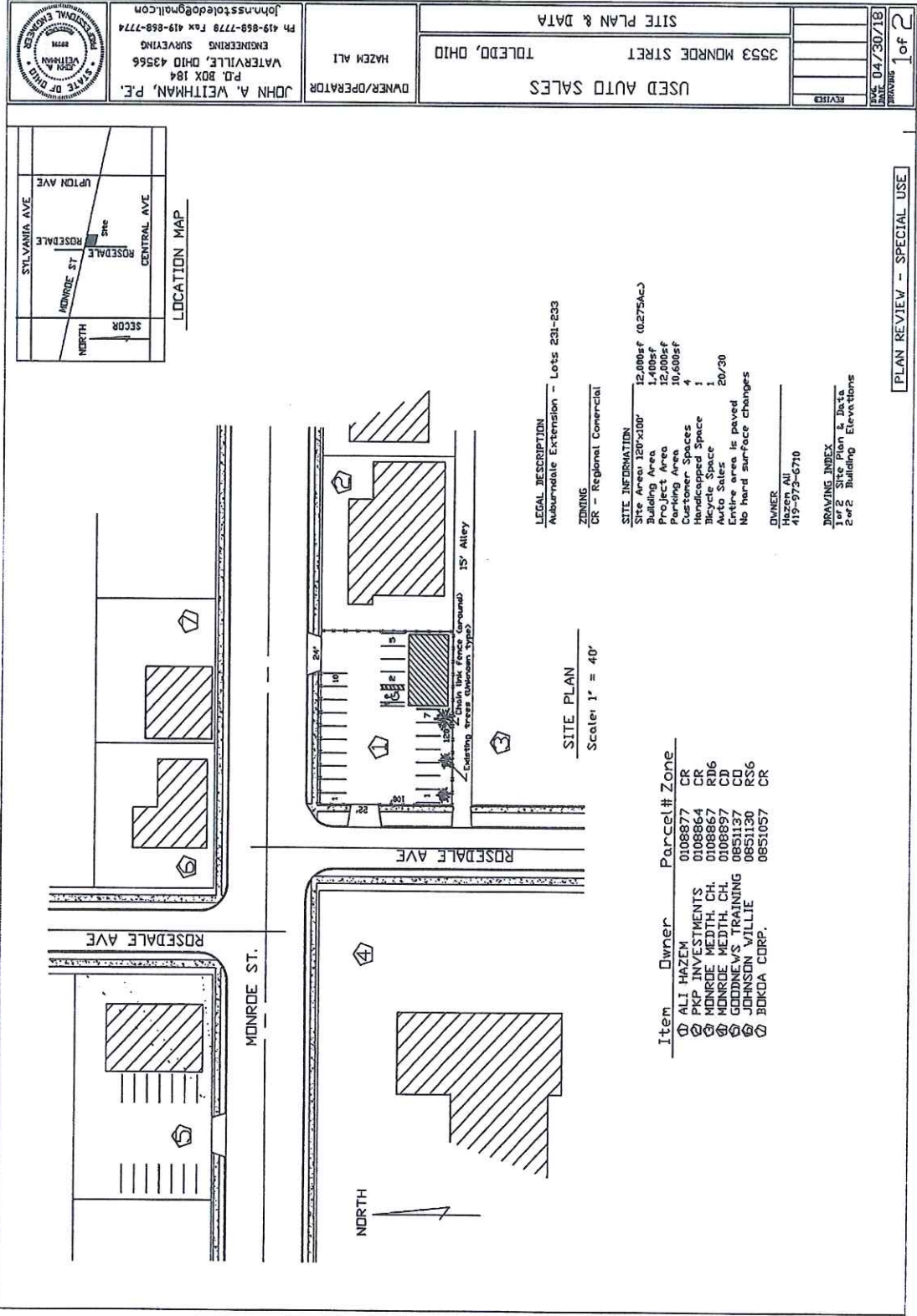
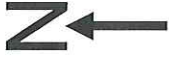
ZONING & LAND USE

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ID 17



SITE PLAN

SUP-5001-18
ID 17



Item	Owner	Parcel #	Zone
1	ALI HAZEM	0108877	CR
2	PKP INVESTMENTS	0108864	CR
3	MONROE METH CH	0108867	RD6
4	MONROE METH CH	0108897	CD
5	GODDNEV'S TRAINING	0851137	CD
6	JOHNSON WILLIE	0851130	RS6
7	BOKDA CORP.	0851057	CR

SITE PLAN
Scale: 1" = 40'

EXHIBIT "A"
(agency conditions)

The following conditions **thirty-one (31)** are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

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

Division of Engineering Services: 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 **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/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.

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.

EXHIBIT "A" (cont'd)
(agency conditions)

Engineering Services (cont'd)

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 @ 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. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore it appears that there are no items requiring a stormwater plan review by the Division of Engineering Services. However, 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. 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.
10. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES permit.

EXHIBIT "A" (cont'd)
(agency conditions)

Sewer & Drainage

11. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
12. S&DS requires that the private sanitary lines (after they have 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.

Fire Prevention

No comments or objections

Transportation

13. To ensure compliance with Toledo Municipal Code (TMC) requirements for parking, loading and access, the site plan must include drive aisle, parking stall and access drive dimensions.
14. Drives must 25' to maintain 2-way traffic.

Plan Commission

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. **(Not depicted on site plan. A revised site plan shall be submitted showing compliance).**
16. Dumpsters may not be located in any required setback or landscape buffers and shall be located as far away from residential areas as possible (TMC§1108.0203(G)(5)). **(Not depicted on site plan. A revised site plan shall be submitted showing compliance).**
17. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. **(Not depicted on site plan. A revised site plan shall be submitted showing compliance).**

EXHIBIT "A" (cont'd)
(agency conditions)

Plan Commission (cont'd)

18. 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)).
19. 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. Customer parking and display parking must be clearly differentiated on site plan. **(Not depicted on site plan. A revised site plan shall be submitted showing compliance).**
20. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.
21. 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)).
22. Display areas shall incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas.
23. A fifty (50') foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. This separation shall apply to both sides of a street and to intersecting streets on corner lots. **(Acceptable as depicted on the site plan).**
24. 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.
25. Loading and/or unloading is prohibited in the public right-of-way.

EXHIBIT "A" (cont'd)
(agency conditions)

Plan Commission (cont'd)

26. A detailed site, lighting, sign, fencing and four (4) landscaping plans separate from the Building Plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. Greenbelts are required along all street frontages. Greenbelt frontage landscaping shall be adhere to TMC§1108.0300 – *Urban Commercial Landscape Standards*. Calculations conclude that four (4) tree pits are required along Monroe Street. Tree pits that incorporate storm water management are encouraged. Furthermore, four (4) trees are required along Rosedale Avenue. Existing trees may be eligible for credits as outlined in TMC§1108.0407(B)(d). **(Not acceptable as depicted on the site plan. A landscape plan shall be submitted showing compliance);**
 - b. Perimeter landscaping must consist of one of the following, located between the parking lot and the property line: landscaped area at least five (5') feet wide, exclusive of easements, sidewalks, or rights-of-way, planted with at least one (1) shrub for every three (3') to five (5) feet of property line, as determined by growth characteristics; 3 ½ feet high metal tuber or solid bar fence, with at least one (1) shrub for every three (3') to five (5') feet of property line planted on the outside of the fence; or solid 3 ½ foot high brick or stone wall. Existing trees are accredited as outlined in TMC§1108.0407(B)(d). **(Not acceptable as depicted on the site plan);**
 - c. A Type A landscape screen and buffer shall be provided along the rear of property that abuts RD6 Duplex Residential zoning. **(Fencing material not acceptable as depicted on the site plan and shall be of a decorative style –aluminum tube or wrought iron);**
 - d. A perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-way. A solid evergreen hedge planting with a minimum height of eighteen (18") inches (when installed so as to achieve full screening at maturity) shall be provided. **(Not acceptable as depicted on the site plan);**
 - e. All existing trees on the site with a caliper of four (4") inches or more must be mapped prior to site planning and should be incorporated into the landscape plan to the maximum practical extent. **(Acceptable as depicted on the site plan);**

EXHIBIT "A" (cont'd)
(agency conditions)

Plan Commission (cont'd)

- f. All trees in excess of twelve (12") inches in diameter must be retained to the maximum practical extent.
 - g. Topsoil must be back filled to provide positive drainage of the landscape area;
 - h. 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;
 - i. 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 and the State of Ohio Department of Agriculture's invasive plant list (**Not depicted on site plan**);
 - j. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties).
 - k. The location, lighting and size of any signs, all signage is subject to TMC§1387. No free-standing signs greater than forty-two inches (42") from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.
27. 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.
28. Per TMC§1111.0814, if a building permit is not issued within one year of the City Council approval date then the site plan approval shall become null and void.

EXHIBIT "A" (cont'd)
(agency conditions)

Plan Commission (cont'd)

29. 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 & maintained indefinitely.
30. 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.
31. 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.