

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: April 18, 2022

REF: SUP-12006-21

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 auto sales at 5655 Secor Rd

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 14, 2022 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for used auto sales
Location	-	5655 Secor Rd
Applicant	-	Annan & Sons LLC 5655 Secor Rd Toledo, OH 43623
Owner	-	Sigma Restaurants Inc 6065 Winterhaven Dr Sylvania, OH 43560

#### Site Description

Zoning	-	CR, RS6 / Regional Commercial, Single-dwelling Residential
Area	-	± 1.86 Acres
Frontage	-	± 258' Along Secor Road ± 200' Coral Ave
Existing Use	-	Ice Cream Parlor, Vacant Used Auto Sales
Proposed Use	-	Ice Cream Parlor, Used Auto Sales

#### Area Description

North	-	CR / Grocery Store
South	-	CR / Apartments
East	-	CR / Credit Union

**GENERAL INFORMATION (cont'd)**

Area Description (cont'd)

West - RS6 / Single-family Dwellings

Parcel History

T-209-86	-	Request for deed transfer to split a portion of Lot 20 in Trilby Heights Plat 1 (PC Admin Denied 2/5/87).
SPR-31-05	-	Request for minor site plan review with landscape waivers (withdrawn 6/1/05).
SPR-25-06	-	Request for a Major Site Plan Review of a retail strip mall (PC approved 7/13/06).
Z-4009-06	-	Request for Zone Change from RS6 Single Family Residential to CR Regional Commercial (PC approved 7/13/06, CC approved Ord. 44-07).
Z-10002-06	-	Request for a Zone Change from RS6 Single Family Residential to CR Regional Commercial (Cond. Approved by PC 12/7/06, CC Ord. 44-07).
SPR-41-08	-	Request for a Major Site Plan Review for a bank (PC approved 9/11/08).
S-8-08	-	Request for Final Plat Secor Coral Plat I (PC Approved 9/11/08).
SPR-46-08	-	Request for a Major Site Plan Review for a drive up at an existing ice cream store and a proposed self-storage facility (PC approved 10/9/08).
SPR-14-12	-	Request for a Major Site Plan Review for a Retail Strip Mall (PC approved 8/28/12).
S-3-12	-	Request for an amendment to Secor Coral Plat I (PC approved 6/16/12).
SPR-42-13	-	Request for a Major Site Plan Review for a new restaurant and parking lot (PC approved 11/7/13).

## GENERAL INFORMATION (cont'd)

### Combined Parcel History (cont'd)

S-16-16	-	Request for the Alma Rosenthorn Corner subdivision located at the southwest corner of Secor Road and Coral Avenue (PC approved 9/8/16).
SUP-6005-16	-	Special Use Permit for a used auto sales facility (PC Approved 11/3/16, CC approved Ord.519-16).

### Applicable Plans and Regulations

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

## STAFF ANALYSIS

The applicant is requesting a Special Use Permit (SUP) to facilitate the operation of a used auto sales facility at 5655 Secor Road. The  $\pm$  1.86 acres site is currently occupied by a non-conforming used auto sales lot, and an ice cream parlor. To the north of the site is a grocery store, to the east of the site is a credit union, to the south is an apartment complex, and to the west is a single-family neighborhood. The site had previously been approved for Used Auto Sales via SUP-6005-16 in 2016, however the conditions of approval were not met and the special use permit expired. A new SUP is required in order to operate Used Auto Sales in CR Regional Commercial.

### Zoning and Plat Requirements

At the time of publication all but one parcel in the site is zoned CR. The remaining parcel is zoned RS6. In 2006 the parcel was conditionally rezoned to CR via Ord. 44-07. The rezoning is conditional upon the approval and recording of a commercial plat for the parcels involved. A final plat which consolidated the site into two parcels was approved by the Plan Commission on September 8, 2016. The final plat was never recorded and has since expired. A final plat shall be submitted for the site in order to finalize the 2006 rezoning per the Ordinance's conditions. Used Auto Sales are not allowed in RS6, therefore this SUP request shall not be considered until a final plat is received.

### Use Regulations for Used Auto Sales

**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 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. The site complies with this requirement.



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

### Use Regulations for Used Auto Sales

**TMC§1104.0307** states that used auto and RV sales shall not be permitted on sites containing another primary use. Approval of the previously mentioned plat shall separate the two uses. Used auto sales facilities are also required to fence the customer display area in accordance with the standards outline in **TMC§1105.0302**. A revised site plan showing the location and type of all fencing is required to be submitted to the Planning Director for review and approval. Fencing abutting residential uses shall be solid board on board fencing.

### Parking and Circulation

Used auto sales are required to have one (1) parking space per every five thousand (5,000) square feet of open sale area, plus one (1) per every five-hundred (500) square feet of enclosed sale area, plus one and one half (1.5) per every service bay. The site requires six (6) customer parking spaces based on the office and outdoor area. The site depicts a total of sixty-four (64) parking spaces. Used vehicle inventory shall only be displayed, parked, or located within parking spaces approved and defined on the site plan. The site plan shall clarify a minimum of six (6) parking spaces for customer use that will not be used for inventory storage and display. One (1) van accessible space is required. Two (2) auto accessible spaces are required. At least one accessible space depicted shall be relocated closer to the office.

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

### Landscaping

A fifteen-foot (15') frontage greenbelt is required along all public streets per **TMC§1108.0202 – Frontage Greenbelt**. The frontage greenbelt shall include at least one (1) tree per every thirty (30') feet of frontage. Eight (8) trees shall be required along Coral Street, six (6) trees shall be required along Secor Road. Additionally, all portions of the greenbelt abutting parking or driving area shall include a solid evergreen hedge to screen headlights – alternative screening methods shall be submitted to the Planning Director for approval. All existing trees on 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.

A Type A landscape buffer is required along all portions of the site abutting residential areas. Type A landscape buffers shall be ten feet (10') wide, provide a solid fence, and contain four (4) trees and fifteen (15) shrubs per one-hundred (100) linear feet. In place of a fence, a twenty-five-foot (25') buffer with additional shrub requirements may be installed. Approximately five-hundred (744) feet of property abut residential zoning districts (the west most portion of the site). A total of twenty (20) trees and seventy-five (75) shrubs shall be provided along the portion of the property abutting residential districts per **TMC§1108.0203 – Buffer and Screening Requirements**.

**STAFF ANALYSIS (cont'd)**

Landscaping (cont'd)

Additionally, internal landscaping is required per **TMC§1108.0204 – Parking Lot Landscaping (Interior and Perimeter)**. Twenty (20) square feet of landscaping is required per parking and stacking space on site, landscaping in the frontage greenbelt does not contribute to this count. Landscape islands are required at the end of each parking row, A revised site plan shall show the inclusion of the following: landscape island at either end of the internal parking row, a landscape peninsula at the end of the row near the asphalt drive off of a Carol Street, a landscape peninsula at the end of the row near the asphalt drive off of Secor Road, and a corner-landscape island at the corner of the parking lot at the intersection of Coral Street and Secor Road.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial land uses. The intent of the Regional Commercial land use designation is to accommodate auto-oriented commercial development as well as accommodate community and regional-oriented commercial uses. Buffering and other improvements are recommended to make these areas more valuable and useful to surrounding neighborhoods as well as regional shoppers. The proposed use conforms to the Toledo 20/20 Comprehensive Plan.

This request was deferred by the Toledo-Lucas County Plan Commissions on February 10, 2022.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-12006-21, a Special Use Permit for used auto sales at 5655 Secor Rd, to 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) – Review & Decision Making Criteria**], and
2. The proposed use complies with all applicable provisions of this Zoning Code [**TMC§1111.0706(B) – Review & Decision-Making Criteria**].

The Toledo City Plan Commission further recommends approval of the request for used auto sales at 5655 Secor Road subject to the following **thirty-three (33)** conditions.

Division of Engineering Services

1. 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.



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

Division of Engineering Services (cont'd)

2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop.
4. Upon submittal of the consolidation plat to match the parcel boundaries as shown on the SUP site plan, then a stormwater easement shall be provided through proposed lot 2 at that time, either by reference of a pre-existing easement or the creation of a new one at that time by way of the plat.
5. Resubmit a site plan for stormwater review and approval if and when parking improvements or other developments are proposed on site.

Division of Sewer and Drainage Services

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

Division of Environmental Services

8. 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 storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.

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

Division of Environmental Services (cont'd)

- 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.
9. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
10. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
11. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from [https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives\\_to\\_ohio\\_invasive\\_plant\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
12. 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

13. One van, two auto accessible parking spaces with 8' loading aisle for van and 5' loading aisle for auto is required per TMC 1107.1701 & TMC 1107.1702.
14. Wheel stops are required at all parking spaces abutting sidewalks, buildings planting areas and property lines per TMC 1107.1907.
15. If one is not already established, a cross access agreement is required with the adjacent property owner.



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

Plan Commission

16. Per **TMC§1107.1906** All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
17. A final commercial plat shall be approved and recorded prior to the issuance of the SUP for this site. Recording of the final plat shall fulfil the conditions of Ordinance 44-07 – resulting in the rezoning of the parcel described as TRILBY HEIGHTS PLAT 1 LOT 20 E 150 FT
18. The proposed ADA parking location shall be relocated to be in close proximity to the sales office.
19. 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. Dumpsters may not be located in the public right-of-way. **(not depicted on site plan).**
20. 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.**
21. All vehicles on display shall 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. **A revised site plan shall clarify those spaces dedicated for customer use, and those for display.**
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.
23. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device or other suitable restraint as approved by the Planning Director must be installed to prevent any part of the 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)).
24. Display areas shall incorporate curbs and other substantial permanent barriers as approved by the Planning Director to prevent encroachment of vehicles into the required setback and landscape areas.



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

Plan Commission (cont'd)

25. Use of the portion of the site labeled for future automotive sales, or of the unpaved portion along Carol, shall require subsequent review and amendment to this special use permit. **Areas not striped for parking or approved for traffic flow on this site plan shall not be used for storage, maneuvering, or sale of vehicles.**
26. 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.
27. 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 or to a stormwater system subject to the regulations and approval of the Department of Public Utilities.
28. 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. Per **TMC§1108.0204** internal landscaping is required for the parking area. Twenty (2) square feet of landscaping is required per parking and stacking space on site. **Acceptable as depicted;**
  - b. Per **TMC§1108.0203(E)**, a Type A landscape buffer shall be provided along all portions of the site abutting residential districts. This includes the parcels addressed on Coral and Planet Avenue. This buffer shall be a minimum of ten-feet (10') in width and consist of four (4) canopy trees and fifteen (15) shrubs installed every 100 linear feet. Five-hundred (500) linear feet of abutting property line measured. **Not acceptable as depicted. Revised landscape plan shall have a minimum of twenty (20) trees and seventy-five (75) shrubs;**
  - c. A fifteen-foot (15') greenbelt is required along Coral St and Secor Rd frontage, and shall include one (1) tree per every thirty-feet (30') of frontage. The portions of the site with a parking lot facing right-of-way shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can

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

Plan Commission (cont'd)

be seen from the public street. Eight (8) trees are required along Coral Street. Six (6) trees are required along Secor road. **Not acceptable as depicted – trees shall be added;**

- d. Landscape terminal islands must be provided at the end of each parking row per TMC§1108.0204. Landscape islands are required at either end of the center parking row in the parking area closest to Secor Road. Landscape peninsulas are required at the end of each row abutting the entrance/drive aisle. A corner-landscape island is required at the north east corner of the site where the two perpendicular parking rows meet. **Not acceptable as depicted;**
- e. All existing trees on site with a caliper of four (4") inches or more shall be shown and incorporated into the landscape plan to the maximum practical extent. Credit may be given for existing trees towards landscaping requirements based upon the crediting system outlined in TMC§1108.0407.
- f. Landscape areas within the parking area must be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;
- g. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.
- 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. Because the site is larger than ½ acre, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy conditions. Irrigation plans must be submitted with development plans and must contain all construction details;
- j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;



**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- k. 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; and
  - l. The location, lighting, and size of any signs.
29. No new 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.
30. 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.
31. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
32. 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.
33. 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

JGL

Three (3) sketches follow

Cc: Annan & Sons 5655 Secor Rd Toledo OH 43623  
Sigma Restaurants, 6065 Winterhaven Drive, Sylvania, OH 43560  
Lisa Cottrell, Administrator  
Jonny Latsko, Planner

# GENERAL LOCATION

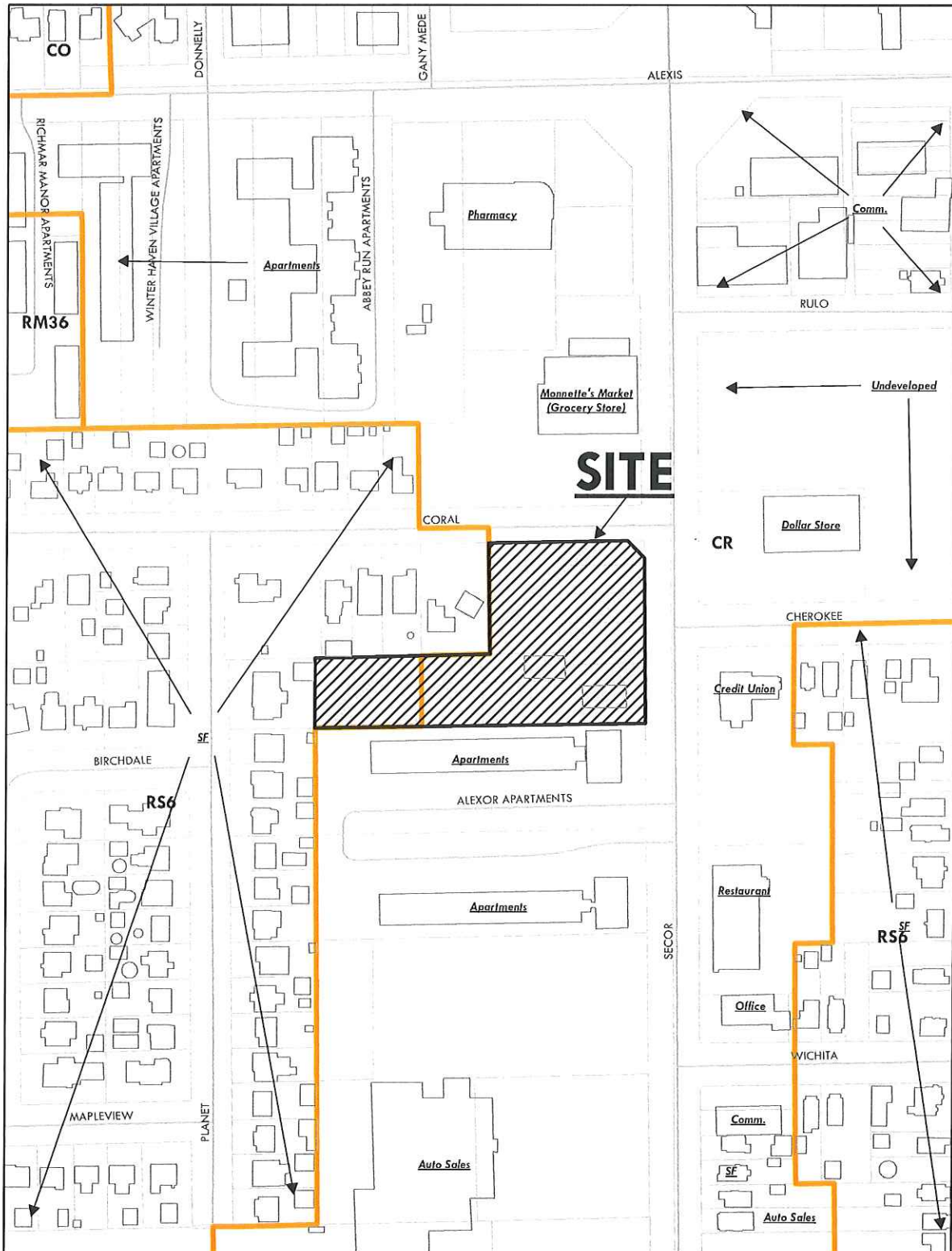
SUP-12006-21  
ID 76





# ZONING & LAND USE

SUP-12006-21  
ID 76



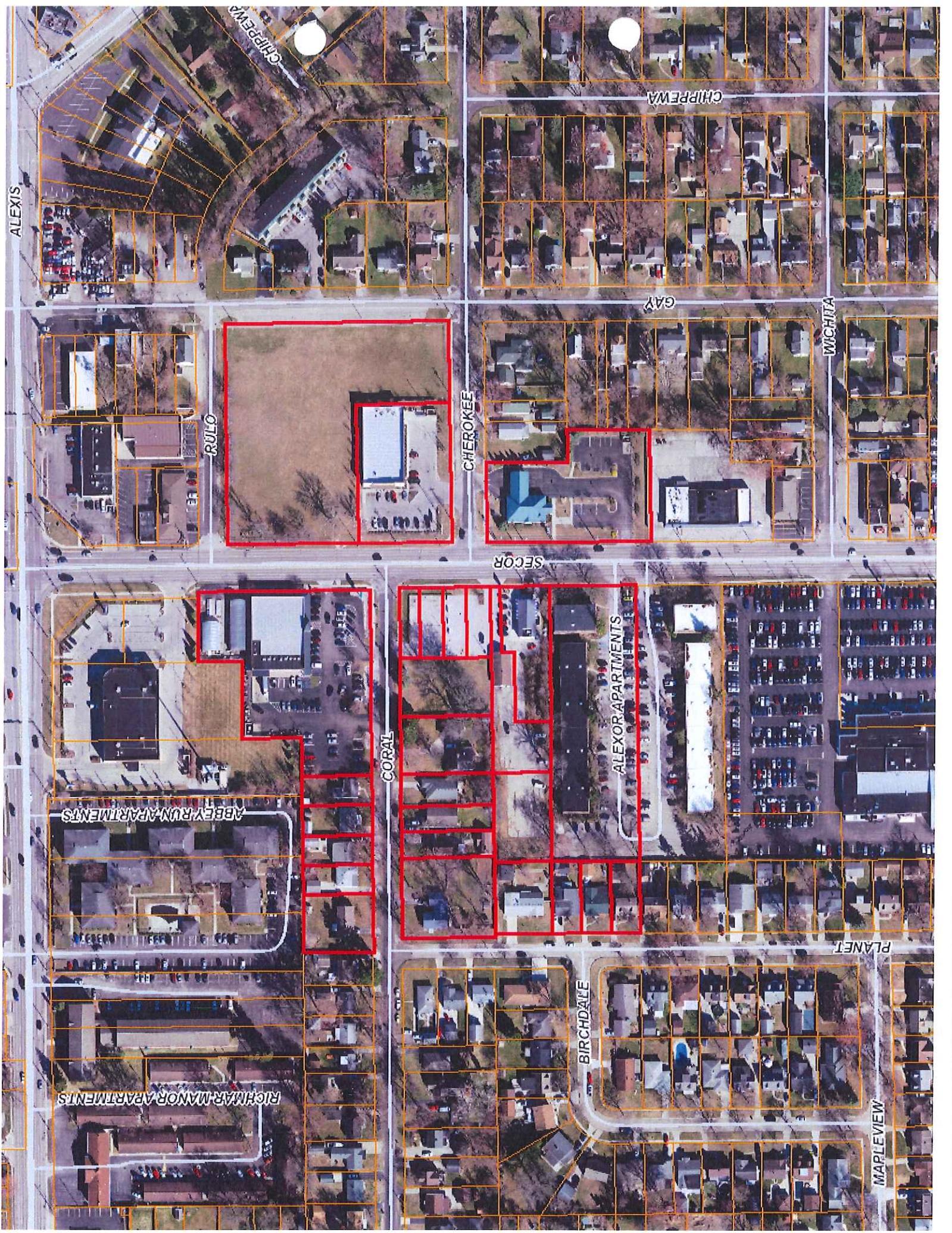
**SUP-12006**  
**ID 76**





owner	mailing address 1	mailing address 2
5717 SECOR ROAD INVESTORS LLC	5717 SECOR RD	TOLEDO OH 43623
ALEXIS SECOR APARTMENTS LTD	5000 ARLINGTON CENTRE BLVD STE 2	COLUMBUS OH 43220
APLIN B DOUGLAS & CAROL JANE	17 WALNUT CREEK DR	HOLLAND OH 43528
BROWN KEVIN J	3341 CORAL AVE	TOLEDO OH 43623
CARLE MICHAEL J & KINA K	3331 CORAL AVE	TOLEDO OH 43623 1907
COLE DG TOLEDO OHIO LLC	P O BOX 460369 DEPT 100	HOUSTON TX 77056
CORWIN ROBERTA	3335 CORAL AVE	TOLEDO OH 43623 1907
GLASS CITY FEDERAL CREDITUNION	1340 ARROWHEAD DR	MAUMEE OH 43537
HILL H L & E M	3345 CORAL AVE	TOLEDO OH 43623 1907
HUFFMAN DANA D	3352 CORAL AVE	TOLEDO OH 43623 1908
KHECHEN HUSSIE A KHECHEN & KHADIGIE A	5650 PLANET AVE	TOLEDO OH 43623 1927
MACK THOMAS J & OLGA	3346 CORAL AVE	TOLEDO OH 43623 1908
MCGREEVY EDWARD J	5658 PLANET AVE	TOLEDO OH 43623 1927
MOLTER TERRY L SR & CONNIE L	3359 CORAL	TOLEDO OH 43623
MONSTER 30 LLC	3608 W BANCROFT ST	TOLEDO OH 43606
RATLIFF JORDAN	3342 CORAL AVE	TOLEDO OH 43623
RETZLAFF RYAN & LAUREN MCFELLIN	5640 PLANET AVE	TOLEDO OH 43623
SIGMA RESTAURANTS INC	6065 WINTERHAVEN DR	SYLVANIA OH 43560 9628
VANDYKE ALAN & ALICE	2021 NEWPORT AVE	TOLEDO OH 43613 2811
YONG HUA PAN	609 DUSSEL DR	MAUMEE OH 43537
ANNAN & SONS LLC	5655 SECOR RD	TOLEDO, OH 43623
COUNCIL MEMBER MELDEN		





ALEXIS

RULO

CHEROKEE

SECOR

GAY

WICHITA

CORAL

ALEXOR APARTMENTS

ABBAY-RUN APARTMENTS

RICHMAN MANOR APARTMENTS

BIRCHDALE

PLANET

MAPLEVIEW



## MEMORANDUM OF CASE CONTACT

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