



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: January 11, 2019

REF: SUP-11004-18

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.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 10, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Used Auto Sales
Location	-	2214 Laskey Road
Applicant	-	JAMP, LLC 2214 Laskey Road Toledo, OH 43613
Engineer	-	ESA Engineers, Surveyors & Architects, LLC 5353 Secor Road Toledo, OH 43623

Site Description

Zoning	-	CR/Regional Commercial
Area	-	± .244 acres
Frontage	-	± 81.6' on Laskey Road ± 130' on Yermo Drive
Existing Use	-	Used Auto Sales and Service
Proposed Use	-	Used Auto Sales and Service

Area Description

North	-	Single Family Residential / RS6
South	-	Commercial / CR
East	-	Single Family Residential, Used Auto Sales / CR
West	-	Commercial Office / CR

GENERAL INFORMATION (cont'd)

Parcel History

None on record.

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 for used auto sales at 2214 Laskey Road. The ± .244 acre corner site fronts onto Laskey Road and Yermo Drive. A 2,320 square foot former single-family dwelling, constructed in 1947 and converted for commercial use occupies the site. A 528 square foot accessory building is located on the rear of the site. Surrounding land uses include single-family to the north, used auto sales to the east, a commercial office building to the west, and various commercial uses to the south.

The owner was cited by the Department of Neighborhoods in September 2018 for operating a used car lot. That letter of violation prompted the request for a SUP. Internal records suggest that the site has been operating illegally, without a SUP for used auto sales, since approximately 2008. Prior to that time, the site was used by various financial services.

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 one-half acre requirement and with the 150' frontage. The applicant has requested a waiver on these requirements. Staff recommends disapproval of the waiver requests.

Parking and Circulation

Ingress/egress to the site is via a one-way ± 21.8' wide access drive off of Laskey Road with 45° angled parking spaces on the west side of the drive and parallel parking on the east side. This meets the requirement of TMC§1107.1911, for a minimum twelve (12) foot drive aisle on a one-way aisle with 45° angled parking.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

TMC§1104.0301 dictates that 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. Further, TMC§1107.1202[B]{3}) states that off-street parking facilities, including vehicular drives and maneuvering areas, are prohibited within 25-50 feet of the right-of-way when located within fifty (50) feet of a Residential district that fronts on the same street as the lot containing the off-street parking area. However, the existing two-car garage on the rear of the lot, and its access drive off Yermo Drive, are within 25 feet of the residential property to the north. Under the strictest application of the above sections of the Zoning Code, this would not be permitted on a new site. As the site is nonconforming however, it is only required to be brought closer into compliance of the 2004 Zoning Code requirements by upgrading nonconforming development elements that affect the appearance and impacts of a site. The use of this area shall be for access only.

Per TMC§1107.0300, the minimum number of off-street parking spaces required for auto sales is; *"1 per 5,000 square feet of open sales area, plus 1 per 500 square feet of enclosed sales area, plus 1.5 per service bay"*. The site plan does not designate a display area for used vehicle inventory, but given the size of the lot, a minimum of two (2) parking spaces are required. The submitted site plan indicates thirteen (13) parking stalls. TMC§1107.1911 dictates that angled parking stalls must have a minimum width of nine (9) feet and a minimum depth of eighteen (18) feet. The submitted site plan indicates that the 45° angled parking spaces are only 6.36' wide and the parallel parking spaces are only eight (8) feet wide.

Of the thirteen parking spaces, at least one (1) must be designated for use by persons with physical disabilities, be van-accessible, and shall adhere to the standards outlined in TMC§1107.1700. If the SUP is approved, a revised site plan shall be submitted reflecting compliance with the parking and access requirements.

Landscaping/Screening

Extensively landscaped frontage greenbelts, a minimum width of fifteen (15) feet shall be provided along, but not within, the public right-of-way on both the Laskey Road and Yermo Drive frontages. The frontage greenbelt shall include grass, trees and shrub plantings. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. Trees are not required to be evenly spaced and may be clustered (TMC§1108.0202).

STAFF ANALYSIS (cont'd)

Landscaping/Screening (cont'd)

A "Type A" landscape buffer is required along the northern property line abutting the residential zoning. This buffer shall be 25' wide or ten feet wide with a solid wall or fence. The submitted site plan indicates four (4) parking spaces, in the rear of the site, within 25 feet of the abutting residentially-zoned property to the north. No landscape buffer is required along the eastern boundary as it abuts another commercially-zoned property (TMC§1108.0203). If the SUP is approved, a revised site plan shall be submitted reflecting alterations in the parking area, and a landscape plan shall be submitted reflecting compliance with the landscaping and screening requirements.

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.

STAFF RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP-11004-18, a request for a Special Use Permit for used auto sales, at 2214 Laskey Road, to Toledo City Council for the following two (2) 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.

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The Toledo City Plan Commission make the following recommendations to the Toledo City Council on the required lot size waivers for the used auto sales facility at 2214 Laskey Road.

Chapter 1104 Use Regulations

Sec. 1104.0300 – Auto and RV Sales, Used Only

- A. The minimum lot size shall be no less than one-half (1/2) acre, and
- B. Each lot shall have a minimum average width of 150 feet along the main road frontage. Lot width shall be measured as outlined in Sec. 1106.0204.

Disapprove the waiver of the minimum lot size of no less than one-half (1/2) acre.

Disapprove the waiver of the minimum average lot width of 150 feet along the main road frontage.

Although the Toledo City Plan Commission is recommending disapproval, conditions of approval are included and listed by agency of origin as Exhibit "A" for informational purposes.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

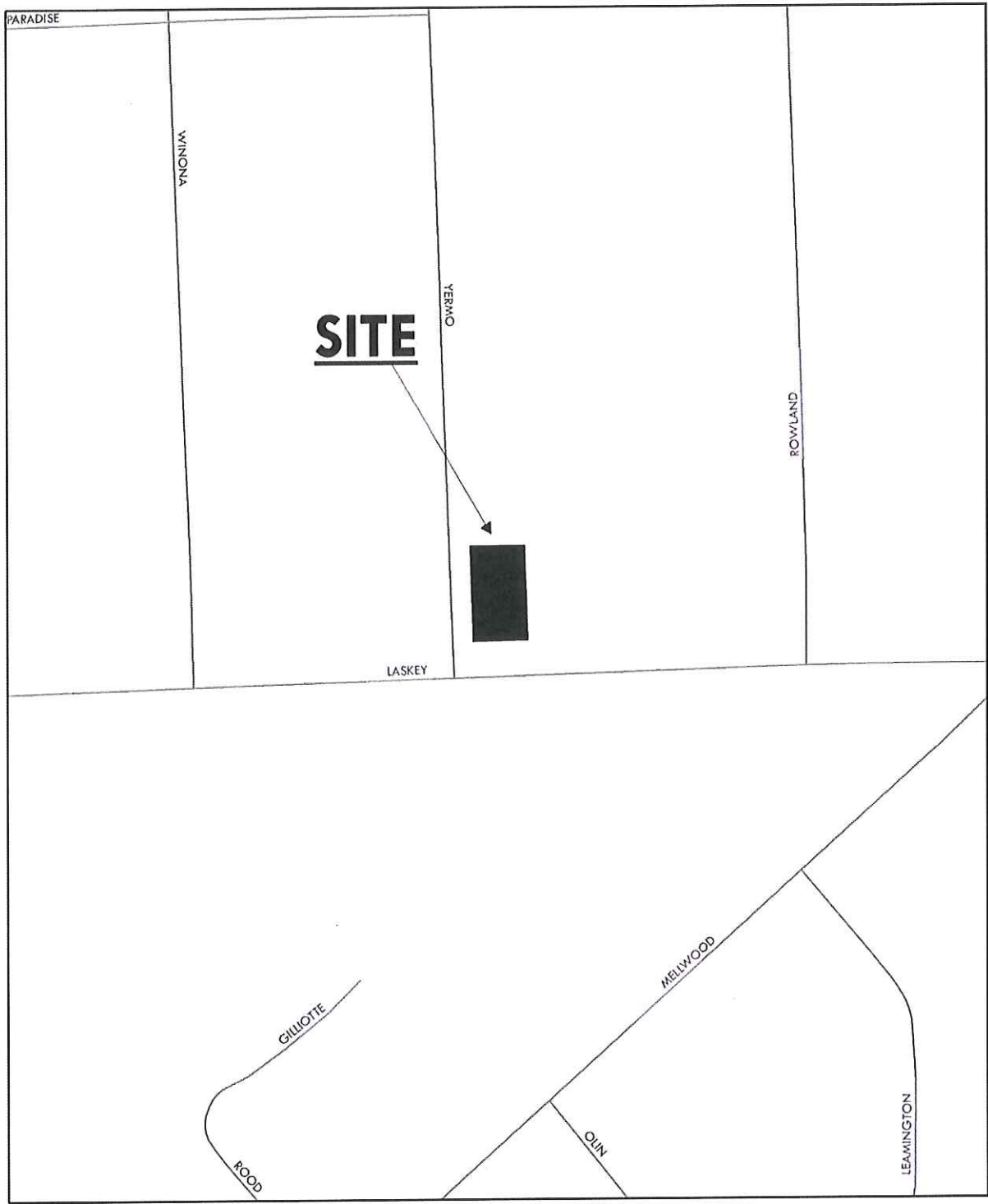
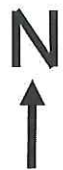
CC: Lisa Cottrell, Administrator
Daryl Graus, Planner

JAMP, LLC
2214 Laskey Road
Toledo, OH 43613

Samuel R. Hardin, Esq.
616 Madison Avenue
Toledo, Ohio 43604

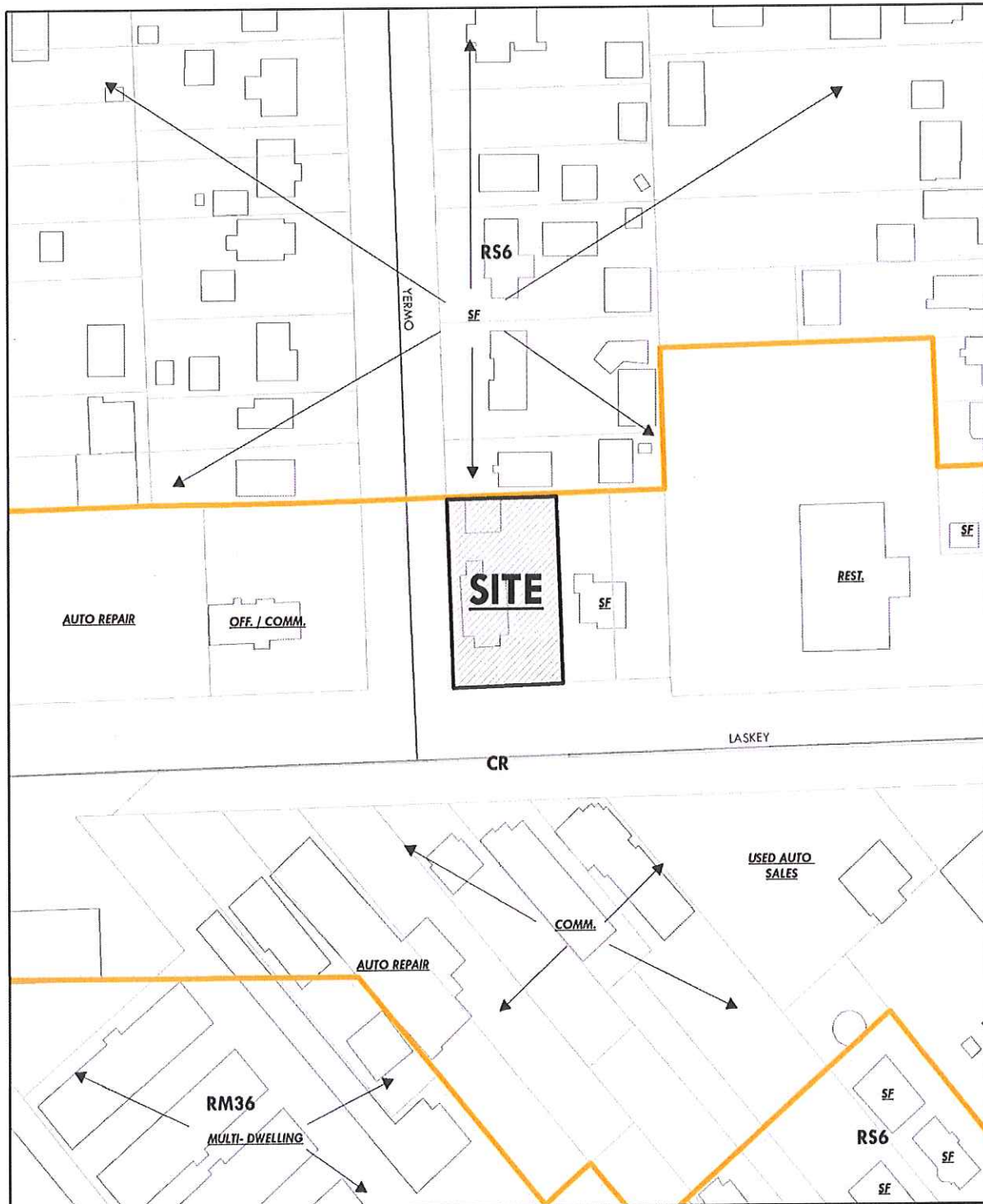
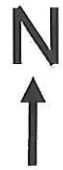
GENERAL LOCATION

Z-11004-18
ID 56



ZONING AND LAND USE

SUP-11004-18
ID 56



SUP-11004-18
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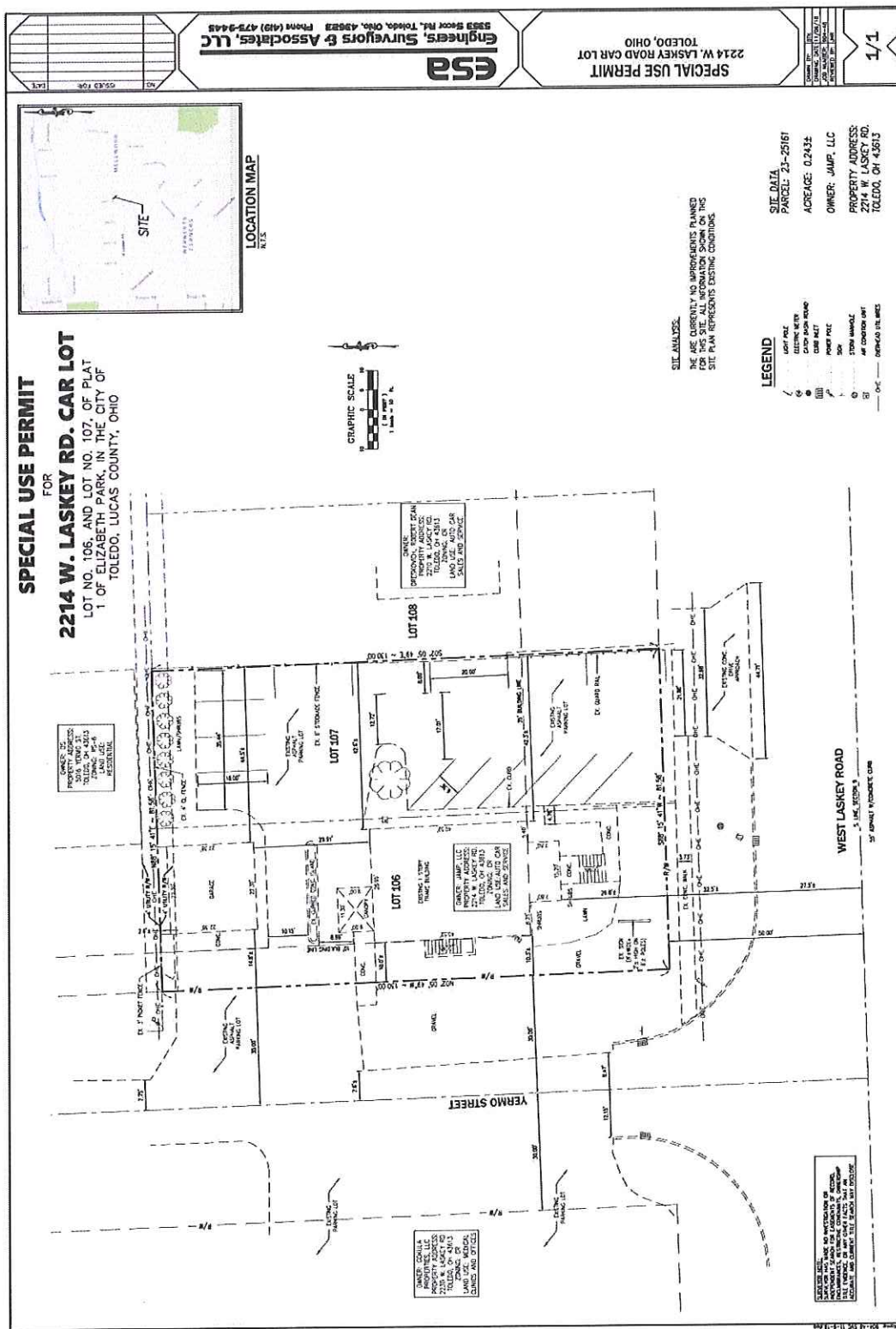


EXHIBIT "A"
(Agency conditions)

The following **forty-two (42)** conditions 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 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. Alongside the uncurbed street of Yermo, any privately performed maintenance of the existing asphalt or gravel must be done with attention to maintaining the flow of stormwater drainage, which typically flows longitudinally at the edge of pavement and/or along the sidewalk or through driveway culverts, in order to prevent nuisance stormwater drainage conditions for adjacent property owners.

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

Sewer and Drainage Services

7. S&DS require that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
8. 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.

Fire Prevention

No comments or concerns.

Division of Environmental Services

9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
12. 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 Practices.
13. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.
<http://ohiodnr.gov/portals/0/pdfs/invasives/ohio-invasive-plants-r0400.pdf>
14. 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.

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

Division of Transportation

15. All parking spaces need to be shown, clearly dimensioned and 9' x 18' minimum per TMC 1107.
16. One van accessible parking space including a van accessible 8' loading area to be shown based on number of parking spaces per TMC 1107.
17. Parking area to be made of a hard surface such as asphalt or concrete. No stone parking area allowed per TMC 1107.
18. Parking space in right-of-way is not allowed per TMC 1107.
19. 25' aisle width required for two way traffic per TMC 1107.
20. No parking allowed against existing stockade fence on the northwest corner of parking area.
21. Directional arrows need to be shown to facilitate flow of traffic.

Plan Commission

22. The minimum lot size for the sale of used vehicles shall be no less than one-half (1/2) acre. **Applicant shall obtain a waiver to TMC§1104.0306A to allow a lot size of less than one-half (1/2) acre, or comply fully with said section.**
23. Each lot shall have a minimum average width of 150 feet along the main road frontage. Lot width shall be measured as outlined in Sec. 1106.0204. **Applicant shall obtain a waiver to TMC§1104.0306B to allow less than 150 feet of width along the main road, or comply fully with said section.**
24. The minimum parking stall width shall be nine (9) feet (TMC§1107.1700); **not 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 yard (TMC§1104.0302(A)); **if applicable.**

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

Plan Commission (cont'd)

26. 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 identified on the site plan; **not depicted on site plan. A revised site plan shall be submitted showing compliance.**
27. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas (TMC§1104.0302); **shall be depicted on a revised site plan.**
28. Wheel stops must be provided when outdoor display areas abut public right-of-way, ensuring that display vehicles do not overhang directly on sidewalks. Inventory of used vehicles shall not be displayed or stored within the public right-of-way (TMC§1104.0302).
29. 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 off-street parking area (TMC§1107.1202[B]{3}); **existing pavement in this area shall be used for access purposes only.**
30. A 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 (TMC §1104.0301).
31. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
32. Repairs and services of vehicles shall be conducted wholly within an enclosed building(s) permanently located on the site.
33. 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; **shall be depicted on a revised site plan.**

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

Plan Commission (cont'd)

34. 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.
35. 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.
36. Any 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**.
37. No new free-standing signs greater than forty-two (42) inches from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.
38. 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. A fifteen-foot (15') frontage greenbelt is required along both the Laskey Road and Yermo Drive rights-of-way (TMC§1108.0202[B]3). The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. A total of nine (9) trees are required in the Laskey Road frontage greenbelt, and a total of thirteen (13) trees are required in the Yermo Drive frontage greenbelt. Trees are not required to be evenly spaced and may be clustered. 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.
 - b. A "Type A" Landscape Buffer is required along the northern property line where the site abuts a Residential zoning district. The "Type A" Landscape Buffer shall consist of a minimum 25' wide buffer area with four (4) canopy trees and twenty (20) shrubs for every one-hundred (100) linear feet. A ten feet wide buffer area with a solid fence or wall six-feet (6') to eight-feet (8') in height may be installed, and shall contain four (4) canopy trees and fifteen (15) shrubs.

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

Plan Commission (cont'd)

- 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 cover, unless approved as part of the stormwater treatment facility;
 - d. Topsoil must be back filled to provide positive drainage of the landscape peninsula or island, unless landscape peninsula or island is being utilized as a stormwater management practice.
 - e. Foundation plantings are required along all portions of the building that are visible from the public right-of-ways and landscaping at all major building entrances.
 - f. 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.
 - 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.
 - i. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed; and
 - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
39. 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.**
40. 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.
41. 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.

TO: President Cherry and Members of Council
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EXHIBIT "A" (cont'd)
(Agency conditions)

Plan Commission (cont'd)

42. 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.