



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

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THOMAS C. GIBBONS, DIRECTOR



DATE: December 6, 2019

REF: SUP-10005-19

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 tow lot

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 5, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a tow lot
Location	-	4425 Stickney Avenue
Applicant	-	4425 Stickney Avenue, Holdings, LLC 2280 E. Michigan Avenue Ypsilanti, MI 48198
Engineer	-	Lewandowski Engineers C/O: Nicole Gilford 234 N. Erie Street Toledo, OH 43604

Site Description

Zoning	-	IG / General Industrial
Area	-	±0.35 acres
Frontage	-	±160' along Stickney Avenue
Existing Use	-	Warehouse
Proposed Use	-	Tow Lot
Overlay	-	None
Neighborhood Org.	-	None

Area Description

North	-	Service garage / IG
South	-	Undeveloped land / IG
East	-	Chrysler Complex / IG
West	-	Perstorp / IG

GENERAL INFORMATION (cont'd)

Parcel History

No record on file

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a tow lot located at 4425 Stickney Avenue. A tow lot is defined as an establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles. This shall not include Light Equipment Repair services that have a tow truck and repairs vehicles on site (TMC§1116.0197).

Surrounding land uses include an industrial service garage to the north, to the east across Stickney Avenue is Chrysler manufacturing complex, a fire station is located to the south, and to the west is undeveloped industrial land.

The storage of tow-away vehicles will be located on a site currently occupied by a ±2,705 square foot warehouse building. The site is zoned IG, General Industrial and a tow lot is a permitted use in this zoning district, subject to approval of a Special Use Permit. Storage of tow-away vehicles must be 500 feet from any Residential district and located on a major street. Additionally, any space for the storage of vehicles outdoors must be shielded by a fence between 6 and 10 feet tall that shields the premises from ordinary view on all sides and protected by a guardrail or other barriers approved by the Planning Director. All inventory of the business must be stored behind the fence (TMC§1104.1600). The site plan submitted does not clearly define fence height or material. A detailed site plan showing compliance with all aforementioned requirements shall be submitted.

The site is to be used as a layover staging area for vehicles that have been towed. In the event that a vehicle has been towed at night and cannot be delivered to its rightful destination because it is closed, then the vehicle will be stored at the subject site until it can be taken to the prearranged site. The site plan offers forty-one (41) spaces for vehicle storage located at the rear of the site. Furthermore, it has been stated that the existing warehouse building that occupies the site will not be not be used for offices or storage.

STAFF ANALYSIS (cont'd)

The applicant is requesting a 21 foot variance of the 30 foot required building setback to allow for a 9 foot building setback. The building is existing and therefore approval of the request seems reasonable.

Parking and Circulation

The site plan submitted depicts two (2) access points into the site from Stickney Avenue, a northern asphalt access drive and a southern stone access drive. In accordance with TMC§1107.1906, 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. The southernmost access drive does not meet this criteria and will require a waiver.

Outlined in TMC§1107.0304 – *Parking, Loading, and Access*: Schedule “A”, the storage of tow-away vehicles is considered a general industrial use and therefore required to meet the standards of parking Schedule “C”. The proposed use is to have one (1) parking space per vehicle used in the business plus one (1) parking space per every 1,000 square feet of warehousing floor area. The warehouse building is a total of 2,705 square feet and calculations conclude that the number of parking spaces required is three (3) with one (1) of those handicap parking spaces dedicated for van accessibility. Additionally, the applicant is required to provide one (1) bicycle parking slot per every 10 parking spaces. When the provision of bicycle parking slots is required, the minimum number of slots provided shall be two (2) (TMC§1107.0901(B)).

All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Required spaces for persons with disabilities must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path TMC 1107.1703. The site plan will have to be revised to identify the location and number of off-street parking spaces, bicycle parking slots, and depicting the dumpster location with the appropriate screening. The Planning Director may waive the bicycle parking requirements for a particular use if the owner or operator can demonstrate in writing, supported by evidence, that the use does not generate any bicycle usage.

STAFF ANALYSIS (cont'd)

Landscaping and Screening

A minimum 15' frontage greenbelt is required for the site along Stickney Avenue frontage and shall not be located within the right of way. The greenbelt width as existing is acceptable. The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. With $\pm 160'$ of frontage on Stickney Avenue, a total of six (6) trees are required in the frontage greenbelt. Credit may be given for existing canopy trees, evergreen trees, and understory trees in accordance with TMC§1108.0407(B)(1). Shrubs may be credited on a one-to-one basis towards landscape material requirements in accordance with TMC§1108.0407(B)(2). Trees are not required to be evenly spaced and may be clustered. The applicant is requesting a waiver for the portion of frontage greenbelt that exiting building protrudes into. A revised site plan shall be submitted showing compliance with the required number of trees and proper screening.

TMC§1108.0204(B)(6) states that "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, unless approved as part of the stormwater treatment facility". The site plan depicts a stone landscape area north of the warehouse building that is in violation of Toledo City Municipal Code. The applicant is requesting a waiver of said Zoning Code section to allow for stone as a ground cover material.

Furthermore, in all Commercial and Industrial district, fencing to screen from public view open storage areas, except display areas for customer view when abutting a Commercial or Industrial district shall be required in accordance with the criteria outlined in TMC§1108.0203(H). A Type A landscape buffer shall be provided as required by the Planning Director in accordance with the criteria outlined in TMC§1108.0203(E)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for General Industrial land uses. The Future Land Use Maps display industrial districts in areas that have historically been used for that purpose. The IG, General Industrial district is intended to permit moderate and high-impact industrial uses, including large scale or specialized industrial operations require good transportation access and public facilities and services. The proposed development conforms to this land use designation.

Staff recommends approval of the proposed tow lot because the proposed development conforms to the intent of this land use designation and is compatible with adjacent uses in terms of scale, site design, and operating characteristics. Additionally, it conforms to the 20/20 Plan and all other applicable plans and provisions of this Zoning Code.

PLAN RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-10005-19, a request for a Special Use Permit for a tow lot located at 4425 Stickney Avenue, to the Toledo City Council, for the following three (3) reasons:

1. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706.B).
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706.C).
3. The proposed use complies with the Toledo 20/20 Comprehensive Plan.

The Toledo City Plan Commission further recommends the following to the Toledo City Council on the following waiver requests for the Special Use Permit for a tow lot for a site located at 4425 Stickney Avenue:

Chapter 1106 Intensity and Dimensional Standards

Sec. 1106.0103 Industrial District Standards

The applicant is requesting a 21 foot variance of the 30 foot required building setback to allow for a 9 foot building setback for the existing building.

Approve a waiver to allow for a 21 foot variance of the 30 foot required building setback to allow for a 9 foot building setback for the existing building.

Chapter 1108 Landscape and Screening

Sec. 1108.0202(B)(3) Frontage greenbelt requirements

Frontage greenbelts shall be a minimum width of 15 feet measured perpendicular from the street or place of right-of-way abutting the property.

Approve a waiver to allow for a 9 foot frontage greenbelt in front of the existing warehouse building only.

The Toledo City Plan Commission recommends approval of SUP-10005-19, a request for a tow lot, to be located at 4425 Stickney Avenue, to the Toledo City Council, subject to the following thirty-two (32) conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

PLAN COMMISSION RECOMMENDATION (cont'd)

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.
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, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

Environmental Services

4. 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 the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
5. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
6. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
7. Any effort made to plant non-invasive trees, shrubs, and perennials is highly encouraged.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

8. 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 Anti-Noise Laws and Asbestos abatement.

Transportation

9. Van and auto accessible parking spaces are required to be a minimum of 9'x18' with an 8' aisle for van accessible parking and 5' aisle for auto accessible parking required by TMC 1107.
10. Accessible parking signage required at every accessible parking space per TMC 1107.
11. Wheel stops are required at all parking spots along sidewalk, property lines and abutting building locations per TMC 1107.
12. A parking plan of all parking spaces must be established with 25' aisle widths required where two way traffic is established. All parking spaces required to be a minimum of 9'x18' per TMC 1107.
13. All driveways and gated entrances must be a minimum of 25' wide where two way traffic is to be established per TMC 1107.

Plan Commission

14. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials. Arborvitae, as indicated on the landscape plan shall be maintained around the dumpster indefinitely. **(If applicable).**
15. Dumpster/Trash Receptacle Screening states that a dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible. **(If applicable).**
16. All four (4) sides of the dumpster must be screened and screening must be a minimum height of six (6) feet in height. Screening materials can be any combination of evergreen plantings, fence or wall structure. Screening should be incorporated into access to the dumpster by using a wooden fence or other opaque device to serve as a gate. **(If applicable).**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

17. 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. **(Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance subject to the review and approval of the Planning Director).**
18. 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)). **(Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).**
19. The required minimum of off-street parking spaces is subject to parking schedule "C". Calculations conclude that the number of parking spaces required is three (3) with one (1) of those handicap parking spaces dedicated for van accessibility. **(Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).**
20. One (1) bicycle parking slot per every 10 parking spaces must be provided. When the provision of bicycle parking slots is required, the minimum number of slots provided shall be two (2) (TMC§1107.0901(B)). The Planning Director may waive the bicycle parking requirements for a particular use if the owner or operator can demonstrate in writing, supported by evidence, that the use does not generate any bicycle usage. **(Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).**
21. To facilitate movement and to help maintain parking arrangement, all parking spaces and aisles must be clearly striped, with a minimum width of 4 inches. The width of the parking stall shall be computed from the centers of the striping. When a parking space is designated for the use of persons with disabilities, it shall be clearly marked and signed as provided in Sec. 1107.1704. **(Not clearly depicted on the overall site plan. A revised site shall be submitted that depict the location and signage for ADA parking spaces).**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

22. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **(Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).**
23. All parking lots shall be provided with proper ingress and egress to a public street or alley by means of access drives and aisles in accordance with City of Toledo standards. **(The southernmost access drive is not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance subject to the approval of the Planning Director).**
24. Parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the construction of paving, lighting fixtures, retaining walls, fences, curbs, and benches must be continuously maintained and kept free of debris and hazard (TMC§1107.1909).
25. Required off-street parking and loading areas are to be used solely for loading, unloading, and the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the outdoor display of goods for sale or lease or for long-term storage of vehicles, boats, motor homes, campers, mobile home, or building materials.
26. Any proposed signage must meet the requirements of the Toledo Municipal Code *Title Nine – Sign Code (if applicable)*.
27. A detailed site, lighting, fencing and four (4) landscape plans shall be submitted, separate from Building Plans, to the Plan Director for review and approval. Such plan shall include:
 - a. At least one tree must be provided for every 30 feet of frontage or fraction thereof. Trees are not required to be evenly spaced and may be clustered. **(Not acceptable as depicted on the site plan. A revised site plan shall be submitted showing compliance);**
 - b. Any space for the storage of vehicles outdoors must be shielded by a fence between 6 and 10 feet tall that shields the premises from ordinary view on all sides and protected by a guardrail or other barriers approved by the Planning Director. All inventor of the business must be stored behind the fence. **(A revised site plan shall be submitted showing compliance);**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- c. A Type A landscape buffer shall be provided as required by the Planning Director to soften the appearance of the fence. **(A revised site plan shall be submitted showing compliance);**
 - d. No part of any fencing may extend into the public right-of-way. **(Acceptable as depicted on site plan);**
 - e. 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. **(stone covering north of the warehouse is not acceptable as submitted on the site plan. Revised site plan showing compliance with ground covering shall be submitted);**
 - f. 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.
28. 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.
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. Per TMC§1111.0814, if a building permit is not issued within one (1) year of this approval date then the site plan approval is null and void.
32. 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.

TO: President Matt Cherry and Members of Council
December 6, 2019
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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Gibbons". The signature is fluid and cursive, with the first name "Thomas" being more prominent.

Thomas C. Gibbons
Secretary

GP

Three (3) sketches follow

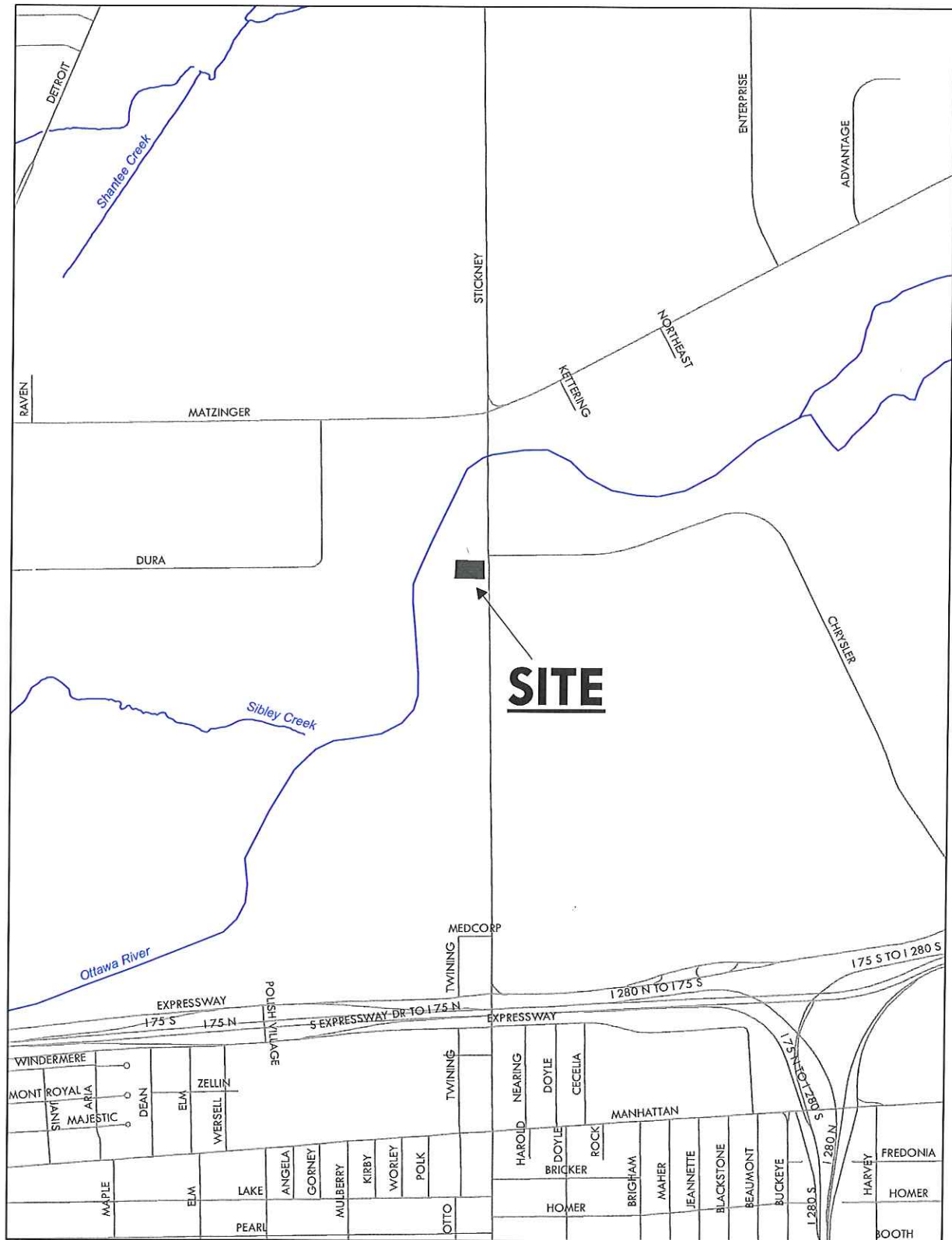
CC: 4425 Stickney Avenue, Holdings, LLC, 2280 E. Michigan Avenue, Ypsilanti, MI 48198

Lewandowski Engineers, C/O: Nicole Gilford, 234 N. Erie Street, Toledo, OH 43604

Lisa Cottrell, Administrator
Gyasi "JC" Pullum, Planner

GENERAL LOCATION

SUP-10005-19
ID 39



ZONING AND LAND USE

SUP-10005-19
ID 39

