



Legislation Details (With Text)

File #: O-680-22 **Version:** 1 **Name:**

Type: Ordinance **Status:** Failed

File created: 12/9/2022 **In control:** City Council

On agenda: 12/20/2022 **Final action:** 12/20/2022

Title: Granting a Special Use Permit, for Used Auto Sales for a site located at 903, 909 and 913 N. Westwood Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
12/20/2022	1	City Council		
12/20/2022	1	City Council		
12/20/2022	1	City Council		
12/20/2022	1	City Council		
12/20/2022	1	City Council		
12/20/2022	1	City Council		

Zoning & Planning Committee

Granting a Special Use Permit, for Used Auto Sales for a site located at 903, 909 and 913 N. Westwood Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-6009-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for Used Auto Sales for a site located at 903, 909 and 913 N. Westwood Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 8, 2022, the Toledo City Plan Commission recommended disapproval for the request for a Special Use Permit, for Used Auto Sales for a site located at 903, 909 and 913 Westwood Avenue, in the City of Toledo, Lucas County, Ohio.

On October 12, 2022, the Toledo City Plan Commission recommended a 60-day deferral for the request for a Special Use Permit, for Used Auto Sales for a site located at 903, 909 and 913 Westwood Avenue, in the City of Toledo, Lucas County, Ohio.

On December 7, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as disapproved a Special Use Permit for Used Auto Sales for a site located at 903, 909 and 913 Westwood Avenue, in the City of Toledo, Lucas County, Ohio and all other things required by law to be done, have been done.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a Special Use Permit, for Used Auto Sales for a site located at 903, 909 and 913 N. Westwood Avenue, in the City of Toledo, Lucas County, Ohio and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

Parcel no. 2097781, 2097777, 2097774
Lots 28, 29, 30 and 31 of the Westwood Subdivision

SECTION 2. That the approval of the Special Use Permit, for Used Auto Sales for a site located at 903, 909 and 913 N. Westwood Avenue, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 30 conditions as follows:

The following thirty (30) 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. 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.
4. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution will provide comments regarding existing and/or proposed private water mains and/or service lines.

Fire Prevention

5. The structure must comply with all the requirements for the purpose and use of the addition, including separation requirements, structural load requirements and all fire safety requirements.
6. Approved Premises identification is required.

Environmental Services

7. Applicant shall maintain compliance with the City of Toledo’s Storm Water 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.

- 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
 9. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
 10. 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](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
 11. 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

12. Sidewalk is required to be the full length of the property on Wamba Ave., Avondale Ave. and N. Westwood Ave. per TMC 1107.1300.
13. All vehicle parking areas, maneuvering areas, drive aisles and driveways must be asphalt, concrete or other dust-free material per TMC 1107.1906.
14. All parking space locations, drive aisles and driveways must be shown and must comply with TMC 1107.1911.
15. Right-of-way line must be clearly and accurately shown on drawings.
16. Existing fence line in right-of-way is not allowed.
17. Used automobile and recreational vehicle sales shall not be permitted on sites containing another primary use. Site Plan shall be revised to show the proposed use as Used Auto Sales and no other uses are permitted.
18. All used motor vehicles parked or displayed shall conform to TMC 337, Safety and Equipment and shall be operable. Scrap and salvage operations or storage of towaway vehicles are not permitted.
19. Outdoor display areas must incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Wheel stops must be provided when outdoor display areas abut public right-of-way, ensuring that display vehicles do not overhang directly on sidewalks. Vehicles along Avondale Avenue and N Westwood Avenue shall be moved out of the right-of-way and front setback.
20. Customer display areas must be fenced per TMC§1105.0302 and outdoor storage must be screened per

TMC§1108.0203(H). Not acceptable as depicted. All fencing within twenty feet (20') of the property line along Avondale Avenue and N. Westwood Avenue shall be three and a half feet (3½') in height.

21. All lots shall be combined. Application for lot combination is available through the Lucas County Auditor's Office.
22. Per TMC§1107.0304, used auto sales requires 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 a half (1.5) per service bay. Not acceptable as depicted. Site requires a minimum of thirteen (13) parking spaces, five (5) are provided. An additional eight (8) spaces shall be provided on a revised site plan.
23. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Not acceptable as depicted. A van accessible space with an eight-foot abutting aisle shall be provided on a revised site plan.
24. Used vehicle inventory shall only be displayed, parked, or located within parking spaces approved and defined on the site plan. Not acceptable as depicted. A revised site plan with defined parking spaces in the sale area shall be provided.
25. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A fifteen-foot (15') frontage greenbelt is required along Avondale Avenue and N Westwood Avenue and shall include one (1) tree per every thirty feet (30') of frontage. Not acceptable as depicted, a frontage greenbelt shall be provided on a landscape plan.
 - b. A Type "A" Landscape Buffer is required where site abuts residential areas. The buffer 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. A fence is proposed along the edges of the site which abut single family homes. Not acceptable as depicted, additional landscaping shall be provided on a revised site plan.
 - c. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public right-of-ways. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches. Not acceptable as depicted. A landscape plan shall be submitted showing perimeter landscape parking.
 - d. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or 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. Dumpster enclosure details shall be provided on a revised site plan.
 - e. Topsoil must be back filled to provide positive drainage of the landscape areas;
 - f. 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;
 - g. 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;

- h. If the site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details;
 - i. The location, height, and materials for any fencing to be installed and maintained;
 - j. The location and direction of any proposed lighting.
26. Building elevations shall be of quality materials as stated in TMC§1109.0500. Not acceptable as depicted, building addition shall be made of appropriate building materials.
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.
28. 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.
29. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
30. 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.

SECTION 3. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council