



## Legislation Details (With Text)

**File #:** O-160-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Failed  
**File created:** 3/22/2019      **In control:** City Council  
**On agenda:** 4/2/2019      **Final action:** 4/2/2019  
**Title:** Granting a Special Use Permit for Used Auto Sales for a site located at 1108 Holland Sylvania Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and waivers and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: TCPC 2/14/2019, 3. Audio: ZPC 3/20/2019, 4. Audio: City Council 4/2/2019

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
4/2/2019	1	City Council	declare emergency	Pass
4/2/2019	1	City Council	passage	Fail

### Zoning & Planning Committee

### **Granting a Special Use Permit for Used Auto Sales for a site located at 1108 Holland Sylvania Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and waivers and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-10006-18) 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 1108 Holland Sylvania Rd, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 14, 2019, the Toledo City Plan Commission recommended approval for a Special Use Permit for used auto sales for a site located at 1108 Holland Sylvania, in the City of Toledo, Lucas County, Ohio.

On March 20, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a Special Use Permit for a used auto sales facility for a site located at 1108 Holland Sylvania, 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 a used auto sales facility for a site located at 1108 Holland Sylvania, City of Toledo, Lucas County, Ohio; be 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:

The South 115 feet of the North 775 feet of the East 200 feet of the West 230 feet of that part of the West ½ of the Northwest ¼ of Section 2, Town 2 in the Unites States Reserve of 12 miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, lying East of the centerline of the Holland-Sylvania Road.

SECTION 2. That the approval of the Special Use Permit for used auto sales for a site located at 1108 Holland Sylvania, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 42 conditions as follows:

The following forty (40) 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: 419-245-1341  
Roadway: 419-245-1344  
Water: 419-936-2163  
Stormwater Drainage: 419-245-3221; 419-245-1338  
Sanitary Sewers: 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.

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

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for new water service or modifications to the existing water service shall be submitted to the Division of Engineering Services for review and approval.
7. Plans for new water meter or modifications to the existing water meter shall be submitted to the Division of Water Distribution for review and approval.
8. 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. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.

9. All storm drainage must be internal and not run off onto adjacent properties (unable to verify on current proposal. No contours, grading, or internal drainage system are shown)
10. Stormwater must be managed with flood control detention and water quality best management practices (BMPs) (unable to verify on current proposal. No footprint is reserved for a land based BMP and no underground system is noted.)
11. No construction work, including any earth disturbing work will be permitted without approved plans. Submit permit drawings to Engineering Services for stormwater approval, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>. Include the following:
  - Detailed site grading plan and utility plan.
  - Plans and calculations for stormwater management.
  - A Stormwater Pollution Prevention Plan (SWP3)
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's, which shall be maintained into perpetuity.
1. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
2. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.

#### Sewer & Drainage Services

3. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
4. 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

#### Division of Environmental Services

5. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
6. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
7. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

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 stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
9. 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.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
10. Applicant shall maintain compliance with the City of Toledo and 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.

#### Division of Transportation

11. Car and van accessible parking spaces including a Van Accessible 8' loading area and 5' loading area for cars to be shown based on number of spaces per TMC 1107.
12. Accessible parking sign required at each accessible parking spot per TMC 1107.

#### Plan Commission

13. Applicant shall obtain a waiver of TMC§1104.0306(B), for a thirty-five foot (35') reduction of the required one-hundred fifty foot (150') minimum average lot width to allow a one-hundred fifteen foot (115') minimum average lot width.
14. Applicant shall submit an Alternative Access and Parking Plan in accordance with TMC§1107.1400 or comply fully with TMC§1107.0304; unless a waiver is obtained for a reduction of the required minimum number of off-street parking spaces to allow five (5) parking spaces.
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 or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code; if applicable.
16. 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.
17. 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.
18. 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. No vehicle display/sales areas are allowed within the 5,100 square foot enclosed building.
19. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently

located on the site.

20. 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)).
21. 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.
22. The building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. For facades visible from the public right-of-way, predominant materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. Acceptable as depicted (stucco) on revised elevations received 2/1/2019.
23. Façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director.
24. No free-standing signs greater than forty-two inches from grade are permitted - proposed signage must meet the requirements of low-profile signs per *Toledo Municipal Code Title Nine - Sign Code*.
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') greenbelt is required along Holland-Sylvania Road, and shall include one (1) tree per every thirty-feet (30') of frontage. Trees are not required to be evenly spaced and may be clustered. The frontage greenbelt shall also include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Shrubs must be a minimum height of eighteen inches (18") and maintained no greater than forty-two inches (42") along the street right-of-way. Four (4) trees with a solid hedge row is required in the frontage greenbelt; acceptable as depicted on revised site plan received 2/1/2019.
  - b. A Type A Landscape Buffer is required along the rear of the property where the site abuts residential zoning. This buffer shall include ten-feet (10') of landscaping, include four (4) canopy trees and fifteen (15) shrubs for every 100 linear feet, and a solid wood, board on board fence; acceptable as depicted on revised site plan received 2/1/2019.
  - c. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances; shall be noted on revised landscaping plan.
  - d. All parking spaces must be within 100 linear feet of a landscaped area; acceptable as depicted on site plan.
  - e. Topsoil must be back filled to provide positive drainage of the landscape area.

- 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. Two canopy trees and six shrubs are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot (existing trees may be used for credits); shall be noted on revised landscaping plan.
  - h. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10') in width; acceptable as depicted on revised site plan received 2/1/2019.
  - 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.
  - j. If 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.
  - k. The location, height and materials for any fencing to be installed and maintained. Pursuant to TMC§1105.0302(A)(1), fences may not exceed 3½ feet (42") in height in the required front (20') setback; and
  - l. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
1. 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.
  2. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
  3. 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.
  4. 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. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1108 Holland Sylvania, in the City of Toledo, Lucas County, Ohio:

#### Chapter 1104 Use Regulations

##### Sec. 1104.0306 Auto and RV Sales, Used Only - Lot Size (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.

Approve a waiver for a 35’ reduction of the required 150’ minimum average width of the lot.

Chapter 1107 Parking, Loading, and Access

Sec. 1107.0304 Off-Street Parking Schedule “A”

Auto and RV Sales/Rental are required to provide a minimum number of off-street parking spaces equal to 1 parking space per 5,000 square feet of open sales area, plus 1 parking space per 500 square feet of enclosed sales area, plus 1.5 parking spaces per service bay.

Approve a waiver for a reduction of seventeen (17) parking spaces from the required minimum off-street parking spaces to allow only five (5) customer parking spaces.

SECTION 4. 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 5. 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