



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Approved  
**File created:** 1/6/2023      **In control:** City Council  
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**Title:** Granting a Special Use Permit for used auto sales for a site located at 5655 Secor Road, 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
1/10/2023	1	City Council	relieve of Committee	Pass
1/10/2023	1	City Council	Suspension	Pass
1/10/2023	1	City Council	Emergency	Pass
1/10/2023	1	City Council	Emergency	Pass
1/10/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

### **Granting a Special Use Permit for used auto sales for a site located at 5655 Secor Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-12006-21) 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 5655 Secor Road, for the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 14, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for Used Auto sales for a site located at 5655 Secor road, in the City of Toledo, Lucas County, Ohio.

On January 4, 2023, Toledo City Council, Planning and Zoning Committee reviewed, and left in committee due to the lack of a quorum, a Special Use Permit for Used Auto Sales for a site located at 5655 Secor Road, 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 5655 Secor Road, 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:

#### LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOT'S 29,30,31,32, 33, AND 34 OF SAXTON SUBDIVISION, IN THE CITY OF TOLEDO AS RECORDED IN PLAT VOLUME 31, PAGE 48 IN THE OFFICE OF THE RECORDER, LUCAS COUNTY, OHIO, ALSO THE EASTERLY 150.00' (FEET) OF LOT 20 OF TRILBY HEIGHTS PLAT 1, IN THE CITY OF TOLEDO AS RECORDED IN PLAT VOLUME 59, PAGE 36 IN THE OFFICE OF THE RECORDER, LUCAS COUNTY, OHIO, ALSO THE NORTH HALF (½) OF LOT 11, EXCEPT THE WEST 300' (FEET) AND EXCEPT THE EAST 10' (FEET), OF KETCHAMS'S SUBURBAN PLACE AS RECORDED IN PLAT VOLUME 20, PAGE 19 AND 20 IN THE OFFICE OF THE RECORDER, LUCAS COUNTY, OHIO, WHICH IS MORE PARTICULARLY DESCRIBED ASA FOLLOWS:  
COMMENCING AT A FOUND 5/8" IRON PIPE IN A MONUMENT BOX AT THE NORTHEAST CORNER OF FRACTIONAL SECTIO 7, ALSO BEING THE INTERSECTIO OF ALEXIS ROAD AND SECOR ROAD. THENCE S00°40'1 4"E ON AND ALONG THE EAST LINE OF THE NORTHEAST ¼ OF FRACTIONAL SECTION 7, A DISTANCE OF 906.67' (FEET) TO A POINT;  
THENCE S88°34'19"W ON AND ALONG THE EXTENSION OF THE SOUTH LINE OF THE NORTH HALF OF LOT 11 OF KETCHAMS SUBDIVISION PLACE AS RECORDED IN PLAT VOLUME 20, PAGE 19 AND 20 IN THE OFFICE OF THE RECORDER, LUCAS COUNTY, OHIO, A DISTANCE OF 40.00' (FEET) TO A POINT BEING SOUTH 0.28' (FEET) OF A FOUND IRON PIN WITH CAP STAMPED "ORAVEC?, PS 5439" AND BEING THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING S88°34'19"W ON AND ALONG THE EXTENSION OF THE SOUTH LINE OF THE NORTH HALF OF LOT 11 OF KETCHAMS SUBDIVISION PLACE, ADISTANCE OF 472.43' (FEET) TO A POINT BEING WEST 0.28' (FEET) OF A FOUND CONCRETE MONUMENT STAMPED "ORAVECZ, PS 5439":  
THENCE NOO'38'46"W ON AND ALONG THE EXTENSION OF THE EASTERLY LINE OF TRILBY HEIGHTS PLAT 1 AS RECORDED IN PLAT VOLUME 59, PAGE 36 IN THE OFFICE OF THE RECORDER, LUCAS COUNTY, OHIO, A DISTANCE OF 100.00' (FEET) TO A FOUND CONCRETE MONUMENT STAMPED "ORAVECZ, PS 5439"  
THENCE N88°34'19"E ON AND ALONG THE SOUTHERLY LINE OF SAXTON SUBDIVISION AS RECORDED IN PLAT VOLUME 31, PAGE 48 IN THE OFFICE OF THE RECORDER, LUCAS COUNTY, OHIO, A DISTANCE OF 250.00' (FEET) TO A FOUND CONCRETE MONUMENT STAMPED "ORAVECZ, PS 5439";  
THENCE NOO'38'01"W ON AND ALONG THE EASTERLY LINE OF LOT 35 OF SAXTON SUBDIVISION, A MEASURED DISTANCE OF 154.48' (FEET) AND RECORDED OF 153.37' (FEET) TO A FOUND CONCRETE

MONUMENT STAMPED "ORAVECZ, PS 5439";  
THENCE N89°1 2'26"E ON AND ALONG THE SOUTHERLY RIGHT-OF WAY LINE OF CORAL AVENUE  
(50'  
R/W) ALSO BEING THE NORTH LINE OF LOTS33, 34 AND 29 OF SAID SAXTON SUBDIVISION, A  
DISTANCE OF 202.86' (FEET) TO A SET CONCRETE MONUMENT STAMPED "BRYAN D. ELLIS,  
P.S.#8292";  
THENCE S45°43'54"E, A DISTANCE OF 27.42' (FEET) TO A SET CONCRETE MONUMENT STAMPED  
"BRYAN D. ELLIS, P.S.#8292"  
THENCE S00°40'1 4", ON AND ALONG THE WESTERLY RIGHT-OF WAY LINE OF SECOR ROAD (80'  
R/W)  
A DISTANCE OF 232.60' THE TRUE POINT OF BEGINNING;  
CONTAINING 1.862 ACRES, 81,117 SF OF LAND MORE OR LESS AND SUBJECT TO ALL LEGAL  
HIGHWAYS, LEASES, EASEMENTS AND RESTRICTIONS OF RECORD

SECTION 2. That the approval of the Special Use Permit, for Used Auto Sales for a site located at 5655 Secor Road, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 21 conditions as follows:

The following twenty-one (21) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### 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.
4. Proposed stormwater basin cannot prevent sewer maintenance trucks from reaching the sanitary MH at the Southwest corner of site.
5. The project requires a Flood Hazard Zone Development Permit per TMC 1100.
6. Full stormwater submittal requires multiple items:
  - a. Items are listed on the regional SWP3 submittal coversheet: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
  - b. Plans according to the 2014 Infrastructure Requirements document found in the drop-down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>
7. Following the stormwater review, additional items are needed for final approval:

- a. As listed on the regional SWP3 submittal cover sheet. The signed agreement will be through a covenant which will need to be recorded.
  - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
  - c. Construction inspection and completion of obligations in the stormwater permit.
8. Provide solid lids on any sanitary structures in the area.

#### Transportation

9. Bicycle parking is required per TMC§1107.0900.
10. Do Not Enter signage is required where one-way traffic drive aisle ends at two-way drive aisle to prevent wrong way traffic flow.

#### Plan Commission

11. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Three (3) Car spaces and one (1) van spaces are required. Acceptable as depicted.
12. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted. Eight (8) spaces require
13. 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 treatment facility subject to the regulations approval of the Department of Public Utilities.
14. 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)).
15. Active recreation area must be set back at least fifty (50) feet from any RS or RD district and at least 25 feet from any other Residential or Commercial zoning district. Acceptable as depicted.
16. 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:  
Landscape plan is acceptable as depicted.
- a. A thirty-foot (30’) greenbelt is required along Upton include one (1) tree per every thirty feet (30’) of frontage. Trees are not required to be evenly spaced and may be clustered. Acceptable as depicted. Trees noted for preservation are acceptable alternatives as depicted.
  - b. Topsoil must be back filled to provide positive drainage of the landscape areas;

- 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 coverage;
  - d. 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;
  - e. The location, height, and materials for any fencing to be installed and maintained;
  - f. The location and direction of any proposed lighting (any lighting is to be directed away from adjacent residential properties).
17. No fence, sign structure or planting which obstructs visibility between 42 inches and 84 inches above grade shall be maintained within 23 feet of the curb or pavement edge of any street.
18. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
19. 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.
20. 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.
21. 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 12, nays 0.

Passed: January 10, 2023 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

January 10, 2023  
Wade Kapszukiewicz  
Mayor