



Legislation Text

File #: O-027-21, Version: 1

Zoning & Planning Committee

Granting a Special Use Permit, for a Used Car Lot, for a site located at 631 S. Reynolds Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-9004-20) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Used Auto Sales lot for a site located at 631 S. Reynolds Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 5, 2020, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Used Auto Sales lot for a site located at 631 S. Reynolds Road, in the City of Toledo, Lucas County, Ohio.

On January 6, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for a Used Auto Sales lot for a site located at 631 S. Reynolds 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 a Used Auto Sales lot for a site located at 631 S. Reynolds Road, in the 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:

Parcel: 0350307

Address: 631 South Reynolds Road, Toledo, Ohio 43615

Legal Description: Cedar estates plat one lot 3

SECTION 2. That the approval of the Special Use Permit for a Used Auto Sales lot for a site located at 631 S. Reynolds Road, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 23 conditions as follows;

The following twenty-three (23) 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. 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: 419-245-1338; 419-245-3221
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 (419) 245-1341 for inspection of above mentioned items.

Storm

5. Whereas existing private storm sewers should be shown on the plan but are not, SPR applicant hereby acknowledges the presence of two parallel storm sewers that are their responsibility to maintain, one to the west of the building and one to the east, which convey drainage from the adjacent southern private property, drain through the subject property, and continue through the adjacent northern private property. The eastern of the two lines is under the proposed dumpster location, requiring precaution. Vertical conflict with the dumpster footings must be avoided, and the use of a sewer camera is necessary to confirm the storm sewer is, or needs repaired to be, in good condition prior to construction over top of it and afterwards.

Environmental Services

6. 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. Construction BMPs shall be in place prior to the start of construction activities. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
 - b. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
 - c. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

- d. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
- e. 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.

Fire Prevention

7. Approved Premises identification is required.

Transportation

8. Adjacent parking lot must be shown to clarify traffic flow.
9. If not already established, a cross access agreement shall be formalized with the adjacent property owner to the South.

Plan Commission

10. A 50-foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained per TMC§1104.0301. This separation shall apply to both sides of a street and to intersecting streets on corner lots: Acceptable as submitted on site plan.
11. Per TMC§1104.0306 (A&B) Lot Size. The minimum lot size shall be no less than one-half (1/2) acre. Each lot shall have a minimum average width of 150 feet along the main road frontage. Acceptable as submitted on site plan.
12. Per TMC§1104.0308 Site Plan. Site plans for used automobile and recreational vehicle 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 areas approved and defined. Required customer/employee parking may not be used for used vehicle inventory. Not acceptable as submitted. Shall be depicted on revised site plan.
13. The following standards apply in all Commercial and Industrial Districts per TMC§1105.0302 (A) Fencing: Fences may not exceed 3½ feet in height in the required front setback. Fences may not exceed ten (10) feet in any other location on a lot. No part of any fencing or swing gate may extend into the public right-of-way. Acceptable as submitted on site plan.
14. A fifteen-foot (15') wide greenbelt is required for the site along S. Reynolds Road. With 320 linear feet of frontage, a total of eleven (11) trees are required in the frontage greenbelt. Trees are not required to be evenly spaced and may be clustered. In addition, since the parking lot is visible from the right-of-way, the frontage greenbelt shall include a solid hedge of evergreen shrubs to screen the parking lot and ensure that headlights do not project onto the public street. The submitted site plan indicates eleven (11)

red maple trees, but no evergreen shrubs. The proposed 42” high decorative wrought iron or aluminum tube fence may be substituted for the hedge, conditioned on the approval of the Planning Director.

15. A Type A Landscape Buffer is required along the entire eastern boundary of the property that abuts the residential zoning district. This buffer shall consist of a solid six-foot (6’) to eight-foot (8’) tall wood or vinyl privacy fence with a ten-foot (10’) wide landscaping buffer abutting the screening, including four (4) canopy trees and fifteen (15) shrubs for every one hundred (100) linear feet. The submitted landscaping plan depicts a six-foot (6’) board-on-board wood fence and four (4) canopy trees, but did not indicate the appropriate number of shrubs. If approved, a revised landscaping plan shall be submitted accurately depicting the Type A Landscape Buffer, in areas where viable and included as a condition of approval.
16. Wheel stops must be provided when outdoor display areas abut public right-of-way, ensuring that display vehicles do not overhang directly on sidewalks per TMC§1104.0302 (C) Outdoor Display Areas: Not acceptable as submitted: Shall be depicted on revised site plan.
17. All used motor vehicles parked or displayed outdoors shall conform to [Chapter 337](#), Safety and Equipment, of the Traffic Code and shall be operable per TMC§1104.0303 Vehicle Quality: Acceptable as submitted on site plan.
18. Per TMC§1104.0309 Structures. A permanent structure with a minimum floor area of 200 square feet, meeting the building design standards of Sec. [1109.0500](#) shall be provided on site: Acceptable as submitted on site plan.
19. All recitations on the Cedar Estates Commercial Plat, including cross-access and shared parking, remain in effect.
20. This Special Use Permit does not include any other lots in the Cedar Estates Commercial Plat. The used auto sales lot cannot encroach onto the remaining lots.
21. 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. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
22. 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.
23. 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