



## Legislation Text

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**File #: O-591-23, Version: 1**

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### Zoning & Planning Committee

#### **Granting a Special Use Permit for used auto sales for a site located at 3125 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

##### SUMMARY & BACKGROUND:

By application (SUP-5005-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for used car sales, for a site located at 3125 Dorr Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 14, 2023, the Toledo City Plan Commission recommended disapproval for the request for granting a Special Use Permit for used car sales, for a site located at 3125 Dorr Street, in the City of Toledo, Lucas County, Ohio.

On October 18, 2023, Toledo City Council Planning and Zoning Committee reviewed, and recommended approval the request for a Special Use Permit for used car sales, for a site located at 3125 Dorr Street, 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 granting a Special Use Permit for used car sales, for a site located at 3125 Dorr Street, 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:

##### HOMELAND LOTS 1-4

SECTION 2. That the approval of the granting of a Special Use Permit for used car sales, for a site located at 3125 Dorr Street, in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 27 conditions as follows:

The following twenty-seven (27) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

##### Engineering & Construction

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 Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
5. A site plan error is noted. The existing storm drain on the site plan does not exist.
6. It is unclear from the Plan Commission submittal if the proposed work will entail earth-disturbing activity of 2,500 or more square feet, or if there will be any changes to the existing storm sewer system. If revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Stormwater Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

#### Sewer & Drainage Services

7. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
8. S&DS requires that the 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

#### Fire Prevention

9. The structure must comply with all the requirements for the purpose and use of the building, including separation requirements, structural load requirements, and all fire safety requirements.
10. The building will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical, and Plumbing code requirements.

#### Transportation

11. All parking and loading spaces, parking lots, maneuvering areas, drive aisles, and driveways must be surfaced with concrete, asphalt or other dust-free material other than gravel or loose fill

per TMC 1107.1906. (All parking lot areas being asphalted must be clearly labeled on drawings.)

12. Existing curb cuts and drive approach opening on Dorr Street that are not being utilized must be removed and replaced to match all adjacent curbing and sidewalk. (Reduce the existing drive approach to comply with City of Toledo drive approach standards for the new 25' wide driveway.)

#### Plan Commission

13. A 50 foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. Any vehicle for sale shall not be parked within 50 feet of the southern property line. This applies to any vehicles which are being staged, parked temporarily, or part of overflow.
14. Each lot shall have a minimum average width of 150 feet along the main road frontage. Not acceptable. Staff recommend disapproval of the requested waiver.
15. Repairs and service of inoperable auto and RV motor vehicles shall be conducted wholly within an enclosed structure permanently located on the lot.
16. Used automobile and recreational vehicle sales shall not be permitted on sites containing another primary use. Applicant shall obtain a building permit for a "change of use" of the commercial garage/house. This structure can only be used as part of the used auto sales operation.
17. Per TMC§1107.0304, auto sales require 1 parking space per 5,000 square feet of open sales area, plus 1 space per 500 square feet of enclosed sales area, plus 1.5 spaces per service bay. Offices require 1 parking space per 300 square feet. Acceptable as depicted.
18. Accessible parking shall be provided for persons with disabilities per TMC§1107.1700. Acceptable as depicted.
19. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). One bicycle parking slot shall be provided per every ten (10) parking spaces. Acceptable as depicted.
20. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities (TMC§1107.1906).
21. 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)).

22. 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 setback. Acceptable as depicted.
23. 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. Landscaping shall be installed and maintained indefinitely. Such plan shall include:
  - a. Used auto sales require decorative fencing around display areas. A chain link fence is proposed. Not acceptable as depicted, per TMC§1108.0404(B), chain link cannot be used to meet buffer and screening requirements. Revised plan with an appropriate fence material shall be provided.
  - b. A fifteen-foot (15') frontage greenbelt is required along Dorr Street and Mackow Drive frontages, and shall include one (1) tree per every thirty feet (30') of frontage; not acceptable as depicted, revised site plan with at least four (4) street trees along Mackow Drive shall be provided.
  - c. A Type A Landscape buffer shall be installed on the southern side of the property per where the site abuts RS6-Single Family Residential Zoning. Four (4) trees and fifteen (15) shrubs are shown abutting the fence. Not acceptable as depicted. As the site is 136' in width, one (1) additional tree and six (6) shrubs are required in order to meet the Type A Landscaping requirement.
  - d. 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 revised site plan with at least three (3) trees on the west side of the parking lot shall be provided.
  - e. Interior landscaping required in parking lots is 20 sq ft per parking and stacking space. Two canopy trees are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. Six shrubs are required to be installed in interior landscape areas of each ten (10) parking spaces within the parking lot. One (1) canopy tree many substitute for three (3) shrubs. Acceptable as depicted.
  - f. As 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. Irrigation Plan shall be submitted.
  - 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. 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.

- i. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches, evergreen trees must be a minimum of 5', and shrubs must be at least 18 inches in height or 24 inches in spread when installed.
  - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties) and,
  - k. The location, lighting and size of any signs.
24. No new free-standing signs greater than forty-two inches (42") from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
  25. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
  26. 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. Major adjustments will require an amendment to the Special Use Permit.
  27. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. Waiving Section 1104.0306 (B) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 3125 Dorr Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1104 - Use Regulations

Sec. 1104.0300 - Auto and RV Sales, Used Only

TMC§1104.0306(B) - Lot Size

Each lot shall have a minimum average width of 150 feet along the main road frontage.

Approve a waiver to allow a used auto sales business to have less than 150 feet of frontage. Auto sales require this size to ensure adequate space for auto sales and safe maneuverability.

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 12, nays 0.

Passed: October 24, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

October 24, 2023  
Wade Kapszukiewicz  
Mayor