



Legislation Text

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File #: O-532-23, Version: 1

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Zoning & Planning Committee

**Granting a Special Use Permit, originally for a Scrap and Salvage yard, for a site located at 5846 and 5870 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.**

SUMMARY & BACKGROUND:

By application (SUP-6003-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Scrap and Salvage yard, for a site located at 5846 and 5870 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 10, 2023, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit, a Scrap and Salvage yard, for a site located at 5846 and 5870 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio.

On September 13, 2023, Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval a request granting a Special Use Permit, for a Scrap and Salvage yard, for a site located at 5846 and 5870 N. Detroit 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 granting a Special Use Permit, for a Scrap and Salvage yard, for a site located at 5846 and 5870 N. Detroit Avenue, 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 1

The South one hundred fifty (150) feet of that part of Lot number four (4) in Plat "A" of the Walker Estate Subdivision being a partition plat of part of the Hunt and Forsythe Tracts in the City of Toledo, Lucas County, Ohio, as recorded in Volume 267 of Deeds, page 501, Lucas County, Ohio Records lying West of the right-of-way of The Ann Arbor Railroad Company.

Parcel #22-70077

Commonly known as 5846 N. Detroit Avenue, Toledo, OH 43612

Parcel 2

A certain parcel of land comprising a part of Lot number four (4) of Plat A of the Walker Estate Subdivision, being a partition plat of the Hunt and Forsythe Tracts, in the City of Toledo, Lucas County, Ohio, as recorded in Volume 267 of Deeds, page 501, Lucas County, Ohio Records, the said parcel of land being more particularly bounded and described as follows:

Commencing as the point of intersection of the Southerly line of the said lot number four (4) and the Southeasterly line of Detroit Avenue (Dixie Highway); thence Northeasterly, along the said Southeasterly line

of Detroit Avenue, a distance of one hundred sixty-five and fifty-eight hundredths (165.58) feet to the point of beginning; thence continuing Northeasterly, along the said Southeasterly line of Detroit Avenue, a distance of one hundred ten and thirty-eight hundredths (110.38) feet; thence Easterly, along a line drawn parallel to the said Southerly line of Lot number four (4), a distance of one thousand nine and seventy-eight hundredths (1009.78) feet, more or less, to a point in the southwesterly right of way line of the Ann Arbor Railroad; thence Southeasterly, along the said Southwesterly right of way line of the Ann Arbor Railroad, a distance of one hundred nine and fifty hundredths (109.50) feet; thence Westerly, along a line drawn parallel to the said Southerly line of Lot number four (4), a distance of eleven hundred one and ten hundredths (1101.10) feet, more or less, to the place of beginning. Subject to legal highways.

Parcel #22-70057

Commonly known as 5870 N. Detroit Avenue, Toledo, OH 43612

SECTION 2. That the approval of the granting of a Special Use Permit, a Scrap and Salvage yard, for a site located at 5846 and 5870 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 33 conditions as follows:

The following thirty-three (33) 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 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.  
Contact (419) 245-1341 for inspection of above-mentioned items.

#### Division of Sewer and Drainage Services

4. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. S&DS requires that the existing 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 S&DS demonstrating the lines cleaning and integrity.

Division of Environmental Services

6. Facility shall install permanent inlet filters that absorb oil in all catch basins on the property before the site is operational under the new zoning code.
7. If the SIC (standard industrial classification) code for this industry is listed in Appendix D of the Ohio EPA Multi-Sector General Permit for Industrial Stormwater Discharges and the facility is not yet covered under the Multi-Sector General Permit, it must submit a notice of intent to Ohio EPA for coverage under the permit prior to the site being operational under the new zoning code.
8. Any environmental protection measures called out in the Multi-Sector General Permit for their industry and SIC are to be installed before the site is operational under the new zoning code.
9. 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 storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
12. 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>; 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
13. 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

14. Sidewalk is required on N. Detroit Avenue per TMC§1107.1300.
15. One van accessible parking space with 8' loading aisle and accessible signage is required per TMC§1107.1702 & 1107.1704.
16. All parking, loading spaces, parking lots, maneuvering area, drive aisles and driveways must be surfaced with concrete, asphalt or other dust-free material other than gravel or loose fill in per TMC§1107.1906. (Driveway and drive approach to the residential structure on the property cannot be made of stone or gravel. Drive aisle through all junk/storage area shall be paved.) Protective sealing shall be applied to existing drive aisles subject to the approval of the Division of Transportation.
17. Wheel stops are required to be shown at parking abutting property lines, sidewalk, planting strips and buildings per TMC§1107.1907.

18. All parking spaces, drive aisles and drive approaches are required to be shown with dimensions per TMC§1107.1911.
19. Traffic Management recommends a cross access agreement for the two parcels shown if one is not already established.
20. Traffic Management would like the property lines on N. Detroit Avenue be brought into alignment with the right-of-way on N. Detroit Avenue.
21. Limit to one 35' drive along Detroit Avenue in front of business. (New curb and grass must be installed where there is no longer any drive approach to match adjacent curb and grass areas.)

#### Plan Commission

22. 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 regulation's approval of the Department of Public Utilities. Not acceptable as depicted on site plan. Applicant shall submit a revised site plan that is in compliance with TMC§1107.1906 and subject to approval by the Division of Fire Prevention
23. Per TMC§1107.1906 All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
24. One (1) van accessible parking space shall be required. Not acceptable as depicted on site plan. One accessible parking space shall be provided on a revised site plan.
25. Per TMC§1107.0400, Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted on site plan. Bicycle parking shall be provided on a revised site plan.
26. 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)). Not acceptable as depicted on site plan. Wheel stops shall be shown on a revised site plan for parking spaces along the south property line.
27. 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.

28. In all Commercial and Industrial districts, fencing to screen from public view open storage areas shall be required as outlined in TMC§1108.0203(H). Fencing shall be at least six feet (6') in height and be shadow box, chain link with slats, or stockade. Not acceptable as depicted. Existing chain link fencing along Detroit Avenue meets the height requirement; however, opaque slats must be provided with the chain link subject to the approval by the Planning Director. Chain link fencing screening parking spaces is acceptable as depicted.
29. 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. TMC§1108.0202 requires a minimum of thirty feet (30') of landscaped frontage greenbelt along public rights-of-way. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. Not acceptable as depicted. a fifteen-foot (15') frontage greenbelt shall be provided along Detroit Avenue subject to approval by the Planning Director;
  - b. 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;
  - c. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
  - d. 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;
  - e. 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;
  - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
30. 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.
31. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
32. 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.

33. 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: September 26, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

September 26, 2023  
Wade Kapszukiewicz  
Mayor