



## Legislation Text

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**File #:** O-048-19, **Version:** 1

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Zoning & Planning Committee

**Granting a Special Use Permit for used auto sales facility for a site located at 1630 & 1632 W Laskey Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-6002-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for used auto sales facility for a site located at 1630 & 1632 W Laskey Rd, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On December 6, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for used auto sales facility for a site located at 1630 & 1632 W Laskey Rd, in the City of Toledo, Lucas County, Ohio.

On January 9, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a Special Use Permit for used auto sales facility for a site located at 1630 & 1632 W Laskey Rd, 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 facility for a site located at 1630 & 1632 W Laskey Rd, 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 ID: 2204654 and 2204647

Parcel 1:

The west 107.33 feet of the east 956.62 feet of the south 405.834 feet of the west 1/2 of the Southwest 1/4 of Section No 10, Town 9 South, Range 7 East, in the City of Toledo, Lucas County, Ohio, excepting therefrom the north 175 feet. Also excepting therefrom the north 15 feet of the south 40 feet.

Subject to legal highways.

Parcel 2:

The west 107.33 feet of the east 1063.95 feet of the south 405.834 feet of the west 1/2 of the Southwest 1/4 of Section No. 10, Town 9 South, Range 7 East in the City of Toledo, Lucas County, Ohio, excepting therefrom the north 175 feet. Also excepting therefrom the north 15 feet of the south 40 feet.

Subject to legal highways.

PARCEL ID: 22-04634

The East seventy-five and thirty-one hundredths (75.31) feet of the South two hundred five and eighty-three hundredths (205.83) feet of the West two hundred fifty-five and thirty-four hundredths (255.34) feet of the Southwest quarter (1/4) of Section ten (10), Town nine (9) South, Range seven (7) East, in the City of Toledo, Lucas County, Ohio, excepting the North ten (10) feet of the South forty (40) feet thereof conveyed to the Board of Lucas County Commissioners by Volume 1832 of Deeds, page 794.

Subject to legal highways.

Subject to easements, zoning ordinances and restrictions of record and taxes and assessments due and payable after date hereof.

SECTION 2. That the approval of the Special Use Permit for used auto sales facility for a site located at 1630 & 1632 W Laskey Rd, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 47 conditions as follows:

The following forty-seven (47) 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.
5. Contact (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public

Utilities.

7. 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](http://BSIonlinetracking.com) @ 800-414-4990. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow prevention requirements for this site.
8. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
9. All existing water services to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
10. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more (including an overall common plan of development) and/or the installation of storm sewer services be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.)
11. The following documents shall be submitted to the Division of Engineering Services for review & approval:
  - Detailed site grading plan
  - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's).
  - A Stormwater Pollution Prevention Plan (SWP3) - including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.
12. Submittals shall be 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/>
13. All developments are required to provide Stormwater detention, post-construction stormwater best management practices (BMP's) and a stormwater pollution prevention plans (SWP3) plans, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre-and post-construction land use.

14. All disturbed land areas over 1 acre must submit an NOI to, and obtain a permit from, the Ohio EPA.
15. City of Toledo does not have a complete record for the existing storm sewer system on site and per the City's MS4 permit all storm sewers must be mapped. The Developer/Owner/Consultant shall verify the location and outlet of the storm system and provide that information to the City of Toledo Division of Engineering Services.
16. Nonresidential properties which have Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention are encouraged and may be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on this program can be found at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit->
17. All storm drainage must be internal and not run off onto adjacent properties.
18. No construction work, including any earth disturbing work will be permitted without approval plans.
19. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developers cost.
20. Any kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

#### Sewer and Drainage Services

21. S&DS require that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
22. 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 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

23. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
24. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

25. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
26. 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.
27. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.  
<http://ohiodnr.gov/portals/0/pdfs/invasives/ohio-invasive-plants-r0400.pdf>
28. 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

29. 4 Car Accessible Parking spaces required and 1 Van Accessible Parking space including a Van Accessible 8' loading area and 5' loading area for cars per TMC 1107.

#### Plan Commission

30. Pursuant to TMC§1104.0306, a Used Auto Sales facility is required to have one-half (1/2) acre in area and 150' feet of main road frontage. The applicant shall combine the three subject lots into one (1) parcel in order to meet these requirements.
31. Pursuant to TMC§1107.0304, a Used Auto Sales facility is required to have one (1) parking space per every 5,000 square feet of open sales area, plus one (1) parking space per every 500 square feet of enclosed sales area, plus one and one-half (1.5) parking spaces for each service bay. Acceptable as depicted on site plan.
32. 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)).
33. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; acceptable as depicted on site plan.
34. Pursuant to TMC§1104.0308, 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.
35. 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.

36. Repairs and services of vehicles shall be conducted wholly within an enclosed building(s) permanently located on the site.
37. 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.
38. Four (4) landscaping plans separate from the Building Plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A fifteen-foot (15') frontage greenbelt is required along the Laskey Road right-of-way (TMC§1108.0202[B]3). The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. A total of ten (10) trees are required in the frontage greenbelt. Trees are not required to be evenly spaced and may be clustered. The frontage greenbelt shall include a solid hedge or shrub row in order to screen the parking lot and ensure that headlights do not project onto the public street.
  - b. A Type B Landscape Buffer is required along the eastern property line where the site abuts an IG General Industrial zoning district, and along the northern property line where the site abuts an IL Limited Industrial zoning district. The Type B Landscape Buffer shall consist of a minimum ten-foot (10') wide buffer area with four (4) canopy trees and fifteen (15) shrubs for every one-hundred (100) linear feet. A fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements.
  - 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 cover, unless approved as part of the stormwater treatment facility;
  - d. Topsoil must be back filled to provide positive drainage of the landscape peninsula or island, unless landscape peninsula or island is being utilized as a stormwater management practice.
  - e. Foundation plantings are required along all portions of the building that are visible from the public right-of-ways and landscaping at all major building entrances.
  - f. 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.
  - h. 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.
  - i. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed; and
  - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
39. 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 & maintained indefinitely.

40. If the building is modified in the future, the building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. EIFS may not constitute more than 15% of the exterior for facades visible from the public right-of-way. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.
41. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
42. The existing buildings on the two parcels at 1630 Laskey Road shall be demolished within one (1) year of the approval of this Special Use Permit.
43. Any/all 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.
44. It has been the Plan Commission's policy to prohibit free standing signs higher than forty-two (42") inches. Electronic Message Center (EMC) signs are limited to a maximum height of ten (10') feet. Any proposed signage must meet the requirements of the *Toledo Municipal Code Title Nine - Sign Code*.
45. 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.
46. 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.
47. 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