



## Legislation Text

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**File #:** O-678-22, **Version:** 1

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### Zoning & Planning Committee

#### **Granting a Special Use Permit, for Used Auto Sales for a site located at 3939 W. Alexis Rd. in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

##### SUMMARY & BACKGROUND:

By application (SUP-9004-22) 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 3939 W. Alexis Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 3, 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 3939 W. Alexis Road, in the City of Toledo, Lucas County, Ohio.

On December 7, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for Used Auto Sales for a site located at 3939 W. Alexis 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 3939 W. Alexis 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:

Lots Numbers 7,8, and 9 in Westdale Place, a Subdivision in the City of Toledo, Lucas County, Ohio, in accordance with Volume 44 of Plats, Page 34 in the Office of the Recorder of Lucas County, Ohio.

SECTION 2. That the approval of the Special Use Permit, for Used Auto Sales for a site located at 3939 W. Alexis Rd. in the City of Toledo, Lucas County, Ohio, shall 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 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, from One Stop Shop, (419) 245-1220.
4. 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.
5. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
6. 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.
7. 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)
8. 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.

#### Sewer & Drainage Services

9. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
10. 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.

#### Transportation

11. Auto and van accessible parking spaces are required per TMC 1107.1701.

12. All parking spaces and drive aisles are required to be shown per 1107.1911.
13. Existing driveway and approach on Alexis closest to the intersection of Alexis and Clover must be removed.
14. The driveway on Clover shall be moved to the south so it is away from the intersection.

#### Plan Commission

15. All paving in the right of way that is not part of a remaining approach shall be removed and planted with grass. Shall be submitted on a revised site plan.
16. The existing canopy obstructs maneuverability through the site and is a legal non-conforming structure due the closure of the gas station and shall be removed. Shall be submitted on a revised site plan.
17. Used vehicle inventory shall only be displayed, parked, or located within parking spaces approved and defined on the site plan. Shall be submitted on a revised site plan.
18. There are discrepancies in distances between the submitted site plan and our internal records. Setback distances of structures from property lines shall be verified. Shall be submitted on a revised site plan.
19. Outdoor display areas must incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Shall be submitted on a revised site plan.
20. Paving shall be improved with a single, consistent material (e.g. asphalt or concrete) across the entire site, not a mismatch of the two. Paving shall be maintained in good condition indefinitely. Shall be submitted on a revised site plan.
21. A 15' frontage greenbelt shall be installed along Alexis Road and the developed portion of Clover Lane. The greenbelt shall include 10 trees (6 along Alexis, 4 along Clover) and a solid row of hedges in front of all parking areas. Shall be submitted on a revised site plan.
22. A solid 6' privacy fence shall be installed along the southern property line adjacent to neighboring residential uses. Shall be submitted on a revised site plan and include material type.
23. 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. Shall be

submitted on a revised site plan.

24. 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. Shall be submitted on a revised site plan.
25. All landscape material must be properly maintained. The landowner, 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.
26. 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.
27. 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.

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