



## Legislation Details (With Text)

**File #:** O-548-18      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 12/6/2018      **In control:** City Council  
**On agenda:** 12/18/2018      **Final action:** 12/18/2018  
**Title:** Granting a Special Use Permit for Used Auto Sales Facility for a site located at 2433-2435 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: O-548-18 Council Meeting 12/18/2018

Date	Ver.	Action By	Action	Result
12/18/2018	1	City Council	Dispense with the rules of Council requiring...	Pass
12/18/2018	1	City Council	declare emergency	Pass
12/18/2018	1	City Council	passage	Pass

### Zoning & Planning Committee

**Granting a Special Use Permit for Used Auto Sales Facility for a site located at 2433-2435 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-8002-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Used Auto Sales Facility for a site located at 2433-2435 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 1, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Used Auto Sales Facility for a site located at 2433-2435 Tremainsville Road, in the City of Toledo, Lucas County, Ohio;

On December 5, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Used Auto Sales Facility for a site located at 2433-2435 Tremainsville Road, 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 Facility for a site located at 2433-2435 Tremainsville Road, 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:

MELLWOOD LOT 41 NE 355.5 FT EXC NW 50 FT NE 120FT & LOT 45 & SWLY 12 VAC MELLWOOD LANE ADJ SE 16FT LOT 41 & NW 16FT LOT 45 & 14.50 FT

MELLWOOD LOT 41 NW 50 FT NE 120 FT & SWLY 12 VAC MELLWOOD LANE ADJ SE & 14.50 FT STRIP LYING NWLY LOT 41 MELLWOOD PT 7 9 16 NW ¼

SECTION 2. That the approval of the Special Use Permit for a Used Auto Sales Facility for a site located at 2433-2435 Tremainsville Road, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 48 conditions as follows:

The following forty-eight (48) 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. Plans for new water service or modifications to the existing water service shall be submitted to the Division of Engineering Services for review and approval.

8. Plans for new water meter or modifications to the existing water meter shall be submitted to the Division of Water Distribution for review and approval.
9. 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.
10. 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.
11. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
12. The proposed new buildings are within pavement that was designed by a previous owner as a shallow holding area to contain some flood water in the event of heavy storms, to prevent runoff to adjacent properties and the street. The new buildings will remove some of this flood control, which must be mitigated. Provide a flood control plan showing that the volume has been compensated through an alternative means. Provide additional new flood control for new development in areas not previously paved.
13. Records show an existing privately owned storm line crossing underneath proposed buildings in the vicinity of the proposed breezeway. It is recommended that this line remain in service. New building foundations should be designed and installed with necessary precaution to not block or damage this line.
14. All storm drainage must be internal and not run off onto adjacent properties.
15. The proposal shows development with an area of earth disturbed greater than 2,500 square feet. All sites proposing earth disturbing activities of 2,500 sq. ft. or more shall 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.)
16. 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, <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>. Submit the following documents to the Division of Engineering Services (Andy Stepnick) for review & approval:

- Detailed site grading plan
  - Plans and calculations for storm sewer service, stormwater detention and post-construction best management practices (BMP's).
  - Stormwater Pollution Prevention Plan (SWP3)
  
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's.
17. 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 reduction in the property's stormwater utility fee Information on the fee credit program is at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
18. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
19. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
20. 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.
21. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
22. Any previous 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

23. S&DS require that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
24. 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

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

27. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
28. 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.
29. 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.

Plan Commission

30. 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.
31. 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.
32. 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.
33. 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.
34. Repairs and services of vehicles shall be conducted wholly within an enclosed building(s) permanently located on the site.
35. 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.
36. Existing perimeter stockade/privacy fence shall be replaced. A new wood, board-on-board fence shall adhere to the requirements of TMC§1105.0302 and TMC§1108.0203; shall be depicted on a revised site plan.
37. The existing bollard chain anti-vehicular barrier along the northern property line shall be replaced with a six (6') foot high (except within the front setback) black coated chain-link fence and/or a five (5') foot landscape strip containing a continuous row of shrubs with a minimum height (at planting) of eighteen (18") inches; shall be depicted on a revised site plan.
38. The residentially zoned rear portion of the property shall not be used for any commercial purposes.

39. The proposed landscape along the Tremainsville Road frontage is acceptable as depicted on the site plan. 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.
40. If the buildings are 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. 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.
42. 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*.
43. 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 site is compliant in terms of acreage but not the frontage. Applicant shall obtain a waiver of TMC§1104.0306(B).
44. 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.
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.
48. The submitted site plan indicates three handicap accessible parking spaces, in front of the proposed office addition, within fifty feet of the abutting residentially-zoned property to the south. Per TMC§1107.1202[B]{3}), off-street parking is prohibited within fifty (50') feet of a residential district that fronts onto the same street. A revised site plan will need to be submitted reflecting

compliance to the above regulation.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2433-2435 Tremainsville Road, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

Sec. 1104.0300 Auto and RV Sales, Used Only

Approve a waiver of eighteen feet (18') of the required minimum average width of 150' along the main road frontage, to allow a 132' wide frontage.

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 \_\_\_\_\_, 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