



## Legislation Details (With Text)

**File #:** O-092-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Mayor's Office  
**File created:** 2/11/2019      **In control:** City Council  
**On agenda:** 2/19/2019      **Final action:** 2/19/2019  
**Title:** Granting a Special Use Permit for a Used Auto Sales Facility for a site located at 2214 Laskey Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and waivers and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: TCPC 1/10/2019, 3. Audio ZPC 2/13/2029, 4. Audio: City Council 2/19/2019

Date	Ver.	Action By	Action	Result
2/19/2019	1	City Council	Dispense with the rules of Council	Pass
2/19/2019	1	City Council	declare emergency	Pass
2/19/2019	1	City Council	pass	Pass

Zoning & Planning Committee

**Granting a Special Use Permit for a Used Auto Sales Facility for a site located at 2214 Laskey Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and waivers and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-11004-18) 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 2214 Laskey Rd, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 10, 2019, the Toledo City Plan Commission recommended disapproval for a Special Use Permit for a used auto sales facility for a site located at 2214 Laskey Rd, in the City of Toledo, Lucas County, Ohio.

On February 13, 2019, 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 2214 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 a used auto sales facility for a site located at 2214 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 no. 23-25161

ELIZABETH PARK PLAT 1 LOTS 106 & 107

SECTION 2. That the approval of the Special Use Permit for a used auto sales facility for a site located at 2214 Laskey Rd, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 42 conditions as follows:

The following forty-two (42) 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. Alongside the uncurbed street of Yermo, any privately performed maintenance of the existing asphalt or gravel must be done with attention to maintaining the flow of stormwater drainage, which typically flows longitudinally at the edge of pavement and/or along the sidewalk or through driveway culverts, in order to prevent nuisance stormwater drainage conditions for adjacent property owners.

Sewer and Drainage Services

7. S&DS require 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 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

9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
12. 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.
13. 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>
14. 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

15. All parking spaces need to be shown, clearly dimensioned and 9' x 18' minimum per TMC 1107.
16. One van accessible parking space including a van accessible 8' loading area to be shown based

on number of parking spaces per TMC 1107.

17. Parking area to be made of a hard surface such as asphalt or concrete. No stone parking area allowed per TMC 1107.
18. Parking space in right-of-way is not allowed per TMC 1107.
19. 25' aisle width required for two way traffic per TMC 1107.
20. No parking allowed against existing stockade fence on the northwest corner of parking area.
21. Directional arrows need to be shown to facilitate flow of traffic.

#### Plan Commission

22. The minimum lot size for the sale of used vehicles shall be no less than one-half (1/2) acre. Applicant shall obtain a waiver to TMC§1104.0306A to allow a lot size of less than one-half (1/2) acre, or comply fully with said section.
23. Each lot shall have a minimum average width of 150 feet along the main road frontage. Lot width shall be measured as outlined in Sec. 1106.0204. Applicant shall obtain a waiver to TMC§1104.0306B to allow less than 150 feet of width along the main road, or comply fully with said section.
24. The minimum parking stall width shall be nine (9) feet (TMC§1107.1700); not acceptable as depicted on site plan.
25. 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 yard (TMC§1104.0302(A)); if applicable.
26. 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. Customer parking and display parking must be clearly identified on the site plan; not depicted on site plan. A revised site plan shall be submitted showing compliance.
27. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the

vehicles into the required setback and landscape areas (TMC§1104.0302); shall be depicted on a revised site plan.

28. Wheel stops must be provided when outdoor display areas abut public right-of-way, ensuring that display vehicles do not overhang directly on sidewalks. Inventory of used vehicles shall not be displayed or stored within the public right-of-way (TMC§1104.0302).
29. Off-street parking facilities, including vehicular drives and maneuvering areas, in Commercial or Industrial districts are prohibited within 25 feet (for properties less than 5 acres and/or those with less than 500 feet of frontage) of the street right-of-way when located within 50 feet of a Residential district that fronts on the same street as the lot containing the off-street parking area (TMC§1107.1202[B]{3}); existing pavement in this area shall be used for access purposes only.
30. A 50 foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. This separation shall apply to both sides of a street and to intersecting streets on corner lots (TMC §1104.0301).
31. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
32. Repairs and services of vehicles shall be conducted wholly within an enclosed building(s) permanently located on the site.
33. 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; shall be depicted on a revised site plan.
34. 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.
35. 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.

36. Any 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.
37. No new free-standing signs greater than forty-two (42) inches from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
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 both the Laskey Road and Yermo Drive rights-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 nine (9) trees are required in the Laskey Road frontage greenbelt, and a total of thirteen (13) trees are required in the Yermo Drive 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 A" Landscape Buffer is required along the northern property line where the site abuts a Residential zoning district. The "Type A" Landscape Buffer shall consist of a minimum 25' wide buffer area with four (4) canopy trees and twenty (20) shrubs for every one-hundred (100) linear feet. A ten feet wide buffer area with a solid fence or wall six-feet (6') to eight-feet (8') in height may be installed, and shall contain four (4) canopy trees and fifteen (15) shrubs.
  - 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.

- g. 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
  - i. 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 and maintained indefinitely.
40. 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.
41. 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.
42. 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. 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 2214 Laskey Rd, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

Sec. 1104.0300 - Auto and RV Sales, Used Only

**A.** The minimum lot size shall be no less than one-half (1/2) acre, and

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

be measured as outlined in Sec. 1106.0204.

Chapter 1108 Landscaping and Screening  
Sec. 1108.0202(B)(3) Frontage Greenbelt

B. Frontage greenbelts shall be a minimum width of 15 feet. For properties over 5 acres and/or those with over 500 feet of frontage, the frontage greenbelt shall be a minimum of 30 feet wide measured perpendicular from the street or place right-of-way abutting the property.

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