



## Legislation Text

---

**File #:** O-302-18, **Version:** 1

---

### Zoning & Planning Committee

**Granting a Special Use Permit for a used auto sales facility for a site located at 3553 Monroe Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-5001-18) 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 3553 Monroe Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 14, 2018, the Toledo City Plan Commission recommended disapproval for a Special Use Permit for a used auto sales facility for a site located at 3553 Monroe Street in the City of Toledo, Lucas County, Ohio.

On July 18, 2018, Toledo City Council, Zoning & Planning Committee reviewed, and sent as disapproved a Special Use Permit for a used auto sales facility for a site located at 3553 Monroe Street 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 3553 Monroe Street 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:

#### AUBURNDALE EXTENSION LOTS 231-233

SECTION 2. That the approval of the Special Use Permit for a used auto sales facility for a site located at 3553 Monroe Street City of Toledo, Lucas County, Ohio; ; shall be subject to compliance with the 31 conditions as follows:

The following thirty-one (31) 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. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:

Division of Engineering Services: 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 existing substandard sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. 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.
4. 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.
5. 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.

Contact Joe Warnka at (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 [BSIonline tracking.com](https://www.bsonlinetracking.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. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore it appears that there are no items requiring a stormwater plan review by the Division of Engineering Services. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required by the Division of Engineering Services. Plans

will be subject to the rules and regulations of the City of Toledo, Stormwater Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

10. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES permit.

#### Sewer & Drainage

11. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
12. S&DS requires that the private sanitary lines (after they have 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

13. To ensure compliance with Toledo Municipal Code (TMC) requirements for parking, loading and access, the site plan must include drive aisle, parking stall and access drive dimensions.
14. Drives must 25' to maintain 2-way traffic.

#### Plan Commission

15. 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. (Not depicted on site plan. A revised site plan shall be submitted showing compliance).
16. Dumpsters may not be located in any required setback or landscape buffers and shall be located as far away from residential areas as possible (TMC§1108.0203(G)(5)). (Not depicted on site plan. A revised site plan shall be submitted showing compliance).
17. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. (Not depicted on site plan. A revised site plan shall be submitted showing compliance).
18. 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)).
19. 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 differentiated on site plan. (Not depicted on site plan. A revised site plan shall be submitted showing compliance).

20. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.
21. 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)).
22. Display areas shall incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas.
23. A fifty (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. (Acceptable as depicted on the site plan).
24. 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.
25. Loading and/or unloading is prohibited in the public right-of-way.
26. A detailed site, lighting, sign, fencing and 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. Greenbelts are required along all street frontages. Greenbelt frontage landscaping shall adhere to TMC§1108.0300 - *Urban Commercial Landscape Standards*. Calculations conclude that four (4) tree pits are required along Monroe Street. Tree pits that incorporate storm water management are encouraged. Furthermore, four (4) trees are required along Rosedale Avenue. Existing trees may be eligible for credits as outlined in TMC§1108.0407(B)(d). (Not acceptable as depicted on the site plan. A landscape plan shall be submitted showing compliance);
  - b. Perimeter landscaping must consist of one of the following, located between the parking lot and the property line: landscaped area at least five (5') feet wide, exclusive of easements, sidewalks, or rights-of-way, planted with at least one (1) shrub for every three (3') to five (5) feet of property line, as determined by growth characteristics; 3 ½ feet high metal tuber or solid bar fence, with at least one (1) shrub for every three (3') to five (5') feet of property line planted on the outside of the fence; or solid 3 ½ foot high brick or stone wall. Existing trees are accredited as outlined in TMC§1108.0407(B)(d). (Not acceptable as depicted on the site plan);
  - c. A Type A landscape screen and buffer shall be provided along the rear of property that abuts RD6 Duplex Residential zoning. (Fencing material not acceptable as depicted on

- the site plan and shall be of a decorative style -aluminum tube or wrought iron);
- d. A perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-way. A solid evergreen hedge planting with a minimum height of eighteen (18") inches (when installed so as to achieve full screening at maturity) shall be provided. (Not acceptable as depicted on the site plan);
  - e. All existing trees on the site with a caliper of four (4") inches or more must be mapped prior to site planning and should be incorporated into the landscape plan to the maximum practical extent. (Acceptable as depicted on the site plan);
  - f. All trees in excess of twelve (12") inches in diameter must be retained to the maximum practical extent.
  - g. Topsoil must be back filled to provide positive drainage of the landscape area;
  - h. 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;
  - i. 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 and the State of Ohio Department of Agriculture's invasive plant list (Not depicted on site plan);
  - j. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties).
  - k. The location, lighting and size of any signs, all signage is subject to TMC§1387. No free-standing signs greater than forty-two inches (42") from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
27. 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.
28. Per TMC§1111.0814, if a building permit is not issued within one year of the City Council approval date then the site plan approval shall become null and void.
29. 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.

30. 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.
31. 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