



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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REF: SUP24-0005

DATE: January 17, 2025

TO: President Carrie Hartman and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for a Special Use Permit for a Used Auto Sales Lot at 5655 Secor Road.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 16th, 2025 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Used Auto Sales Lot
Location	-	5655 Secor Road
Applicant	-	Zobaida Falah 5655 Secor Rd. Toledo, OH 43623
Owner	-	Sigma Restaurants Inc 6065 Winterhaven Dr Sylvania, OH 43560
Architect	-	Angela Holm Architecture by Design, Ltd. 5622 Mayberry Square Sylvania, OH 43560

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.48 acres
Frontage	-	± 202.86' along Carol Avenue ± 176.68' along Secor Road
Existing Use	-	Vacant Used Auto Sales Lot
Proposed Use	-	Used Auto Sales Lot

GENERAL INFORMATION (cont'd)

Area Description

North	-	Coral Avenue, Grocery Store / CR
South	-	Ice Cream Parlor, Apartments / CR
East	-	Secor Road, Credit Union / CR
West	-	Single-family Dwellings / RS6

Combined Parcel History

S-69-60		Final plat for Trilby Heights Plat 1(PC approved 6/8/61)
T-209-86	-	Deed transfer to split a portion of Lot 20 in Trilby Heights Plat 1 (Administratively denied, PC approved 2/5/87).
SPR-31-05	-	Minor Site Plan review with landscape waivers (Applicant withdrawn 6/1/05).
SPR-25-06-	-	Major Site Plan review for a retail strip mall (PC approved 7/13/06).
Z-4009-06	-	Zone Change from RS6 Single Family Residential to CR Regional Commercial (PC approved 7/13/06, CC approved 1/16/07 Ord. 44-07).
Z-10002-06	-	Zone Change from RS6 Single Family Residential to CR Regional Commercial (PC approved 12/7/06, CC approved 1/16/07 Ord. 44-07).
SPR-41-08	-	Major Site Plan review for a bank (PC approved 9/11/08).
S-8-08	-	Final Plat Secor Coral Plat 1 (PC Approved 9/11/08)
SPR-46-08	-	-Major Site Plan review for a drive up at an existing ice cream parlor and a proposed self-storage facility (PC approved 10/9/08).
S-3-12	-	Amendment to Secor Coral Plat 1 (PC approved 6/16/12).

GENERAL INFORMATION (cont'd)

Combined Parcel History (cont'd)

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| SPR-42-13 | - | Major Site Plan review for a new restaurant and parking lot (PC approved 11/7/13). |
| S-16-16 | - | Preliminary Drawing for the Alma Rosenthorn Corner subdivision located at the southwest corner of Secor Road and Coral Avenue (PC approved 9/8/16). |
| SUP-6005-16 | - | Special Use Permit to operate a Used Auto Sales facility (PC approved 11/3/16, CC approved 12/20/16 Ord. 519-16) |
| T-78-18 | - | Minor Subdivision lot split to separate north half of lot from southern (Administratively approved 10/18/18). |
| SUP-12006-21 | - | Special Use Permit to operate a Used Auto Sales facility (PC approved 4/14/22, CC approved 1/10/23 Ord. 33-23). |
| S-5-22 | - | Final Plat Alma Rosenthorn Corner subdivision (PC approved 11/3/22, recorded 11/8/22). |

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit (SUP) to operate a Used Auto Sales Lot at 5655 Secor Road. The site currently is vacant and was previously operated as used auto sales lot which the applicant intends to upgrade and conform to the current Zoning Code requirements. The overall ±1.48 acres site is zoned CR Regional Commercial. Surrounding land uses include Monette's grocery store to the north across Coral Avenue; a credit union to the east across Secor Road; Handel's ice cream parlor and apartment buildings south of the property; and single-family residential dwellings to the west of the site. The site had previously been approved for Used Auto Sales via SUP-6005-16 in 2016 and again via SUP-12006-21 in January of 2023. However, the conditions of approval were not met and the Special Use Permit has since expired. A new SUP is required in order to operate Used Auto Sales in CR Regional Commercial.

STAFF ANALYSIS (cont'd)

The site plan submitted depicts an “existing asphalt parking area” for future expansion in the southwest area of the parcel. The area for proposed future expansion shall not be used for storage or parking of vehicles. Any future modifications or use of this area shall be subject to review for an amendment to the Special Use Permit.

Zoning and Plat Requirements

In 2006 the parcel containing the site was conditionally rezoned CR via Ord. 44-07. The rezoning was conditional upon the approval and recording of a commercial plat for all four parcels involved. Pursuant to TMC§1104.0307, used automobile and recreational vehicle sales are not permitted on sites with another primary use. This site was once a parcel that included Handel’s ice cream parlor and the Used Auto sales lot. For a Used Auto Sales lot to be considered on this site with the existing adjacent business; it was necessary for the parcel to be split and replated. A final plat which consolidated the site into two lots was approved by the Plan Commission on September 8, 2016 but was not recorded and therefore expired. A new final plat was approved by Planning Commission on November 3, 2022 and recorded on November 8, 2022. Since the previous condition of rezoning from RS6 to CR through the platting process has been satisfied, the Used Auto Sales is permitted on the site when the Special Use Permit is obtained.

Used Auto Regulations

TMC§1104.0300 – *Auto and RV Sales, Used Only* outlines site design criteria for used auto sales facilities, including criteria governing minimum lot size and frontage. Used auto sales facilities must be located on a lot with no less than one-half (1/2) acre and have a minimum average width of 150 feet along the main road frontage. TMC§1104.0309 *Auto and RV Sales, Used Only*, requires a permanent structure with a minimum floor area of 200 square feet, and meet the required building design standards. The current structure on site is existing therefore the building design standards are not applicable. However, any future modifications to the exterior of the structure shall be subject to building design standards of TMC§1109.0500.

Site plans for Used Auto Sales shall delineate, with dimensions, parking areas and drive aisles for the outdoor display area and customer/employee parking area. Used vehicle inventory shall only be displayed, parked or located within designated parking spaces approved and defined on the plan. The site plan submitted is in compliance with these specific use regulations. Per TMC§1104.0308, required customer/employee parking areas may not be used for used vehicle inventory. 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 yards. Additionally, all used motor vehicles parked or displayed outdoors are required to conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.

STAFF ANALYSIS (cont'd)

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Schedule A, a Used Auto and Recreational Vehicle Sales/Rental 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) per every service bay. The site plan submitted depicts the existing sales area as 26,135 sq. ft without any service bays. Calculations require six (6) customer parking spaces to be provided on site. One (1) van accessible and two (2) auto accessible spaces for persons with disabilities are required and shall be located as close as possible to the main entrance of the sales office. The site plan submitted depicts a total of fifty-one (51) parking spaces, one (1) of which is an auto accessible and two (2) van accessible parking spaces. Used vehicle inventory shall only be displayed, parked or located within parking spaces approved and defined on the site plan.

In pursuant to TMC§1107.1303, sidewalks in commercial districts shall be constructed along all public streets. Per the site plan sidewalk exists surrounding the lot along the public roads. However, sidewalk is not existing at the north west area along Coral Avenue. Sidewalk shall be installed to complete connectivity, conform to this section of the code, and is listed as a condition of approval. This site has a shared access easement for the driveway accesses with the adjacent drive-thru business to the south; north from Coral Avenue and east from Secor Road. As a condition of approval, the stacking spaces for Handel's ice cream parlor shall only be permitted within the shared access easement areas as depicted on the Final Plat.

Landscaping

A fifteen-foot (15') frontage greenbelt is required along all public streets per TMC§1108.0202 – *Frontage Greenbelt*. The frontage greenbelt shall include at least one (1) tree per every thirty feet (30') of frontage and a continuous shrub with a minimum installation height of eighteen inches (18") to meet full screening at maturity. All portions of greenbelts abutting parking or driving area shall include a solid evergreen hedge as to screen headlights from shining into the public right-of-way. The site plan submitted depicts eight (8) trees along Coral Avenue and is in compliance with the frontage greenbelt. However, the frontage along Secor Road requires a minimum of six (6) trees and a continuous shrub. The site plan submitted depicts four (4) trees which is not in compliance with the minimum quantity; two (2) additional trees are required along Secor Road and listed as a condition of approval, along with the installation of a continuous shrub in the southerly portion along the Secor Road frontage.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

A Type "A" landscape buffer is required along all portions of the site abutting residential areas. Type "A" landscape buffers shall be a minimum of ten feet (10') in width and include a solid privacy fence six foot (6') to eight foot (8') in height. Fencing is to be installed so that the smooth/flush side faces away from the development site. Four (4) trees and fifteen (15) shrubs are required per every one-hundred (100) linear feet. The south western area of the site where the proposed parking lot is abutting residential districts requires a continuous evergreen hedge (minimum eighteen inches (18') in height when installed) in lieu of the shrubs; to provide screening from headlights onto the abutting residential district.

Parking lot interior and perimeter landscaping is required per TMC§1108.0204 – *Parking Lot Landscaping (Interior and Perimeter)*. Twenty square feet (20') of landscaping is required per parking and stacking space on site, landscaping of the frontage greenbelt does not contribute to this count. A peninsula landscape area that is a replication of or mimics the existing peninsula landscape area near the access drive entrance from Secor road, shall be required near the north access drive entrance off Coral Avenue and is listed as a condition of approval. Two (2) trees and six (6) shrubs are required for each ten (10) parking spaces. The site plan submitted depicts fifty-one (51) parking spaces thus, ten (10) trees and thirty (30) shrubs are required within the interior of the parking lot. Trees and shrubs may be planted along the western perimeter of the parking lot, north of the building structure, and may count towards interior parking lot planting requirements of TMC§1108.0204(C). For commercial uses in addition to buffers, frontage greenbelts, and parking lot landscaping; one (1) two-inch (2") caliper tree for every one-thousand (1,000) square feet of building coverage is required, the submitted site plan is in compliance with this requirement. Additionally, foundation plantings along all portions of the buildings that are visible from the public right-of-way and landscaping at all major building entrances are required. The site plan submitted depicts planters at the building entrance which are acceptable. However, foundation plantings shall be provided along the northern portion of the building adjacent to Carol Avenue and listed a condition of approval.

All landscape materials must be properly maintained indefinitely and 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. Trees are not required to be evenly spaced and may be clustered. 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. All trees in excess of twelve inches (12") in diameter must be retained to the maximum practical extent (TMC1108.0407(A)). A landscape plan depicting the species/type of plants, location, and showing compliance with all landscaping standards is required as a condition of approval.

STAFF ANALYSIS (cont'd)

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo future land use map targets this site as Neighborhood Mixed Use (NM). While a Used Auto Sales Lot is not a typical land use for the NM designation, the site does provide the physical characteristics of NM and provides elements which support the goals of Forward Toledo. Pedestrian connectivity shall be enhanced through the installation of a sidewalk along Coral Avenue and the site parking lot supports more than one user. The proposed site with updates will meet the themed goals of Move, Place, and Sustain. With the installation of sidewalk, the site will support pedestrian connectivity and accessibility while promoting walkability. The sidewalk and landscaping also support making attractive places to live and strengthen the surrounding aesthetics to nearby commercial businesses. Proposed landscaping will incorporate native plantings, improve tree canopy, preserve open space and reduce the urban heat-island effect. Staff recommends approval of the Special Use permit for the Used Auto Sales Lot because the proposed site meets the Use Regulations for minimum lot size and acreage. Additionally, the proposed use meets the state purpose of the Zoning Code and is compatible with the adjacent commercial uses along Secor Road.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP24-0005, the request for a Special Use Permit for a Used Auto Sales Lot at 5655 Secor Road, to Toledo City Council, for the following three (3) reasons:

1. The proposed use meets the minimum lot size of one-half (1/2) acre and the minimum average width of 150 feet along the main road frontage (TMC§1104.0306).
2. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) *Review & Decision-Making Criteria*) and;
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C) *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of SUP24-0005, request for a Special Use Permit for a Used Auto Sales Lot at 5655 Secor Road, to Toledo City Council, subject to the following twenty-seven (27) conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services

1. 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.
2. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
3. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.
4. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
5. 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
6. 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 Engineering Services

No comments from Division of Engineering Services.

Fire Prevention

No comments from Fire Department.

Division of Transportation

No comments from Division of Transportation.

PLAN COMMISSION RECOMMENDATION (cont'd)

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7. Sidewalk shall be installed along Coral Avenue in accordance with **TMC§1107.1303**.
8. Per **TMC§1107.1906**, all off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of storm water across or onto adjacent lots, properties, or streets.
9. 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 within the public right-of-way. **Acceptable as depicted.**
10. 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. **Acceptable as depicted.**
11. 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.**
12. All vehicles on display shall 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. **Acceptable as depicted.**
13. The minimum number of parking spaces designed for persons with disabilities that must be provided shall adhere to the table TMC§1107.1701, and be located in close proximity to build entrances with an unobstructed path. **Acceptable as depicted**
14. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic code and shall be operable.
15. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.
16. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

17. Display areas shall incorporate curbs and other substantial permanent barriers as approved by the Planning Director to prevent encroachment of vehicles into the required setback and landscaped areas.
18. 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)).
19. A fifty-foot (50') 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 side of a street and to intersecting streets on corner lots.
Acceptable as depicted
20. If the sales building is rebuilt or 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 20% 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.
21. The location, lighting and size of any signs, all signage is subject to TMC§1387. No new free-standing signs greater than forty-two inches (42") from grade are permitted - any proposed signage must meet the requirements of **TMC§1113 – Signs**.
22. A detailed site, lighting, fencing and landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A minimum fifteen-foot (15') wide frontage greenbelt along all public streets is required. Frontage greenbelt shall include one (1) tree per every (30') of frontage, and a continuous shrub (minimum installation height of 18"). A total of eight (8) trees along Coral Avenue and six (6) trees along Secor Road are required; **Not acceptable. A revised landscaping plan shall be submitted depicting the additional two (2) trees along Secor Road.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- b. A Type "A" landscape buffer is required along all portions of the site abutting residential districts. Type "A" landscape buffer shall be at least ten feet (10') in width and include a solid wood six foot (6') to eight foot (8') high fence. Fencing is to be installed so that the smooth/flush side faces away from the development site. Four (4) trees and fifteen (15) shrubs are required per one-hundred (100) linear feet; **Acceptable as depicted.**
- c. The south western location of the site where parking lot is abutting residential districts requires a continuous evergreen hedge (minimum 18" in height when installed) in the Type "A" buffer in lieu of individual shrubs; **Not acceptable as depicted**
- d. Parking lot interior and perimeter landscaping is required. For every parking space provided twenty square feet (20') of landscaping is required. A total 1,020 sq feet of interior parking lot landscaping shall be provided. A peninsula landscape area that replicates or mimics the existing peninsula landscape area at the eastern (Secor Road) driveway entrance, is required at the northern (Coral Avenue) entrance. A total of ten (10) trees and thirty (30) shrubs are required within the interior parking lot landscaping. Trees and shrubs that do not fit in peninsula landscape areas may be planted along the western perimeter of the parking lot perpendicular to Coral Avenue (north of the sales building) and count towards the interior parking lot landscaping requirements. **Not acceptable. A revised landscaping plan shall be submitted.**
- e. One (1) two-inch (2") caliper tree for every one-thousand square foot (1,000 sq. ft.) of building coverage is required. **Acceptable as depicted.**
- f. Foundation plantings are required along all portions of the building that are visible from the public right-of-way, and landscaping at all major building entrances. Foundation plantings are required. **Not acceptable. A revised landscaping plan shall be submitted depicting foundation plantings along the northern portion of the of the sales building parallel to Carol Avenue.**
- g. 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.
- h. Topsoil must be back filled to provide positive drainage of the landscape area.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- i. 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.
- j. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for all the regular maintenance of all landscape materials as well as any plant material removed.
- k. All landscaped areas shall be provided with a readily available water supply in accordance with TMC§1108.0406 *Irrigation/Watering*. Water outlets (hose bibbs) shall be provided within one-hundred feet (100') of all required plant material unless a subsurface irrigation system is used. **Irrigation plans must be submitted with development plans and, in the case of a subsurface irrigation system, contain all construction details.**
- l. Buffers or landscaped areas that are part of the stormwater runoff system must comply with the City's stormwater discharge control policies pursuant to Chapter 941 of the Streets, Utilities, and Public Services Code as administered by the Department of Public Utilities.
- m. All existing trees on the site with a caliper of four inches (4") or more must be mapped prior to the site planning and should be incorporated into the landscape plan to the maximum practical extent.
- n. All trees in excess of twelve inches (12") in diameter must be retained to the maximum practical extent.
- o. The site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details;
- p. 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 landscaped materials shall meet the standards of TMC§1108.0400 – *Landscape Material Standards*. **Not acceptable, a revised landscaping plan shall be submitted.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- q. The location type and direction of any proposed lighting. The lighting is subject to the approval of the Planning Director. (Lights are to be directed away from adjacent residential properties); and
 - r. The location, height and materials for any fencing to be installed and maintained shall be noted on fencing plan.
23. 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.**
24. 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.
25. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC 1111.0707 have not been met.
26. 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.
27. 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.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

AV

Three (3) sketches follow

Cc: Zobaida Falah, 5655 Secor Rd, Toledo, OH 43623

ZONING & LAND USE

SUP24-0005
ID 76



