

*TOLEDO CITY
PLAN COMMISSION
REPORT*

February 12, 2015

*Toledo-Lucas County Plan Commissions
One Government Center, Suite 1620, Toledo, OH 43604
Phone 419-245-1200, FAX 419-936-3730*

MEMBERS OF THE TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

TOLEDO CITY PLAN COMMISSION

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(Chairman)

KEN FALLOWS
(Vice Chairman)

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**TOLEDO-LUCAS COUNTY PLAN COMMISSIONS
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING
SCHEDULE - 2015**

APPLICATION DEADLINE*	AGENDA SET	STAFF REPORT DISTRIBUTED	HEARING DATE
CITY PLAN COMMISSION (<i>HEARINGS BEGIN AT 2PM</i>)			
November 24	December 22	December 26	January 8
December 30	January 26	January 30	February 12
January 27	February 23	February 27	March 12
February 24	March 23	March 27	April 9
March 31	April 27	May 1	May 14
April 28	May 25	May 29	June 11
May 26	June 22	June 26	July 9
June 30	July 27	July 31	August 13
July 28	August 24	August 28	September 10
August 25	September 21	September 25	October 8
September 22	October 19	October 23	November 5**
October 20	November 16	November 20	December 3**
COUNTY PLANNING COMMISSION (<i>HEARINGS BEGIN AT 9AM</i>)			
December 15	January 12	January 16	January 28
January 12	February 9	February 13	February 25
February 9	March 9	March 13	March 25
March 9	April 6	April 10	April 22
April 13	May 11	May 15	May 27
May 11	June 8	June 12	June 24
June 8	July 6	July 10	July 22
July 13	August 10	August 14	August 26
August 10	September 7	September 11	September 23
September 14	October 12	October 12	October 28
October 5	November 2	November 6	November 18**
November 2	November 30	December 4	December 16**

* County deadlines are for Preliminary Drawings

** Date shifts are due to holidays

**Conversion Table
Toledo Zoning Code Update - Zoning District Designations**

Existing District	New District Effective June 6, 2004
R-A, Single Family	RS12, Single Dwelling
R-B, Single Family	
R-1, Single Family	RS9, Single Dwelling
R-2, Single Family	RS6, Single Dwelling
R-3, Two Family	RD6, Duplex
R-2A, Restricted Multi Family	RM12, Multi Dwelling
None	RM24, Multi Dwelling
R-4, Multi Family	RM36, Multi Dwelling
R-4A, Multi Family	
R-5, Multi Family	
R-MH, Manufactured Home	RMH, Manufactured Housing Park
Commercial Districts	
C-1, Neighborhood	CN, Neighborhood
N-MX, Neighborhood Mixed Use	
C-2, Restricted Office	CO, Office
C-7, Office Park	
C-6-HS Redevelopment - Heritage South*	CS, Storefront
C-6-LA, Redevelopment - Lagrange*	
C-MX, Community Mixed Use	CM, Mixed Use
C-3, Commercial	CR, Regional
C-4, Shopping Center	CR-SO, Regional - Shopping Ctr. Sign Overlay
C-5, Central Business District	CD, Downtown
Industrial District	
M-1, Restricted Industrial	IL, Limited Industrial
M-2, Industrial	IG, General Industrial
M-4, Warehouse	
M-3, Planned Industrial	IP, Planned Industrial/Business Park
Special Purpose District	
P, Parks	POS, Park & Open Space
None	IC, Institutional Campus
Overlay Districts	
CUP, Community Unit Plan	None
D.O.D, Downtown	-DO, Downtown
HD, Historic District	-HO, Historic District
MR-O, Maumee River	-MRO, Maumee River
None	-UNO, Urban Neighborhood
None	-PO, Pedestrian
None	-SO, Shopping Center Sign

*The Heritage South and Lagrange C-6 Standards remain unless repealed

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

February 12, 2015

2:00 p.m.

PUBLIC HEARING WILL BE HELD AT ONE GOVERNMENT CENTER

AT JACKSON BOULEVARD AND ERIE STREET

IN COUNCIL CHAMBERS

ON THE FOLLOWING CASES

AGENDA

ROLL CALL - Toledo City Plan Commission

PROOF OF NOTICE

SWEARING IN

MINUTES

FINAL PLATS

DIRECTOR'S REPORT

CHAIRMAN'S REPORT

**ITEM
NO.**

CASE DESCRIPTION

- | | |
|------------------|--|
| 1. SUP-12001-14: | Special Use Permit for drug and alcohol residential facility at 5164 Monroe Street (bh) |
| 2. SPR-59-14: | Appeal of condition of approval for Minor site plan review for new commercial building at 4051 Royer Road (gp) |
| 3. Z-10002-14: | Zone Change from CO to CR at 4455 Secor Road (bh) |
| 4. SUP-10001-14: | Special Use Permit for used auto sales lot at 4455 Secor Road (bh) |
| 5. M-8-14: | Amendment to TMC 1116.0247 amending the definition of tobacco shop (bh) |

ADJOURNMENT

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GENERAL INFORMATION

Subject

- Request - Request for Special Use Permit to operate a drug and alcohol treatment facility.
- Location - 5164 Monroe Street
- Applicant - Matthew D Rizzo, CEO
A Renewed Mind Behavioral Health
1946 N 13th Street, Suite 420
Toledo, OH 43604
- Owner - Steve Best
First American Title Insurance Company Trustee
118 West Wayne Street
Maumee, OH 43537
- Attorney - Tom R Helberg
Bellevue Investors
5800 Monroe Street, Bldg D, Suite 6
Sylvania, OH 43560

Site Description

- Zoning - CR Regional Commercial
- Area - ± 0.308 Acres
- Frontage - ± 10' along Monroe Street
- Existing Use - Office Building
- Proposed use - Drug and Alcohol Treatment Facility

Area Description

- North - Office and Single Family Uses / CR & RS12
- South - Commercial Uses / C-2 (Sylvania Township)
- East - The Andersons Retail Store / CR-SO
- West - Commercial Uses / CR

Parcel History

- S-7-79 - Preliminary plat of Franklin Park Professional Center (PC approved, 8/23/79, Final Plat Recorded 11/16/79)

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

T-68-00 - Request for lot split of Parcel 2 Franklin Park Professional Center, approved administratively on 5/8/00.

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit to operate a drug and alcohol treatment facility at 5164 Monroe Street. The 0.308-acre site is located in the Franklin Park Professional Center and fronts onto Monroe Street. The property was formally used as an office building and has a footprint of approximately 5,850 square feet. The applicant has indicated that 15 to 20 adolescent beds will be provided at any given time. A neighborhood meeting is planned prior to the February 12th Plan Commission hearing.

Surrounding land uses include an office building and residential neighborhood to the north, a commercial retail use to the south, the Andersons commercial retail store to the east and commercial uses to the west.

Parking and Circulation

The Franklin Park Professional Center currently offers 99 parking spaces that serve three (3) buildings. The professional center has a combination of retail along Monroe Street and an office, personal convenience services and an exotic bird wellness center to the rear of the center.

Pursuant to TMC1107.0304, a drug and alcohol treatment residential facility has a parking requirement of one (1) space per two (2) employees. Based on the total square footage of the uses located in the professional center (includes the proposed use), the site has a total parking requirement of 64 spaces. The professional center is accessed via a single curb cut on Monroe Street.

Landscaping

The site is existing and therefore only required to be brought closer into compliance with the landscape requirements of the 2004 zoning code. Mature landscaping exists throughout the site, particularly along the eastern property line and in the landscape island near the front of the property. The fronts of the buildings, including the entrances, are adequately landscaped with foundation plantings, however, no landscaping is provided along Monroe Street.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

Staff recommends that shrubs be added in the landscape area along Monroe Street. In addition, the two (2) dumpsters serving the entire center are not located in enclosures. It is requested that these dumpsters be enclosed according to TMC1108.0203. These improvements will bring the site closer into compliance with the zoning code in terms of landscaping.

Recommendation

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial uses. The intent of the Regional Commercial designation is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. Based on the nature of the proposed use and its location, the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 *Review and Decision-making Criteria*.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-12001-14, a request to operate a drug and alcohol treatment facility, at 5164 Monroe Street, to Toledo City Council for the following two (2) reasons:

1. The proposed use is consistent with the Toledo 20/20 Comprehensive Plan;
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC 1111.0706.B Review & Decision-Making Criteria);

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-12001-14, , a request to operate a drug and alcohol treatment facility, at 5164 Monroe Street, to the Toledo City Council, subject to the following fourteen (14) conditions:

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
2. 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.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

3. Plans submitted for review do 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 storm water plan review. 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. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water 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 Storm Water Permit for Construction Activities.

Sewer & Drainage Services

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

Fire Prevention

No concerns or objections.

Transportation

No concerns or objections.

Building Inspection

6. Demolition of any existing buildings in preparation to remodel or renovate a building requires an active building permit application to be on record with the Division of Building Inspection.

STAFF RECOMMENDATION (cont'd)

Building Inspection (cont'd)

7. Construction of any new building, parking lot, or alterations and additions to existing structures, require construction documents stamped by a design professional to be submitted to the Division of Building Inspection for review and approval showing the construction to be in compliance with the City of Toledo's building, mechanical and fire codes, and by referenced standards, those of the State of Ohio. Plans must identify the correct building type, use group, occupancy load, plumbing fixture count, egress and emergency egress locations, emergency evacuation routes and other life-safety and ADA compliancy facilities, in accordance with the Ohio Building Code Chapter 106.
8. New fencing and new signs will require separate plan reviews and permits.

Plan Commission

9. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscape areas.
10. The existing dumpster shall be noted on a revised site plan and have a concrete pad surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.
11. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Shrubs or a solid evergreen hedge shall be added to the landscape area along Monroe Street; **shall be noted on revised landscape plan.**
 - b. Existing foundation plantings and landscape islands throughout the site shall be retained and maintained indefinitely.
 - d. 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; **shall be noted on revised landscape plan.**
 - e. 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 noted on revised landscape plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- f. The location, height and materials for any fencing to be installed and maintained; **shall be noted on revised landscape plan.**
 - g. The location, lighting and size of any signs.
12. 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.
13. 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.
14. 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.

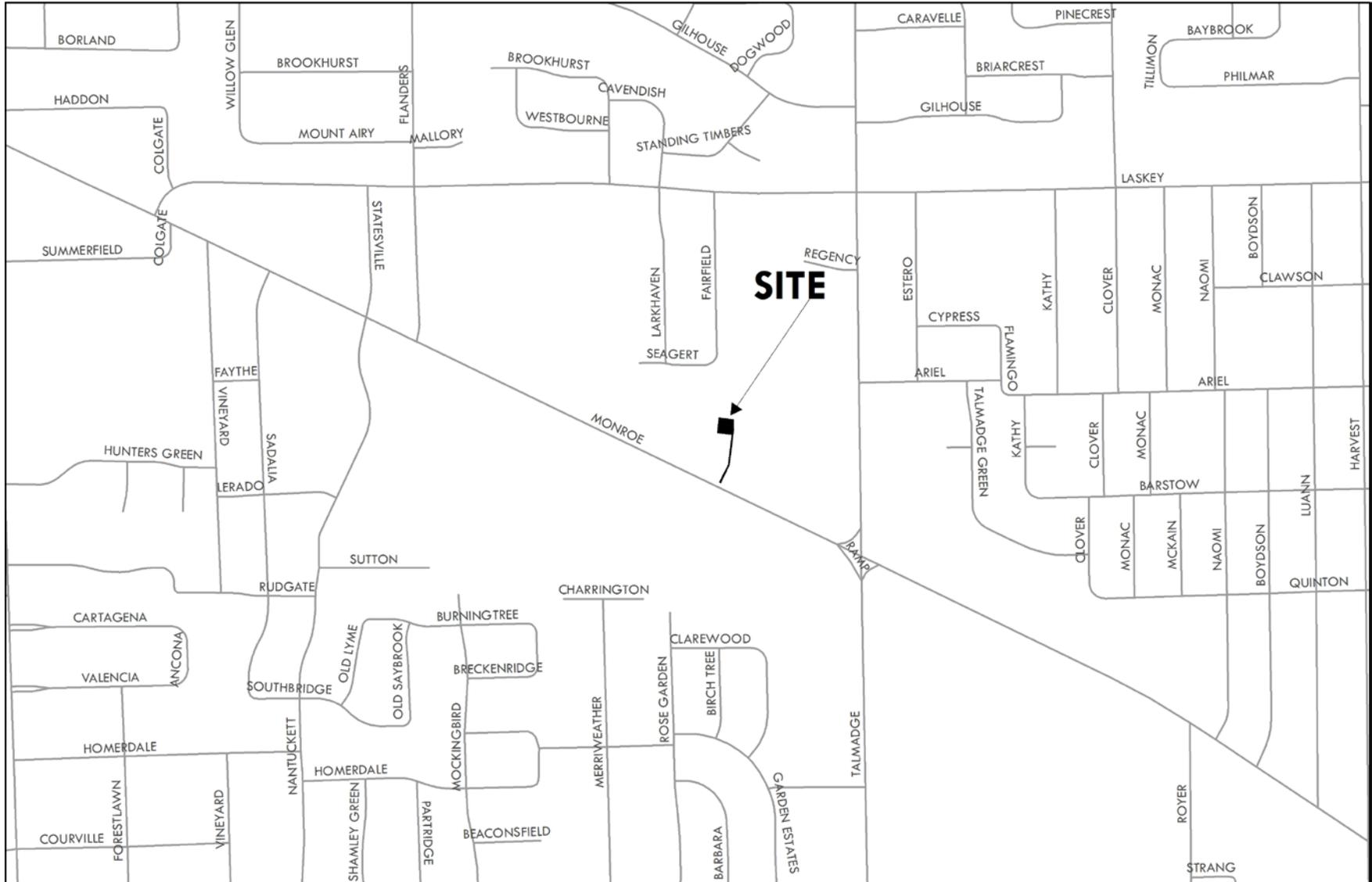
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-12001-14
DATE: February 12, 2015
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: March 18, 2015
TIME : 4:00 P.M.

BH/gm
Three (3) sketches follow

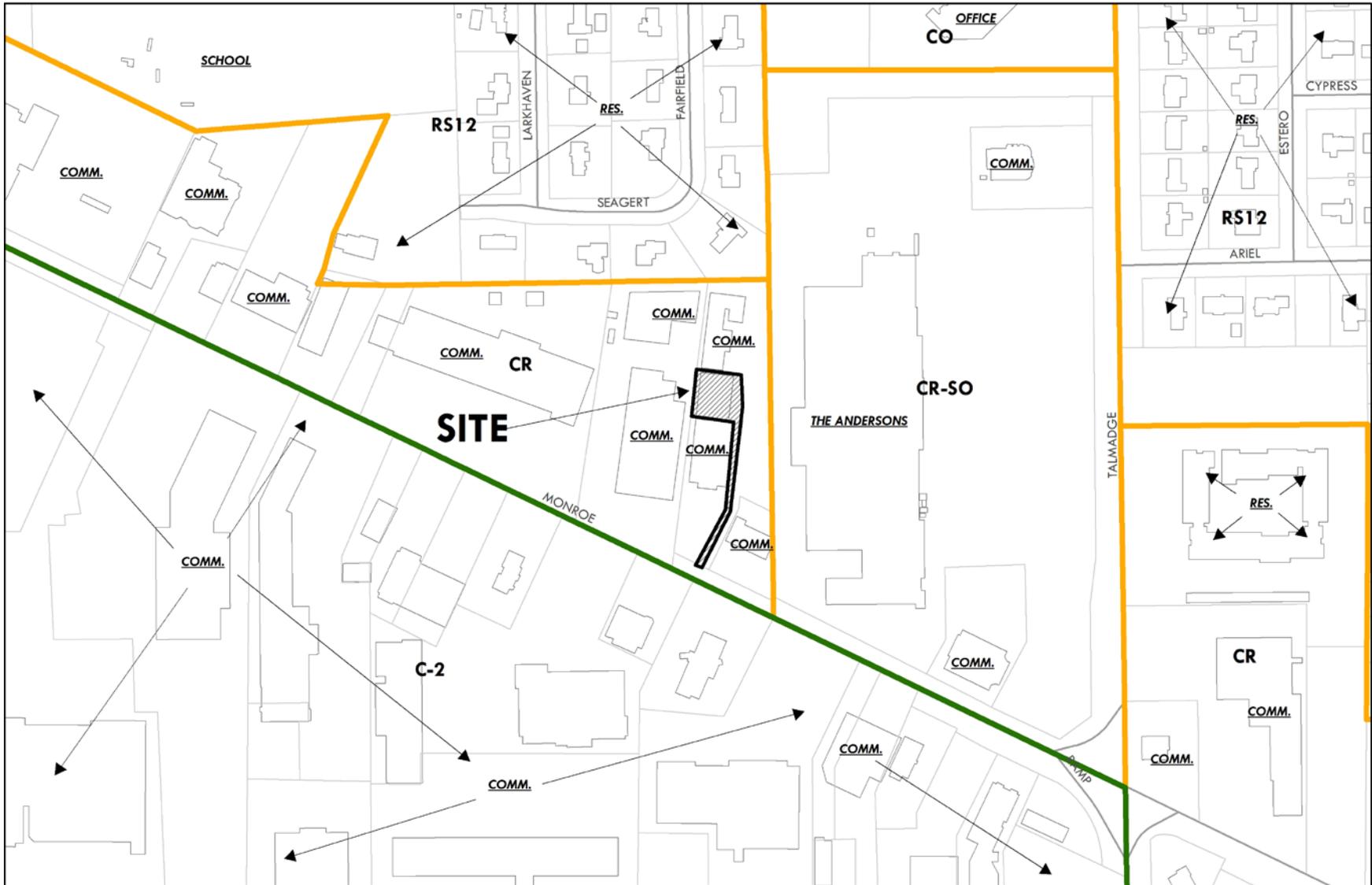
GENERAL LOCATION

SUP-12001-14
ID 105



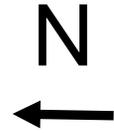
ZONING & LAND USE

SUP-12001-14
ID 105



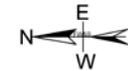
SITE PLAN

SUP-12001-14
ID 105



SPECIAL USE PERMIT PARCEL 2

Part of Franklin Park Professional Center
City of Toledo, Lucas County, Ohio



LEGAL DESCRIPTION

1 Lot Number 2 in Franklin Park Professional Center, City of Toledo, Lucas County, as in Plat 53-48 bounded and described as follows:
 2 at the southwest corner of said Lot Number 2 in Franklin Park Professional Center,
 3 the west line of said Lot 2 North 07 degrees 25 minutes 40 seconds East a distance to the PLACE OF BEGINNING,
 4 along North 07 degrees 25 minutes 40 seconds East a distance of 100.00 feet;
 5 82 degrees 34 minutes 20 seconds East perpendicular to the last described line a distance of 85.89 feet;
 6 90 degrees 42 minutes 36 seconds East a distance of 63.66 feet;
 7 07 degrees 25 minutes 40 seconds West parallel with the west line of said Lot 2 a distance of 100.00 feet.

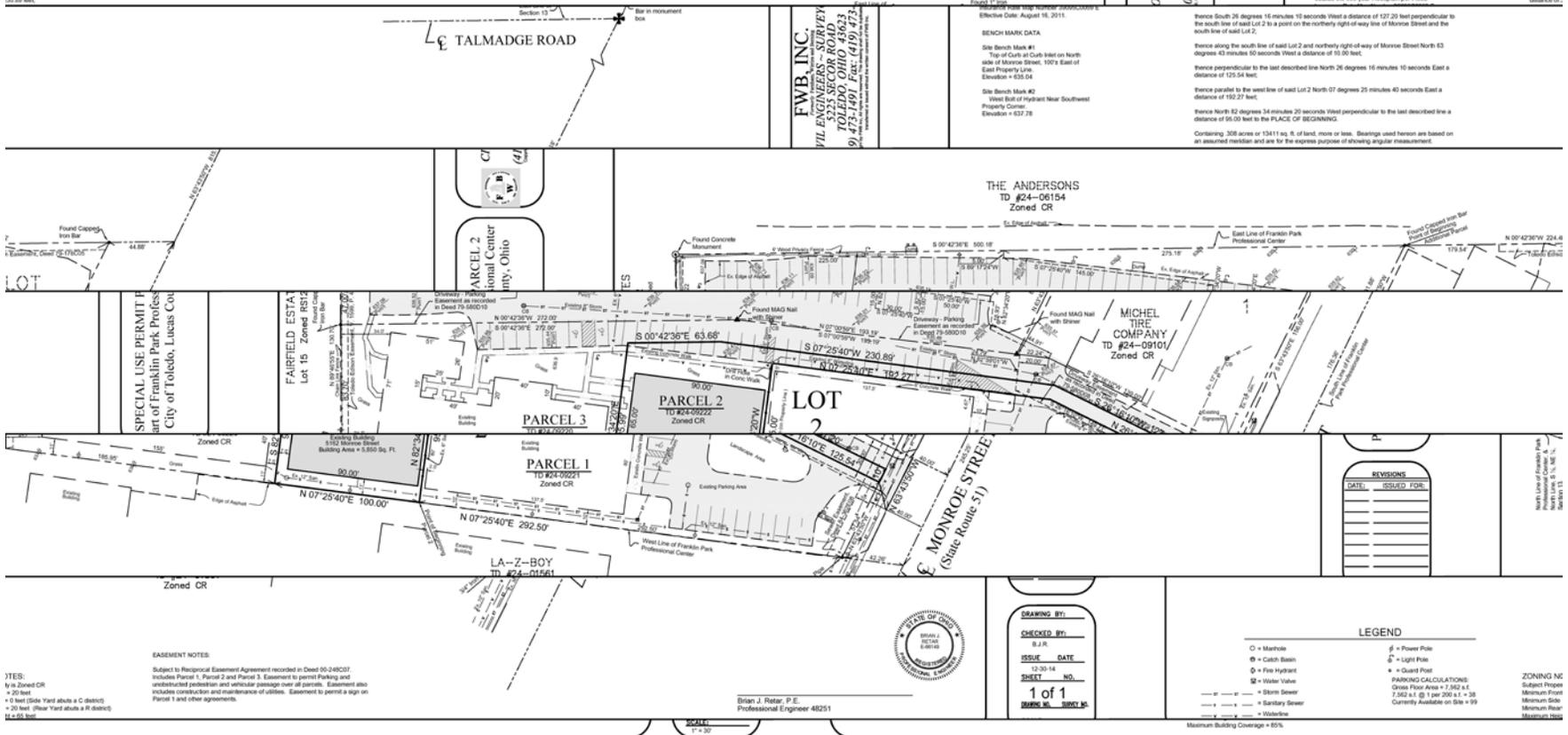


0/00
0/00



ELEVATION NOTES:
 Subject Property has been determined to be outside the 500-year Floodplain per Flood

Being part of Ohio, record Commission
 Hence allow of 202.50 feet
 Hence cont'd
 Hence South distance off
 Hence South distance of:



6 - 1

TIES:
 1/2 Zoned CR
 = 20 feet
 = 5 feet (Clear Yard about a C district)
 = 20 feet (Clear Yard about a R district)
 = 10 feet

EASEMENT NOTES:
 Subject to Reciprocal Easement Agreement recorded in Deed 00-248207.
 Includes Parcel 1, Parcel 2 and Parcel 3. Easement to permit Parking and undisturbed protection and vehicular passage over all parcels. Easement also includes construction and maintenance of utilities. Easement to permit a sign on Parcel 1 and other agreements.

Brian J. Retter, P.E.
 Professional Engineer 48251



DRAWING BY:
 B.J.R.
CHECKED BY:
 B.J.R.
ISSUE DATE:
 12-30-14
SHEET NO.:
 1 of 1
DRAWING NO.:
 SUP-14-001-14

REVISIONS	
DATE	ISSUED FOR

LEGEND

- = Manhole
- = Catch Basin
- ⊕ = Fire Hydrant
- ⊞ = Water Valve
- = Storm Sewer
- +— = Sanitary Sewer
- x— = Waterline
- x— = Maximum Building Coverage = 85%
- ⊕ = Power Pole
- ⊞ = Light Pole
- ⊕ = Guard Post

ZONING NC
 Subject Property
 Minimum Front
 Minimum Side
 Minimum Rear
 Maximum Height

Noted: User of Franklin Park Professional Center, Lucas County, Ohio, Map No. 113.

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GENERAL INFORMATION

Subject

- Request - Request for appeal of condition of approval for a minor site plan review.
- Location - 4051 Royer Road
- Applicant - Franklin Park Parcels, LLC
1 East Wacker Dr. #3600
Chicago, IL 60601
- Architect - Charlie Hartman
SSOE, Inc.
1001 Madison Avenue
Toledo, OH 43604
- Attorney - Jerome R. Parker
One Seagate Center
Suite 1645
Toledo, OH 43604

Site Description

- Zoning - Regional Commercial / CR
- Area - 18.44 acres
- Frontage - ±430' along Sylvania Ave
- Frontage - ±805' along Royer Road
- Existing Use - Undeveloped
- Proposed Use - New Commercial Building
- CDC - None

Area Description

- North - Franklin Park Mall / CR-SO
- South - Sylvania Avenue, Apartments, Offices / RM36, CO
- East - Royer Road, Apartments, Day Care / RM36
- West - Parking Lot, Commercial / CR-SO

GENERAL INFORMATION (cont'd)

Parcel History

- | | | |
|-----------|---|--|
| Z-5017-06 | - | Request for zone change from CO Office Commercial and RM36 Multi-Family Residential to CR Regional Commercial, approved by Plan Commission on 7/13/06, City Council approved on 9/5/06, Ord. 622-06. |
| SPR-15-12 | - | Request for a Major Site Plan review for a new retail building at Franklin Park Mall, deferred by Plan Commission on 8/9/12, approved by Plan Commission on 9/13/12. |

Applicable Plans and Regulations

- Toledo Municipal Code (TMC), Chapter Eleven: Planning and Zoning,
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting an appeal of a condition of approval for a minor site plan review, for a site located at 4051 Royer Road. The applicant is the Franklin Park Parcels Limited Liability Corporation. The proposed development will add retail space and modify parking areas at the existing site.

The applicant is proposing to construct a new commercial retail building on the site. The new building being proposed is part of a Phase II development. The site plan indicates that building “M” will be 45,000 square feet and will share a wall with an existing retail building. The site plan offers 162 parking spaces, located to the south of the new facility. The number of spaces required is 167 however, the site plan depicts additional parking spaces available on the applicant-owned property that is sufficient in number to service the existing and proposed retail stores.

This case was reviewed as a minor site plan review and rendered an administrative approval, subject to thirty-nine (39) conditions (see Exhibit A). The applicant is contesting one (1) of these conditions (see Exhibit B). The contested condition is from the Division of Transportation. The condition reads as follows:

The reconfiguration of the southernmost Royer Rd. access creates a thoroughfare in front of the existing and proposed businesses. The disposition of the drive shall remain the same to alleviate the problems associated with this issue.

STAFF ANALYSIS (cont'd)

At issue is the proposal to remove the existing southernmost curb cut and access drive along Royer Road and construct a new curb cut and access drive northward that aligns/connects with the existing vehicular circulation adjacent to the existing retail businesses. The Division of Transportation is concerned the relocation will create unsafe circulation patterns for vehicles and pedestrians and will allow drivers to circumvent traffic congestion around the mall and over utilize Royer Road. This may result in cut through lanes that have the potential to allow for speeding through the site. The Division of Transportation remains concerned about the subject curb cut and has required that it remain in its current location.

Because of the Division of Transportation's objections, staff **does not** recommend approval of the appeal. The proposed site plan does not meet all of the criteria for site plan approval, as stated in TMC 1111.0809 *Approval Criteria*. Specifically, the site plan does not meet the following:

Vehicular ingress and egress to and from the site and circulation within the site must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well (TMC 1111.0809.C).

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial uses. The site is zoned CR Regional Commercial and the proposed use is allowed within this zoning district.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission disapprove SPR-59-14, a request for an appeal of a condition of approval for a minor site plan review, for a site located at 4051 Royer Road, for the following two (2) reasons:

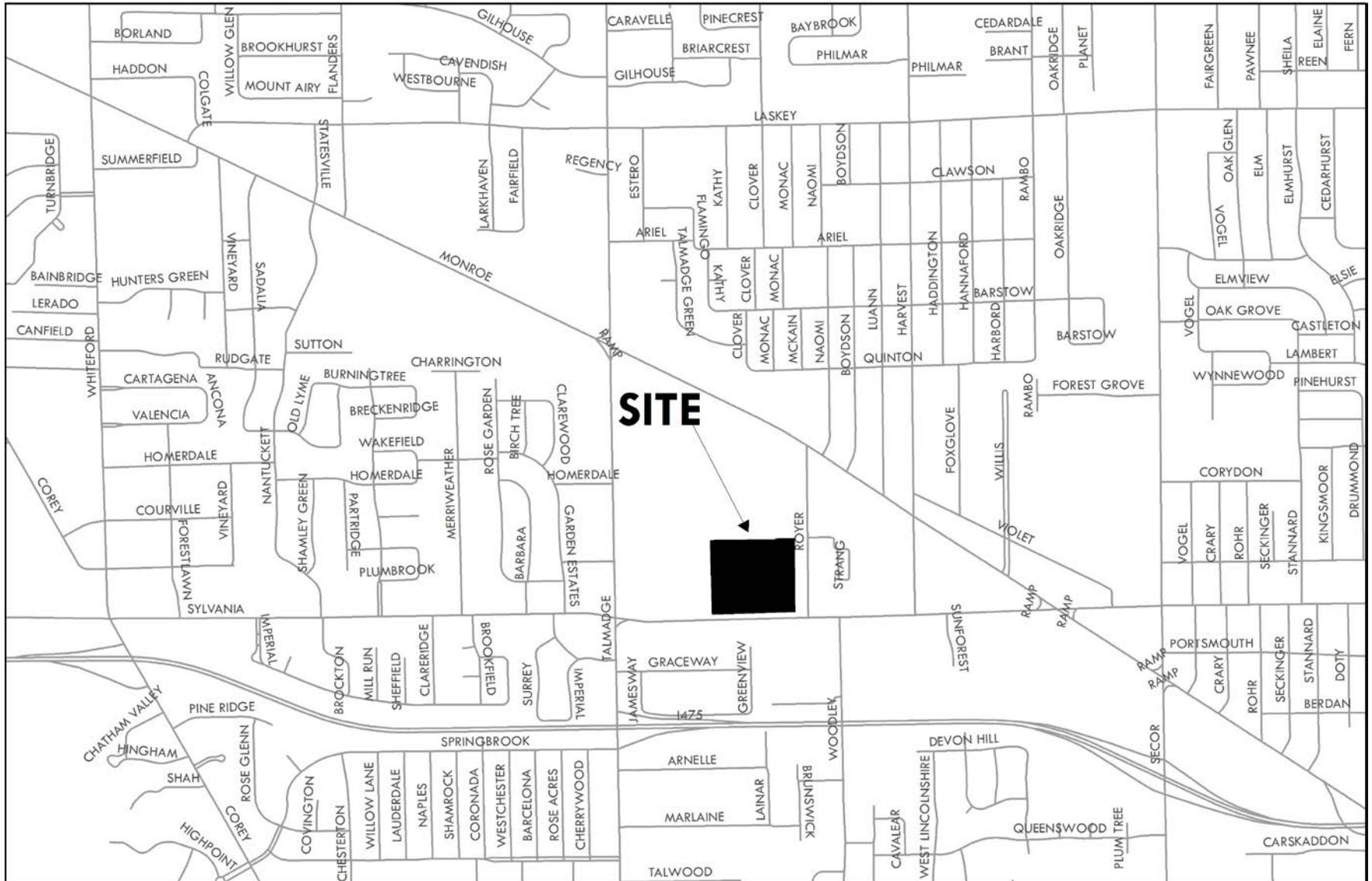
1. The Division of Transportation has objected to the site plan as submitted, because of concerns about traffic thoroughfares created throughout the site and in front of existing and proposed businesses.
2. Vehicular ingress and egress to and from the site and circulation within the site must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well (TMC 1111.0809.C).

GP/gm
Three (3) sketches follow
Exhibit "A" follows
Exhibit "B" follows

APPEAL OF MINOR SITE PLAN REVIEW
TOLEDO CITY PLAN COMMISSION
REF: SPR-59-14
DATE: February 12, 2015
TIME: 2:00 P.M.

GENERAL LOCATION

SPR-59-14
ID 77



ZONING & LAND USE

SPR-59-14
ID 77

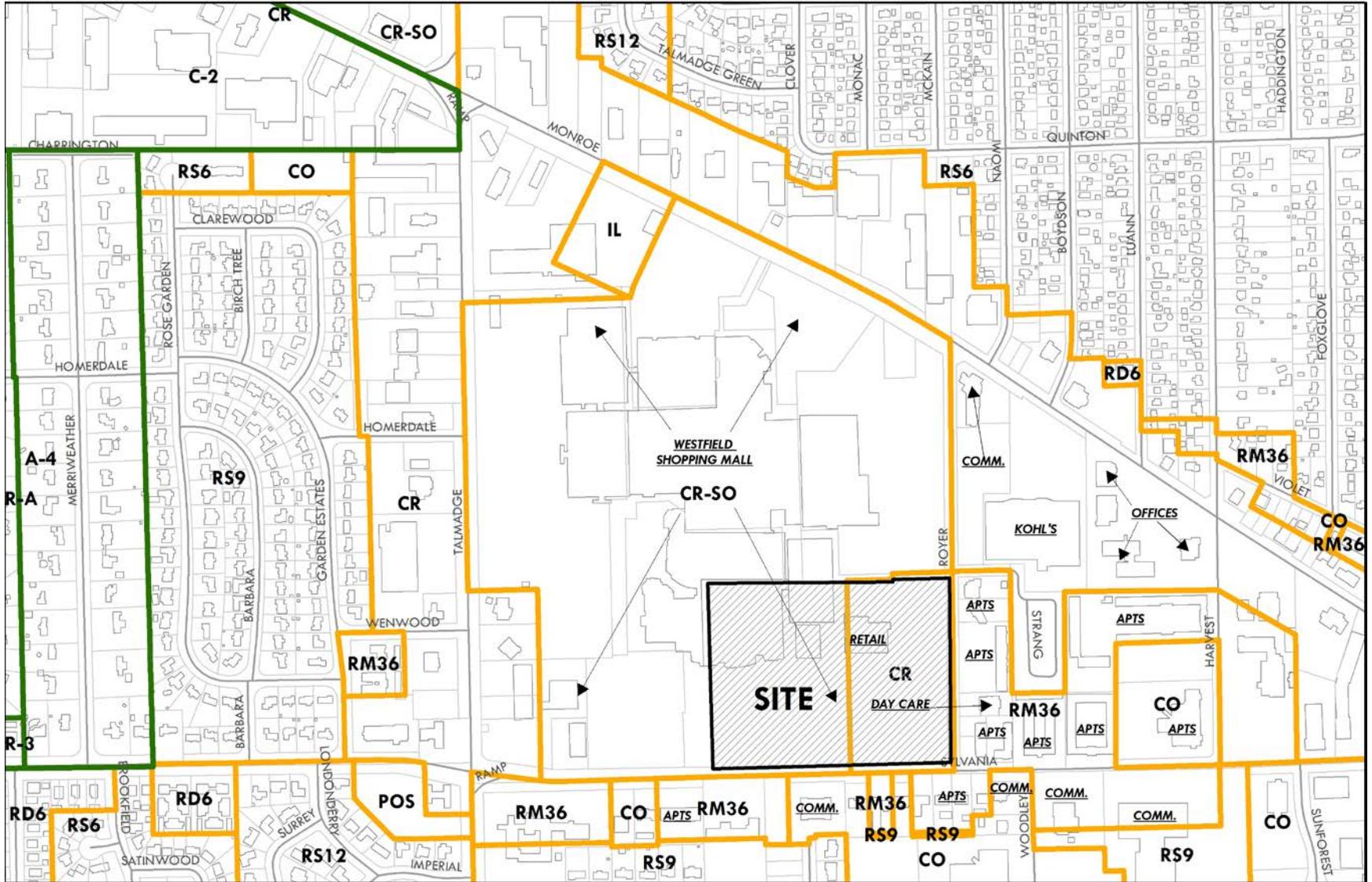


Exhibit "A"

Ref: SPR-59-14
Planner: Gyasi "JC" Pullum
Prepared By: Joslyn Jones, 01/14/15

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF TRANSPORTATION
RECOMMENDATION ON A SITE PLAN

To: Tom Gibbons, Director, Toledo-Lucas County Plan Commissions
Thru: William H. Franklin, P.E., Director of Public Service *WJF 1/6/15*
From: Sherri L. Frederick, Acting Commissioner, Division of Transportation
Subject: A new commercial building located at 4051 Royer Road.

The Division of Transportation has reviewed the site plan and has the following comments:

1. The reconfiguration of the southernmost Royer Rd. access creates a thoroughfare in front of the existing and proposed businesses. The disposition of the drive shall remain the same to alleviate the problems associated with this issue.

The Division of Transportation objects to the approval of the site plan by the Plan Commission and recommends disapproval or deferral of the subject matter until the above is addressed to the satisfaction of this division.

Sherri L. Frederick *1/6/15*

Sherri L. Frederick Date
Acting Commissioner
Division of Transportation

Exhibit “B”

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve SPR-59-14, a request for a major site plan review for a new commercial building for a site located at 4051 Royer Road, subject to the following thirty-nine (39) 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.

Engineering Services

1. Standard sidewalk and curb sections that exist within the public right-of-way abutting the site shall be replaced in accordance with City of Toledo Construction Standards and Toledo Municipal Code. Contact Joe Warnka at (419) 245-1341 for inspections.
2. All proposed drive approaches, curb, and sidewalk shall be constructed in accordance with the City of Toledo Construction Standards Toledo Municipal Code. All commercial drive approaches shall be 8-inch-thick concrete. No curb shall be permitted in the right-of-way along either side of the drive approach. **No horizontal curb cutting will be permitted.**
3. Required permits for all approved work in the public, right-of-way shall be obtained, before work begins, form One Stop Shop, (419) 245-1220. Occupancy permits will not be issued until all inspections have been completed.
4. Water service is available to the Rules and Regulations of the Department of Public Utilities.
5. The proposed building is located on top of an existing 8-inch water service. The existing water service shall be relocated. Plans shall be submitted to the Division of Engineering Services for review and approval.
6. Contact the City of Toledo Fire Prevention Bureau to determine the fire protection requirements for this site.
7. Contact the Division of Water Distribution for installation requirements for backflow preventers.

Exhibit “B” (cont’d)

STAFF RECOMMENDATION (cont’d)

Engineering Services (cont’d)

8. New fire, domestic, and irrigation taps will be installed by City of Toledo at the owner’s/developer’s expense.
9. Plans submitted indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan for this project shall be submitted for stormwater approval.
10. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <http://toledo.oh.gov/services/public-utilities/div-engineering-services/plan-review-process/>, including the requirements for stormwater detention and post-construction stormwater BMP’s.
11. **Site has existing underground detention and a post-construction BMP. Maintenance records shall be submitted for the existing underground stormwater storage vault and swirl concentrator. Consultant shall also verify that the capacity of existing post-construction stormwater Best Management Practices (BMPs) and ensure compliance with current standards.**
12. **As built drawings after the initial construction phase were not submitted by the developer; therefore, Consultant shall verify existing storm sewers and provide that information to the City of Toledo for record updates.**
13. Plans are also subject to the: Criteria and Regulations of The Departments of Public Utilities and Public Service; The Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; The Toledo City Charter; The “Subdivision Rules & Regulations” of Toledo-Lucas County Plan Commissions; City of Toledo Infrastructure Design and Construction requirements; and “The Comprehensive Ditch Plan.”
14. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction BMPs. All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.

Exhibit “B” (cont’d)

STAFF RECOMMENDATION (cont’d)

Engineering Services (cont’d)

15. 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 percent reduction in the property’s stormwater utility fee through the Stormwater Credit Program.
16. A site specific Stormwater Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Stormwater NPDES permit.
17. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
18. No construction work, including grading, will be permitted without approved plans and inspection.
19. 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
Sanitary Sewers: Mike Elling, ph. 419-936-2276
Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221
Water: Andrea Kroma, ph. 419-936-2163
Roadway: Tim Grosjean, ph. 419-245-1344
20. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
21. 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.
22. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
23. Any sanitary sewer manholes in or near pavement shall have solid lids installed on them.

Exhibit “B” (cont’d)

STAFF RECOMMENDATION (cont’d)

Sewer and Drainage Services

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

Fire Prevention

No comments or objections

Transportation

26. The reconfiguration of the southernmost Royer Rd. access creates a thoroughfare in front of the existing and proposed businesses. The disposition of the drive shall remain the same to alleviate the problems associated with this issue.

Building Inspection

The property is NOT in a special flood hazard area (SFHA).

27. Demolition of any existing buildings in preparation to remodel or renovate a building requires an active building permit application to be on record with the Division of Building Inspection.
28. Construction of a new building or parking lot, or alterations and additions to existing structures, will require construction documents stamped by a licensed designed professional to be submitted to the Division of Building Inspection for review and approval showing the construction to be in compliance with the City of Toledo’s building, mechanical and fire codes, by referenced standards, those of the State of Ohio. Plans must identify the correct building type, use group, occupancy load, plumbing fixture count, egress and emergency egress locations, emergency evacuation routes and other life-safety and ADA compliancy facilities, in accordance with the Ohio Building Code Chapter 106.
29. New fencing and new signs will require separate plan reviews and permits.

Exhibit “B” (cont’d)

STAFF RECOMMENDATION (cont’d)

Plan Commission

30. Elevations shall be submitted for the Plan Director approval and shall meet the criteria listed in TMC 1109.0300 and 1109.0500.
31. The dumpster location(s) shall 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.
32. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscape areas.
33. All pedestrian walkways shall be six feet (6’) in width and shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt. Existing walkways may remain at their current width.
34. Walkways, no less than six feet (6’) in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such walkways shall be located an average of six feet (6’) from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows, planters or entryways are part of the façade.
35. No parking area shall exceed 200 spaces unless divided into sub-areas separated from each other by landscaping, access drives or public streets, pedestrian walkways, or buildings. **Acceptable as submitted.**
36. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Two canopy trees are required to be installed in interior landscape areas for each 10 parking spaces. Six shrubs are required to be installed in interior landscape areas for each 10 parking spaces. One canopy tree may substitute for three shrubs.

Exhibit “B” (cont’d)

STAFF RECOMMENDATION (cont’d)

Plan Commission (cont’d)

- b. A fifteen-foot (15’) greenbelt is required along the Royer Road frontage (to match existing greenbelt), and a twenty-foot (20’) greenbelt is required along the Sylvania Avenue frontage (measured perpendicular from the street or place of right-of-way abutting the property); the greenbelt shall include at least one tree for every 30 feet of lot frontage and a solid evergreen hedge planting to screen the parking lot. Fourteen (14) trees are required along Sylvania and twenty-eight (28) trees are required along Royer Road.
- c. All parking spaces must be within 100 linear feet of a landscaped area.
- d. All landscaped areas must have a minimum dimension of at least 9 feet and be at least 160 square feet in area.
- e. Topsoil must be back filled to provide positive drainage of the landscape area.
- f. 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.
- g. Landscape terminal islands must be provided at the end of each parking row.
- h. Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces, medians shall be a minimum of 10’ in width.
- 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.
- j. 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.

Exhibit “B” (cont’d)

STAFF RECOMMENDATION (cont’d)

Plan Commission (cont’d)

- k. The location, height and materials for any fencing to be installed and maintained (**if applicable**).
 - l. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - m. The location, lighting and size of any signs.
37. 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.
38. 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.
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.

GENERAL INFORMATION

Subject

- Request - Request for Zone Change from RS6 Single Family Residential and CO Office Commercial to CR Regional Commercial
- Location - 4455 Secor Road
- Applicant - Advanced Radiation Medicine Service, Ltd
6448 W. Central Avenue
Toledo, OH 43617
- Attorney - Kenneth Wenninger
5658 N. Main Street
Suite 101
Sylvania, OH 43560
- Architect - Tadd Stacy
Architecture by Design
5622 Mayberry Square
Sylvania, OH 436560

Site Description

- Zoning - RS6 Single Family Residential and CO Office Commercial
- Area - ± 2.882 Acres
- Frontage - ± 147' along Secor Road
- Existing Use - Former Armory
- Proposed use - Used Auto Sales Facility

Area Description

- North - Flower Shop / CO
- South - Single Family Homes, Bakery, Flower Shop / RS6 and CR
- East - Day Care / CR
- West - Park, Single Family Homes / POS, RS6

GENERAL INFORMATION (cont'd)

Parcel History

- Z-913-02 - Request for a Zone Change from R-2 Single Family Residential to P Park, for the rear of the lot at 4455 Secor Road, approved by Plan Commission on 2/13/03. City Council approved on 8/7/03, Ord. 260-03.
- T-122-02 - Request for deed transfer for rear portion of site, approved administratively on 7/2/02. Deed never recorded.
- T-160-06 - Request for deed transfer for rear portion of site, approved administratively on 12/5/06.
- T-77-07 - Request for deed transfer, approved administratively on 9/6/07.
- Z-3007-09 - Request for Zone Change from RS6 Single Family Residential to POS Parks and Open Space, for middle of the lot at 4455 Secor Road, approved by Plan Commission on 5/14/09, approved by City Council on 7/7/09, Ord. 395-09.
- Z-4004-09 - Request for Zone Change from RS6 Single Family Residential and RS12 Single Family Residential to CO Office Commercial, approved by Plan Commission on 6/11/09, City Council approved on 8/4/09, Ord. 454-09.
- SUP-10001-14 - Special Use Permit to operate a used auto sales facility (Companion Case)

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Zone Change from RS6 Single Dwelling Residential & CO Office Commercial to CR Regional Commercial to facilitate the development of a used auto sales facility. The 2.88-acre site is located at 4455 Secor Road and is the former Armory Building. Surrounding land uses include a flower shop and single family residences to the north; a park and single family uses to the west; single family uses and a commercial bakery to the south; and single family uses, a daycare and commercial uses to the east. This case was deferred from the January 8, 2015 Plan Commission hearing to allow for additional time to address neighborhood concerns. A neighborhood meeting was held on January 7, 2015 and a second neighborhood meeting is scheduled to be held on February 10, 2015. A companion Special Use Permit request accompanies this case.

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial land uses. However, after a detailed review the staff has concerns with this recommendation. The site extends to a depth of 680 feet and abuts several single family residential homes on the north and south sides. Allowing the extension of CR Regional Commercial zoning to this depth will be detrimental to the adjacent residential uses. Additionally, the established commercial uses along the west side of Secor Road are less intense in nature and the introduction of CR Regional Commercial zoning will allow land uses that are not compatible. Finally, the current zoning of the property acts as an appropriate transition between the existing commercial and residential uses.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z-10002-14, a Zone Change from RS6 Single Family Residential and CO Office Commercial to CR Regional Commercial for the site at 4455 Secor Road, to the Toledo City Council, for the following three (3) reasons:

1. The proposed zone change is out of character with the surrounding zoning and uses (TMC §1111.0606.C Review & Decision-Making Criteria).
2. The introduction of CR Regional Commercial zoning will facilitate intense land uses that are out of character with the nearby neighborhoods & less intense commercial uses.
3. The current zoning of the property acts as an appropriate transition between the existing commercial and residential uses.

ZONE CHANGE REQUEST
TOLEDO CITY PLAN COMMISSION
REF: Z-10002-14
DATE: February 12, 2015
TIME: 2:00 P.M.

REF: Z-10002-14 . . . February 12, 2015

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: March 18, 2015
TIME : 4:00 P.M.

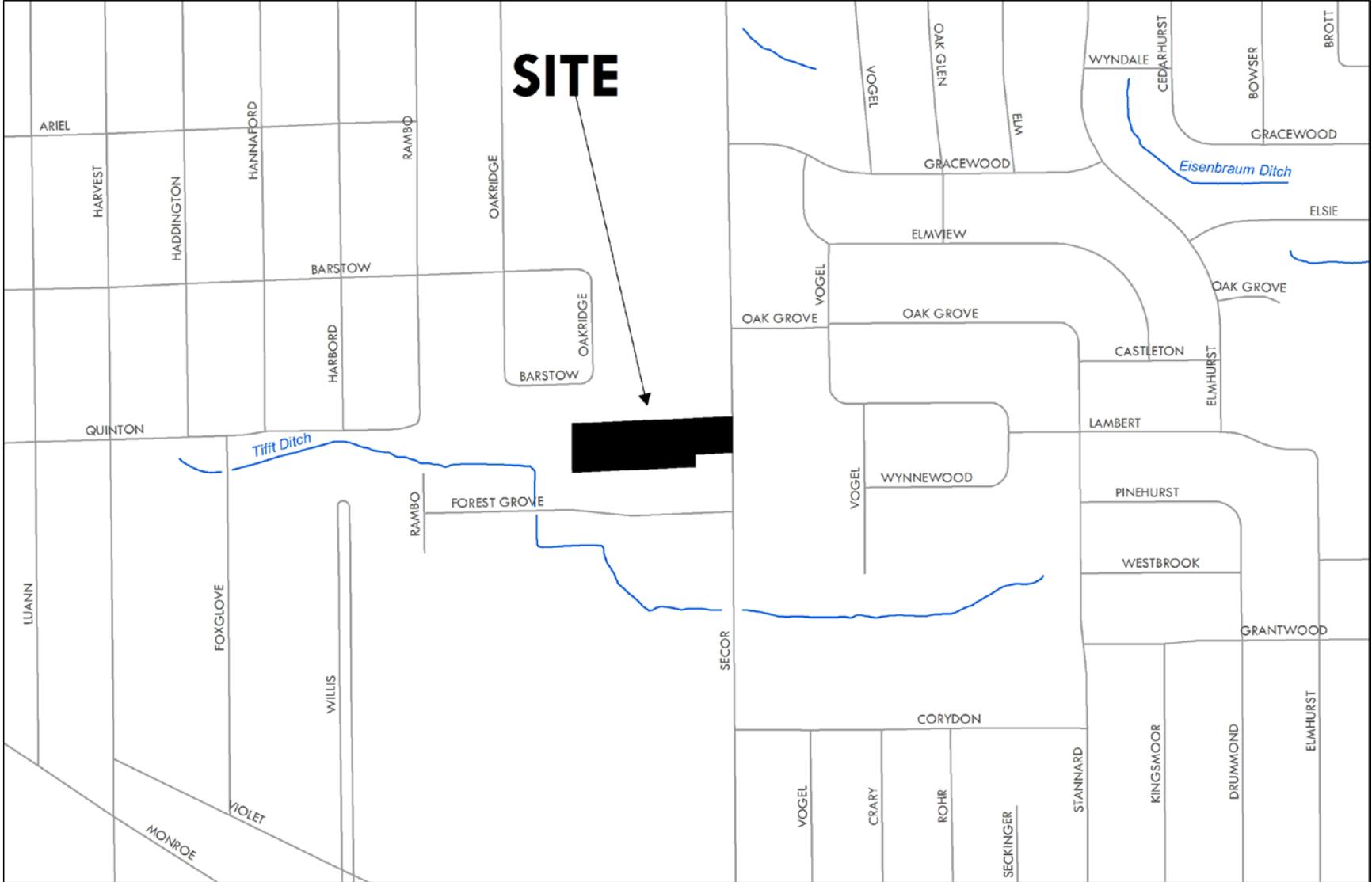
BH/gm
Two (2) sketches follow

GENERAL LOCATION

Z-10002-14
ID 77

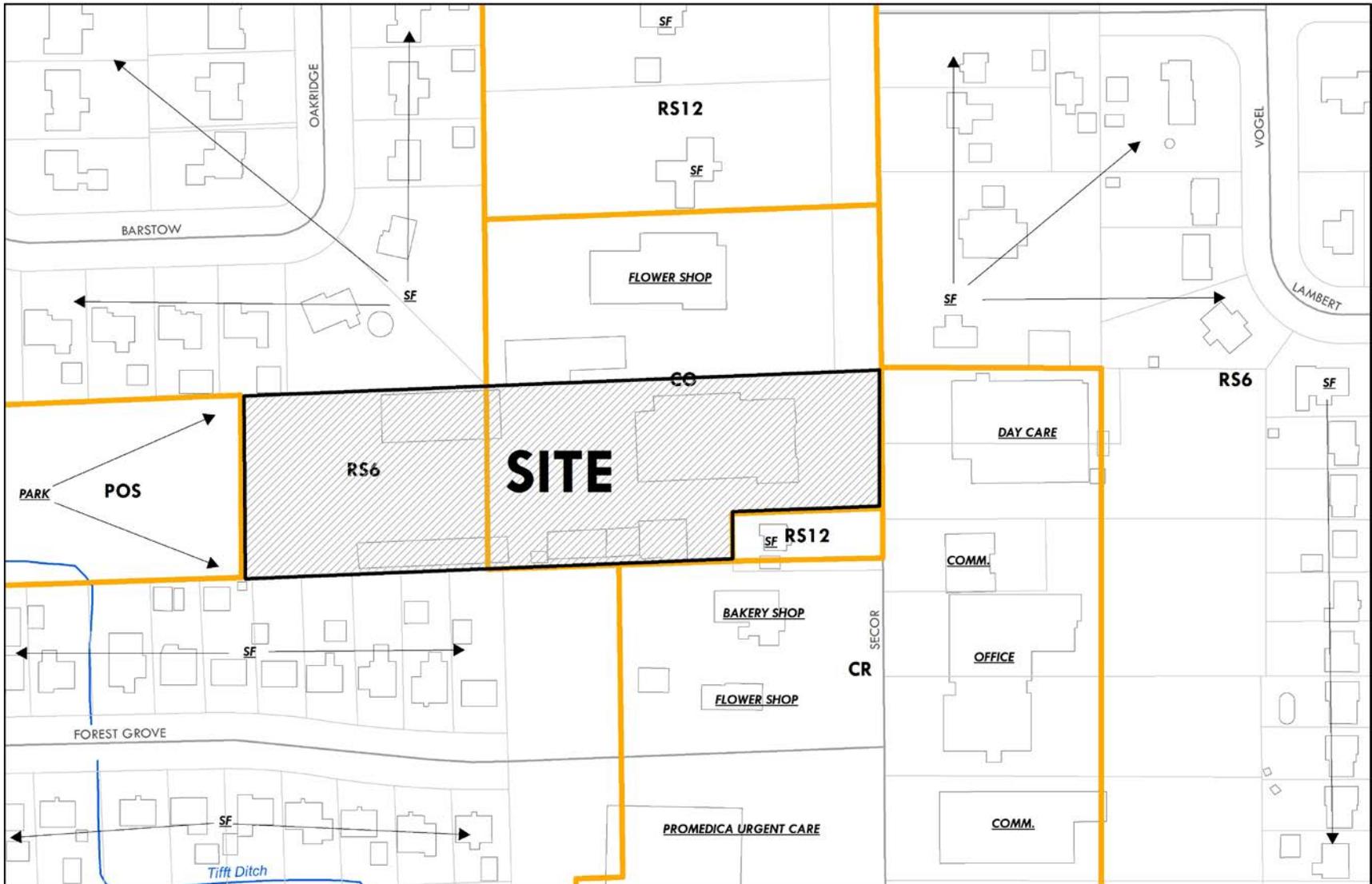


3-5



ZONING & LAND USE

Z-10002-14
ID 77



GENERAL INFORMATION

Subject

- Request - Request for Special Use Permit for Used Auto Sales Facility
- Location - 4455 Secor Road
- Applicant - Advanced Radiation Medicine Service, Ltd
6448 W. Central Avenue
Toledo, OH 43617
- Attorney - Kenneth Wenninger
5658 N. Main Street
Suite 101
Sylvania, OH 43560
- Architect - Tadd Stacy
Architecture by Design
5622 Mayberry Square
Sylvania, OH 43560

Site Description

- Zoning - RS6 Single Family Residential and CO Office Commercial
- Area - ± 2.882 Acres
- Frontage - ± 147' along Secor Road
- Existing Use - Former Armory
- Proposed use - Used Auto Sales Facility

Area Description

- North - Flower Shop / CO
- South - Single Family Homes, Bakery, Flower Shop / RS6 and CR
- East - Day Care / CR
- West - Park, Single Family Homes / POS, RS6

GENERAL INFORMATION (cont'd)

Parcel History

- Z-913-02 - Request for a zone change from R-2 Single Family Residential to P Park, for the rear of the lot at 4455 Secor Road, approved by Plan Commission on 2/13/03. City Council approved on 8/7/03, Ord. 260-03.
- T-122-02 - Request for deed transfer for rear portion of site, approved administratively on 7/2/02. Deed never recorded.
- T-160-06 - Request for deed transfer for rear portion of site, approved administratively on 12/5/06.
- T-77-07 - Request for deed transfer, approved administratively on 9/6/07.
- Z-3007-09 - Request for zone change from RS6 Single Family Residential to POS Parks and Open Space, for middle of the lot at 4455 Secor Road, approved by Plan Commission on 5/14/09, approved by City Council on 7/7/09, Ord. 395-09.
- Z-4004-09 - Request for zone change from RS6 Single Family Residential and RS12 Single Family Residential to CO Office Commercial, approved by Plan Commission on 6/11/09, City Council approved on 8/4/09, Ord. 454-09.
- Z-10002-14 - Zone Change from RS6 Single Family Residential and CO Office Commercial to CR Regional Commercial (Companion Case).

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit (SUP) for the operation of a used auto sales facility located at 4455 Secor Road. The 2.882-acre site is the former Armory Building and is currently zoned RS6 Single Dwelling Residential and CO Office Commercial. Surrounding land uses include a flower shop and single family residences to the north, a park and single family uses to the west, single family uses and a commercial bakery to the south and single family uses and a daycare and commercial uses to the east. This case was deferred from January 8, 2015 Plan Commission hearing to allow for additional time to address neighborhood concerns. A neighborhood meeting was held on January 7, 2015 and a second neighborhood meeting is scheduled to be held on February 10, 2015. A companion Zone Change request accompanies this case.

The applicant is proposing the Special Use Permit to facilitate the development of a used auto sales facility on the site. The applicant has proposed to use the main Armory Building as an enclosed sales area, the used of three (3) remaining buildings are not defined on the site plan. These buildings appear to be in a deteriorating state with some of the roofs collapsing.

Used Auto Regulations

TMC§1104.0300 – Auto and RV Sales, Used Only outlines site design criteria for used auto sales facilities when a Special Use Permit has been granted. Used auto sales facilities shall be located on a lot with no less than one-half (1/2) acre and provide an average width of 150 feet along the main road frontage. If approved, the applicant shall clearly define the open display areas and customer/employee parking areas, via a revised site plan. The site is 2.882 acres and has an average width of approximately 153 feet when measured according to TMC 1106.0204. As a result, the site is in compliance with these requirements.

Parking and Circulation

The required parking for auto sales is 1 space per 5,000ft² of open sales area, 1 space per 500ft² of enclosed sales area and 1.5 spaces per service bay. The site plan depicts an open sales area of approximately 4,500 square feet, in the front of the building to be used for vehicle display. Staff observed two (2) “overhead” doors on the existing Armory Building that can be used to access internal service bays. However, the site plan indicates that four (4) service bays will be provided. Finally, the front portion of the Armory Building to be used for enclosed sales is approximately 4,000 square feet in size. As a result, the required parking for the facility is fifteen (15) spaces. The applicant has proposed sixteen (16) non-display spaces on the site plan.

STAFF ANALYSIS (cont'd)

Landscaping

The site is existing and per TMC§1114.0500 Appearance Upgrade for Nonconforming Development, the site is only required to be brought closer into compliance with the landscaping requirements of the 2004 zoning code. The applicant is proposing a fifteen (15) foot frontage greenbelt along Secor Road. In addition, a new Type B landscape buffer is offered along the property line to the north and solid fencing along the residence to the south. If the SUP is approved, staff will require a Type A landscape buffer along all portions of the site abutting residential zoning.

Recommendation

Given the prevailing residential character and the less intense commercial uses of the surrounding area, changing the zoning to CR Regional Commercial zoning will be detrimental to the area. CR Regional Commercial zoning permits intense uses that are not compatible with the adjacent residential neighborhoods.

Although staff is recommending disapproval, conditions are provided for information purposes in Exhibit "A".

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-10001-14, a Special Use Permit for a Used Auto Sales Facility at 4455 Secor Road, to the Toledo City Council, for the following three (3) reasons:

1. The proposed Special Use Permit does not meet the stated purpose of this Zoning Code (TMC 1111.0706.A Review & Decision-Making Criteria);
2. The site plan fails to specify the use of several of the buildings on the property; and
3. The existing CO Office Commercial and RS6 Single Dwelling Residential zonings are consistent with the contiguous properties on all sides in terms of size, scale and use (TMC §1111.0706.C Review & Decision-Making Criteria).

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-10001-14
DATE: February 12, 2015
TIME: 2:00 P.M.

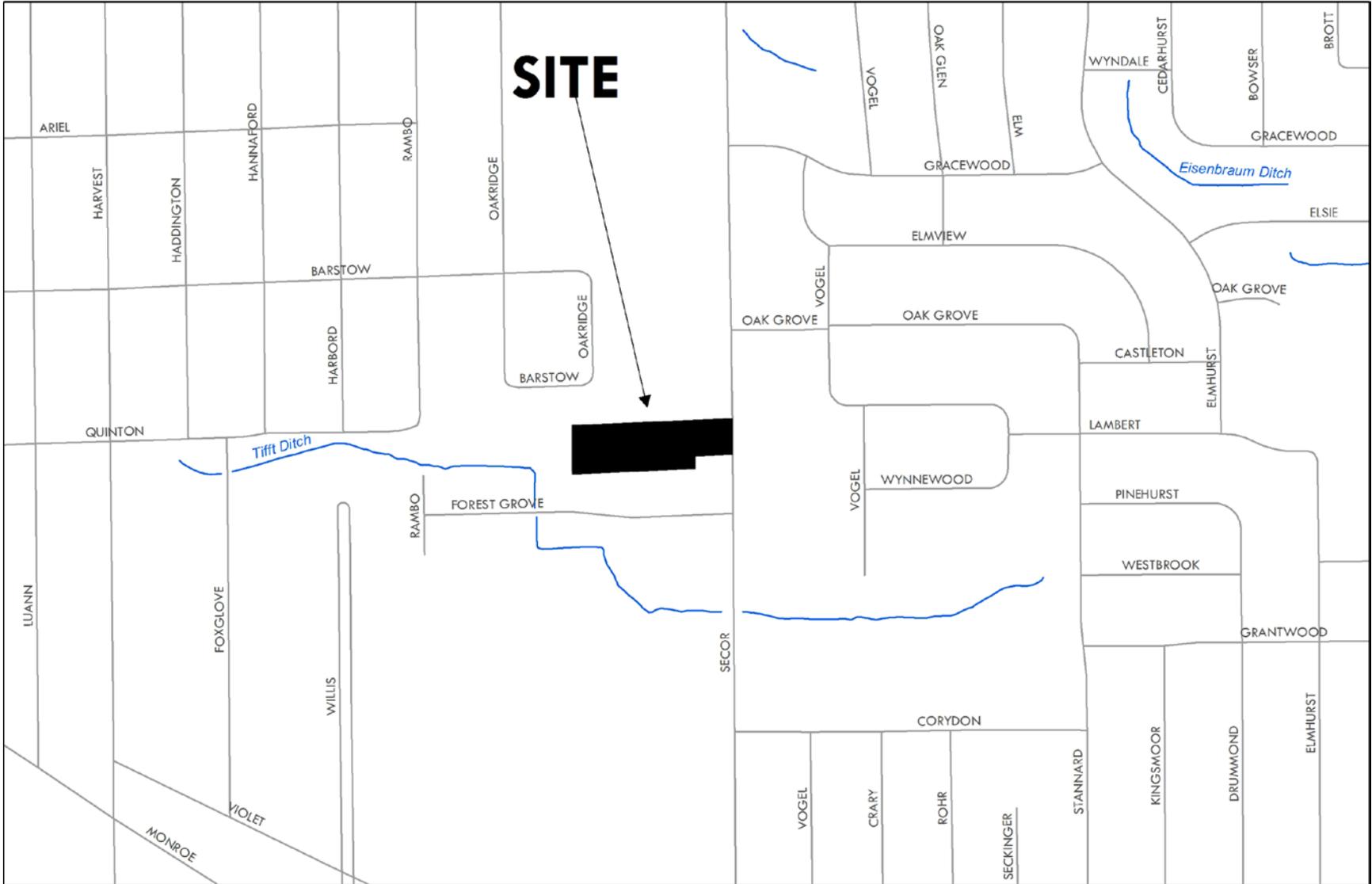
REF: SUP-10001-14. . February 12, 2015

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: March 18, 2015
TIME : 4:00 P.M.

BH/gm
Four (4) sketches follow
Exhibit "A"

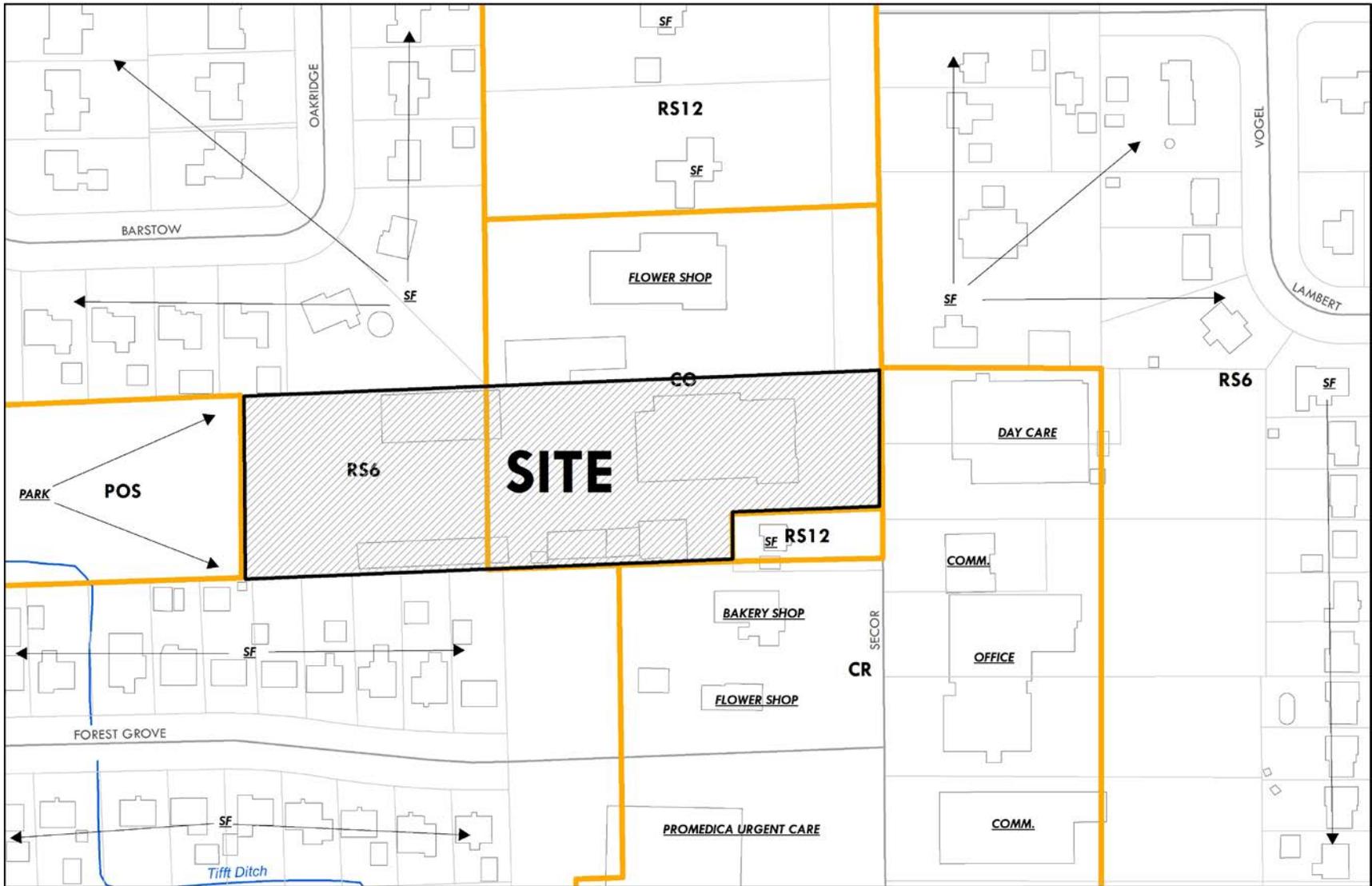
GENERAL LOCATION

SUP-10001-14
ID 77



ZONING & LAND USE

SUP-10001-14
ID 77



ELEVATION

SUP-10001-14
ID 77



4-9

Exhibit "A"
REVIEW AGENCY CONDITIONS

The following forty (40) 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 existing substandard sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
2. 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.

3. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
4. If existing water services are not to be reused, they shall be abandoned by the City of Toledo at the developer's expense.
5. Plans for new water services or modifications to existing water services shall be submitted to the Division of Engineering Services for review and approval.
6. Contact the City of Toledo Fire Prevention Bureau to determine if a fire line is needed for this site.
7. Contact the Division of Water Distribution for installation requirements for backflow preventers.
8. New fire, domestic, and irrigation taps will be installed by City of Toledo at the owner's/developer's expense.
9. If existing public water facilities are in conflict and must be relocated, they will be relocated by the City of Toledo at the owner's cost.
10. Plans submitted indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan for this project shall be submitted for stormwater approval.

Exhibit "A"
REVIEW AGENCY CONDITIONS (cont'd)

Engineering Services (cont'd)

11. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <http://toledo.oh.gov/services/public-utilities/div-engineering-services/plan-review-process/>, including the requirements for stormwater detention and post-construction stormwater BMPs.
12. Plans are also subject to: the Criteria and Regulations of The Departments of Public Utilities and Public Service; The Toledo Municipal Code, including but not limited to Chapters 941, 1110, and 1107; The Toledo City Charter; The "Subdivision Rules & Regulations" of Toledo-Lucas County Plan Commissions; City of Toledo Infrastructure Design and Construction requirements; and "The Comprehensive Ditch Plan."
13. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs). All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.
14. 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 percent reduction in the property's stormwater utility fee through the Stormwater Credit Program.
15. A site specific Stormwater Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Stormwater NPDES permit.
16. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
17. No construction work, including grading, will be permitted without approved plans and inspection.
18. A pre-submittal stormwater meeting is not required; however, one may be requested by contacting Andy Stepnick 419-245-1338 or Lorie Haslinger at 419-245-3221.

Exhibit "A"
REVIEW AGENCY CONDITIONS (cont'd)

Engineering Services (cont'd)

Contact Information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Sanitary Sewers: Mike Elling, ph. 419-936-2276

Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221

Water: Andrea Kroma, ph. 419-936-2163

Roadway: Tim Grosjean, ph. 419-245-1344

Sewer & Drainage Services

19. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
20. S&DS recommends 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.
21. All sewer lines, including any undocumented, shall be located and cleaned and televised. GPS Coordinates of the locations of manholes, basins, pipes, grates, etc. shall be provided to the Division of Sewer & Drainage Services and to the Division of Engineering Services. They shall also be indicated on an aerial view map of the parcel(s). Any undocumented lines that are not identified, in circumvention of this condition, shall be grounds for revocation of the SUP.

Fire Prevention

22. Approved building address numbers shall be located on the building in a position that is plainly legible and visible from the street or road fronting the property (OFC505.1.).

Transportation

23. The site plan does not appear to accurately depict the current configuration of the site e.g., the dimensions of the "open sales area" and drive aisles around the site. Revised plans shall be submitted that includes the current and proposed configurations for the site.

Exhibit "A"
REVIEW AGENCY CONDITIONS (cont'd)

Transportation (cont'd)

24. Dimensions of parking stalls, drive aisles and drive approaches shall be included on the site plan.
25. The northernmost drive approach does not meet the minimum 25' width required to accommodate two-way traffic.
26. All drive aisles on the site shall meet the minimum 25' width requirement to accommodate two-way traffic

Building Inspection

27. A change of use requires that stamped construction documents be submitted to the Division of Building Inspection for plan review and approval showing the building to be in accordance with the Ohio Building Code (OBC) and the associated mechanical, electrical and fire codes, and comply with federal ADA regulations for that new use group and occupancy.
28. Any new construction and/or alterations of any existing buildings on this site will require stamped construction documents submitted to the Division of Building Inspection for plan review and approval showing the improvements to be in compliance with the Ohio Building Code and in accordance with the associated mechanical, electrical and fire codes along with compliance of federal ADA standards.
29. Fencing and signage will require separate approvals, permits and inspections.

Plan Commission

30. The applicant shall submit a revised site plan that indicates the uses of all building on the site and detailing amount of required customer parking spaces. Customer parking shall be denoted on the site plan and shall not be used for vehicle display.
31. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. (TMC 1108.0302.B. Use Regulations).
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. Use Regulations).

Exhibit "A"
REVIEW AGENCY CONDITIONS (cont'd)

Plan Commission (cont'd)

33. A 50' separation measured along the street frontage between open display sales lot and a residential district boundary line shall be maintained and fifteen (15) parking spaces shall be denoted and reserved for "Customer and Employee only"; **shall be noted on revised site plan.**
34. All used motor vehicles parked or displayed outdoors shall conform to Chapter 337, Safety and Equipment, of the Traffic Code and shall be operable.
35. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.
36. A dumpster location(s) shall be noted on a revised site plan and have a concrete pad surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.
37. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A 15' Greenbelt is required along the Secor Road frontage and shall include one tree for every 30' of lot frontage and a solid evergreen hedge; **acceptable as depicted on plan.**
 - b. A Type A landscape buffer is required along all portions of the site when abutting residential zoning.
 - c. 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; **acceptable as depicted on plan.**
 - d. 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; **acceptable as depicted on plan.**
 - e. The location, height and materials for any fencing to be installed and maintained; **acceptable as depicted on plan.**

Exhibit "A"
REVIEW AGENCY CONDITIONS (cont'd)

Plan Commission (cont'd)

- f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); **shall be noted on revised landscape plan.**
 - g. The location, lighting and size of any signs.
38. 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.
39. 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.
40. 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.

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GENERAL INFORMATION

Subject

- Request - Text Amendment to amend the definition of tobacco shop.
- Applicant - Toledo Lucas County Plan Commissions
One Government Center, Suite 1620
Toledo, Ohio 43604

Applicable Plans and Regulations

Toledo Municipal Code Part Eleven: Planning and Zoning

STAFF ANALYSIS

This text amendment is to amend the Use Regulation Table to amend the definition of tobacco shop. Currently, “Tobacco Shop” is defined as any retail establishment that devotes 33 percent or more of floor area or display area to the sale or exchange of retail packaged tobacco products and/or tobacco paraphernalia. This definition can be open for debate on how the remaining space may be used. To further clarify this section, staff has proposed that the definition read: *Any retail establishment that devotes 33 percent or more of floor area or display area to the sale or exchange of retail packaged tobacco products and/or tobacco paraphernalia. The use of the remaining floor area will be subject to Sec. 1104.0105 Developments with Multiple Principal Uses.*

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of the amendment to the Planning and Zoning Code as shown in Exhibit “A” to the Toledo City Council.

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-8-14
DATE: February 12, 2015
TIME: 2:00 p.m.

CITY COUNCIL PLANNING
AND ZONING COMMITTEE
DATE: March 18, 2015
TIME: 4:00 p.m.

BH/gm
Exhibit “A” follows

Exhibit “A”

(Proposed additions are shown in bold italics,
proposed deletions are shown in strikethrough text)

1101.0101 Tobacco Shop

Any retail establishment that devotes 33 percent or more of floor area or display area to the sale or exchange of retail packaged tobacco products and/or tobacco paraphernalia. *The use of the remaining floor area will be subject to Sec. 1104.0105 Developments with Multiple Principal Uses.*

STAFF REPORT CONDITIONS OF APPROVAL – AGENCY SOURCE IDENTIFICATION

Recommendations for conditions of approval often originate from agencies that have reviewed plans and proposals under consideration by the Plan Commission. To indicate which agency requested which condition of approval, that agency's name is placed at the end of the condition in parenthesis. Agency names are listed below:

TOLEDO-LUCAS COUNTY
PLAN COMMISSIONS
ONE GOVERNMENT CENTER
SUITE 1620
TOLEDO, OH 43604
419-245-1200

FIRE PREVENTION
c/o BUILDING INSPECTION
ONE GOVERNMENT CENTER
SUITE 1600
TOLEDO, OH 43604
419-245-1220

TOLEDO EDISON COMPANY
CHRISTINE CUNNINGHAM
ENGINEERING SERVICES
6099 ANGOLA RD.
HOLLAND, OH 43528
419-249-5440

DIVISION OF WATER DISTRIBUTION
401 S. ERIE STREET
TOLEDO, OH 43604
419-936-2826

DIVISION OF FORESTRY
COMMISSIONER
2201 OTTAWA PARKWAY
TOLEDO, OH 43606
419-936-2326

UNITED STATES POST OFFICE
POSTMASTER
435 S. ST. CLAIR STREET
TOLEDO, OH 43601
419-245-6802

DIVISION OF WATER
RECLAMATION
COMMISSIONER
3900 N. SUMMIT STREET
TOLEDO, OH 43611
419-727-2602

DIVISION OF INSPECTION
COMMISSIONER
ONE GOVERNMENT CENTER
SUITE 1600
TOLEDO, OH 43604
419-245-1220

LUCAS SOIL AND
CONSERVATION DISTRICT
JEFF GRABARKIEWICZ
130-A W. DUDLEY
MAUMEE, OH 43537
419-893-1966

DIVISION OF TRANSPORTATION
COMMISSIONER
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1300

DIVISION OF
ENGINEERING SERVICES
COMMISSIONER
ONE LAKE ERIE CENTER
600 JEFFERSON AVENUE, STE 300
TOLEDO, OH 43604
419-245-1315

LUCAS COUNTY ENGINEER
KEITH EARLEY
1049 S. MCCORD ROAD
HOLLAND, OH 43528
419-213-2860

SERVICE DEPARTMENT
EDWARD MOORE, DIRECTOR
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1835

COLUMBIA GAS COMPANY
TONY BUCKLEY
FIELD ENGINEER TECHNICIAN
2901 E. MANHATTAN BLVD
TOLEDO, OH 43611
419-539-6078

LUCAS COUNTY
SANITARY ENGINEER
JIM SHAW
111 S. McCORD ROAD
HOLLAND, OH 43528
419-213-2926

TOLEDO-LUCAS COUNTY
HEALTH DEPT.
LANA GLORE, ENV. HEALTH SERV.
635 N. ERIE STREET ROOM 352
TOLEDO, OH 43604
419-213-4209

A T & T
ATTN: DESIGN MANAGER
130 N. ERIE, ROOM 714
TOLEDO, OH 43604
419-245-7000

BUCKEYE CABLESYSTEM, INC.
GARY KASUBSKI
4818 ANGOLA ROAD
TOLEDO, OH 43615
419-724-3821

VERIZON
BRAD SNYDER
300 W. GYPSY LANE
BOWLING GREEN, OH 43402
419-354-9452

WATERVILLE GAS
JAMIE BLACK
PO BOX 259
WATERVILLE, OH 43566
419-878-4972

OHIO GAS
MIKE CREAGER
13630 AIRPORT HWY.
SWANTON, OH 43558
419-636-1117

TIME WARNER
RAY MAURER
3760 INTERCHANGE ROAD
COLUMBUS, OH 43204
614-481-5262

EMBARQ
117 E. CLINTON STREET
NAPOLEON, OH 43545
419-599-4030

CENTURYLINK
TIM R. TAYLOR
375 E. RIVERVIEW AVE.
NAPOLEON, OH 43502

Toledo - Lucas County General Street Map

