

*TOLEDO CITY  
PLAN COMMISSION  
REPORT*

*May 12, 2016*

*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

CATHERINE G. HOOLAHAN  
(Chairman)

KEN FALLOWS  
(Vice Chairman)

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**TOLEDO-LUCAS COUNTY PLAN COMMISSIONS  
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING  
SCHEDULE - 2016**

<b>APPLICATION DEADLINE*</b>	<b>AGENDA SET</b>	<b>STAFF REPORT DISTRIBUTED</b>	<b>HEARING DATE</b>
<b>CITY PLAN COMMISSION</b> ( <i>HEARINGS BEGIN AT 2PM</i> )			
November 30	December 28	December 31**	January 14
December 28	January 25	January 29	February 11
January 25	February 22	February 26	March 10
February 29	March 28	April 1	April 14
March 28	April 25	April 29	May 12
April 25	May 23	May 27	June 9
May 30	June 27	July 1	July 14
June 27	July 25	July 29	August 11
July 25	August 22	August 26	September 8
August 29	September 26	September 29	October 13
September 19	October 17	October 31	November 3**
October 17	November 14	November 18	December 1**
<b>COUNTY PLANNING COMMISSION</b> ( <i>HEARINGS BEGIN AT 9AM</i> )			
December 14	January 11	January 15	January 27
January 11	February 8	February 12	February 24
February 8	March 7	March 11	March 23
March 14	April 11	April 15	April 27
April 11	May 9	May 13	May 25
May 9	June 6	June 10	June 22
June 13	July 11	July 15	July 27
July 11	August 8	August 12	August 24
August 15	September 12	September 16	September 28
September 12	October 11**	October 14	October 26
October 3	October 31	November 4	November 16**
October 31	November 28	December 2	December 14**

\* 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**

**May 12, 2016**

**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. Z-2002-16:   | Zone Change from RD6 to IL at 1202 Prospect and a part of 1928 N. Detroit Avenue (rs) |
| 2. Z-3001-16:   | Zone Change from CO to CR at 322 and 330 21 <sup>st</sup> Street (rs)                 |
| 3. SPR-1-16:    | Minor Site Plan Review for parking lot at 4018 Bowen Road (rs)                        |
| 4. Z-4001-16:   | Zone change from CN to RD6 at 2611 and 2619 Glendale Avenue (rs)                      |
| 5. Z-3002-16:   | Zone Change from IL and RD6 to CM at 705 Phillips Avenue (rs)                         |
| 6. SUP-3003-16: | Special Use Permit for Homeless Shelter at 705 Phillips Avenue (rs)                   |
| 7. SPR-12-16:   | Major Site Plan Review for Warehouse Addition at 253 Waggoner Boulevard (gp)          |

- 8. V-130-16: Vacation of St. Bernard Drive, south of Giant Street (gp)
- 9. Z-3004-16: Zone Change from RS6 to CR at 2837 Albion Street (gp)
- 10. SUP-3005-16: Special Use Permit for used auto sales facility at 4665 N. Detroit Avenue (rs)
- 11. SUP-3007-16: Special Use Permit for Convenience Store at 302 Paine Avenue (mm)
- 12. SUP-11002-15: Special Use Permit for Used Auto Sales Facility at 6005 Whiteford-Center Road (gp)
- 13. V-108-16: Vacation of a portion of the Whiteford-Center Road right-of-way (gp)
- 14. M-16-15: Text Amendment requiring all Major Site Plan Reviews to proceed to City Council for final approval (jl)
- 15. M-17-15: Text Amendment requiring all Major Site Plan Reviews that have been appealed to and acted upon by City Council to automatically return to City Council if amended (jl)
- 16. M-12-15: Amendment to TMC 1104.0903.D to remove the free air, water and restroom requirement (jl)



**GENERAL INFORMATION**

Subject

- Request - Zone Change from RD6 Duplex Residential to IL Limited Industrial
- Location - 1202 Prospect Avenue & part of 1928 N. Detroit Avenue
- Applicant - Bill Burkett, Department of Economic Development  
City of Toledo  
One Government Center, Suite 2250  
Toledo, Ohio 43604

Site Description

- Zoning - RD6 / Duplex Residential
- Area - ± 0.41 acres
- Frontage - ± 130' along Prospect Avenue  
± 67' along Detroit Avenue
- Existing Use - Vacant property
- Proposed Use - Warehouse and parking lot

Area Description

- North - Outdoor stockpile materials / IL
- South - Prospect Avenue, Single Family Residential / RM36
- East - Vacant space, outdoor stockpile materials / IL
- West - Convenience store / IL

Parcel History

- Z-13-82 - M-1 to C-3 at 1202 Prospect Ave. (PC recommended approval on 1/29/1982, CC approved on 3/31/1982 by Ord. 238-82).
- Z-1005-99 - R-3 to M-2 at 2020 N. Detroit Ave. (PC recommended disapproval on 4/08/1999).
- V-327-99 - Portion of alley north of Prospect Ave, west of Hoag (PC recommended approval on 6/10/1999, CC approved on 3/14/2000 by Ord. 253-00).

## **GENERAL INFORMATION (cont'd)**

### Applicable Plans and Regulations

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

## **STAFF ANALYSIS**

The applicant is requesting a Zone Change from RD6 Duplex Residential to IL Limited Industrial at 1202 Prospect Avenue and a portion of 1928 North Detroit Avenue. The ± 0.41 acre site is currently undeveloped. Surrounding land uses include vacant properties used for industrial material stockpiles to the north and east, the Red & White convenience store and vacant parcel to the west of the property, and single family homes across Prospect Avenue to the south.

The City of Toledo has worked with the Lucas County Land Bank to secure the property and plans to sell the property to the owner of the Red & White convenience store at the corner of Detroit and Prospect Avenues to construct a warehouse with parking spaces. The Red & White store has little space for storage and the construction of a warehouse will help improve current store operations. A Zone Change is required because wholesale, storage and distribution type land uses are not permitted in the RD6 zoning category.

In March of 2016, a Phase I Environmental Site Assessment (ESA) was conducted to identify any environmental contamination which had occurred throughout historical land uses. Results of the Phase I ESA determined there to be two Identified Areas (IA) or Recognized Environmental Conditions (REC) that are on or immediately adjacent to the site. One of the areas located on the site considered to be an IA/REC is the site of a former rubber manufacturer and tool stamping facility in the mid-1900's. The second area considered to be an IA/REC is east of the site in the parcel along Hoag Street which was based on the long term use as a railroad track and spur in the early to mid-1900's. In order to develop the property, the overall site will require a Phase II ESA to further evaluate and determine the IAs identified and if remediation will be required.

### Future Developments

Upon development of the site, a Minor Site Plan Review will be required with a landscaping plan. Through the installation of landscape buffers, efforts will be taken to protect visibility from the Right-of-Way and the neighboring residential properties on Prospect Avenue and Hoag Street. Additionally, the site plan will be sent to the City of Toledo Division of Environmental Services to verify any environmental concerns are addressed and/or remediated before development.

**STAFF ANALYSIS (cont'd)**

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Single Family Residential land uses. Single Family land uses typically include the development of single dwelling units on individual lots and may also include libraries, schools, churches, and community centers that serve neighborhoods. The Single Family Residential district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods.

The block of properties along Detroit Avenue between Woodruff Avenue and Prospect Avenue was primarily targeted for Single Family Residential as a result of neighborhood concerns with nuisance conditions from the previous industrial operations. However, unanticipated environmental concerns existing from historical land uses have restricted the residential opportunities for this block. Due to the environmental concerns described in the Phase I ESA the site is limited in development without further assessment and/or remediation.

Staff recommends approval of the Zone Change for this location because it is compatible with the established land uses to the north along Detroit Avenue, Woodruff Avenue and Hoag Street. Additionally, the proposed IL zoning is consistent with the current zoning designations of properties established in the immediate area north, east and west of the site and affects a small portion of a block that is largely zoned industrial. Finally, the proposed IL zoning will facilitate the development of a warehouse to support the existing convenience store at the corner of Detroit Avenue and Prospect Avenue.

Neighborhood Meeting

Due to the proximity of the site to a residential zoning and land uses, staff is requesting the applicant host a neighborhood meeting. Meeting notifications will need to be sent to the mailing address list provided to the applicant generated by the staff.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of Z-2002-16, a Zone Change from RD6 Duplex Residential to IL Limited Industrial at 1202 Prospect Avenue & part of 1928 N. Detroit Avenue to Toledo City Council for the following four (4) reasons:

1. Environmental concerns limit the development of Single Family Residential land uses, as proposed in the Toledo 20/20 Comprehensive Plan.
2. The IL Zone Change will facilitate the development of a warehouse that will support the existing convenience store at the intersection of Prospect Avenue and Detroit Avenue;
3. The IL zoning request is similar to existing land uses within the general vicinity of the subject property (TMC§1111.0606.B Review & Decision-Making Criteria).
4. A Zone Change to IL Limited Industrial is consistent with the zoning classification of properties within the general vicinity of the site (TMC§1111.0606.C Review & Decision-Making Criteria).

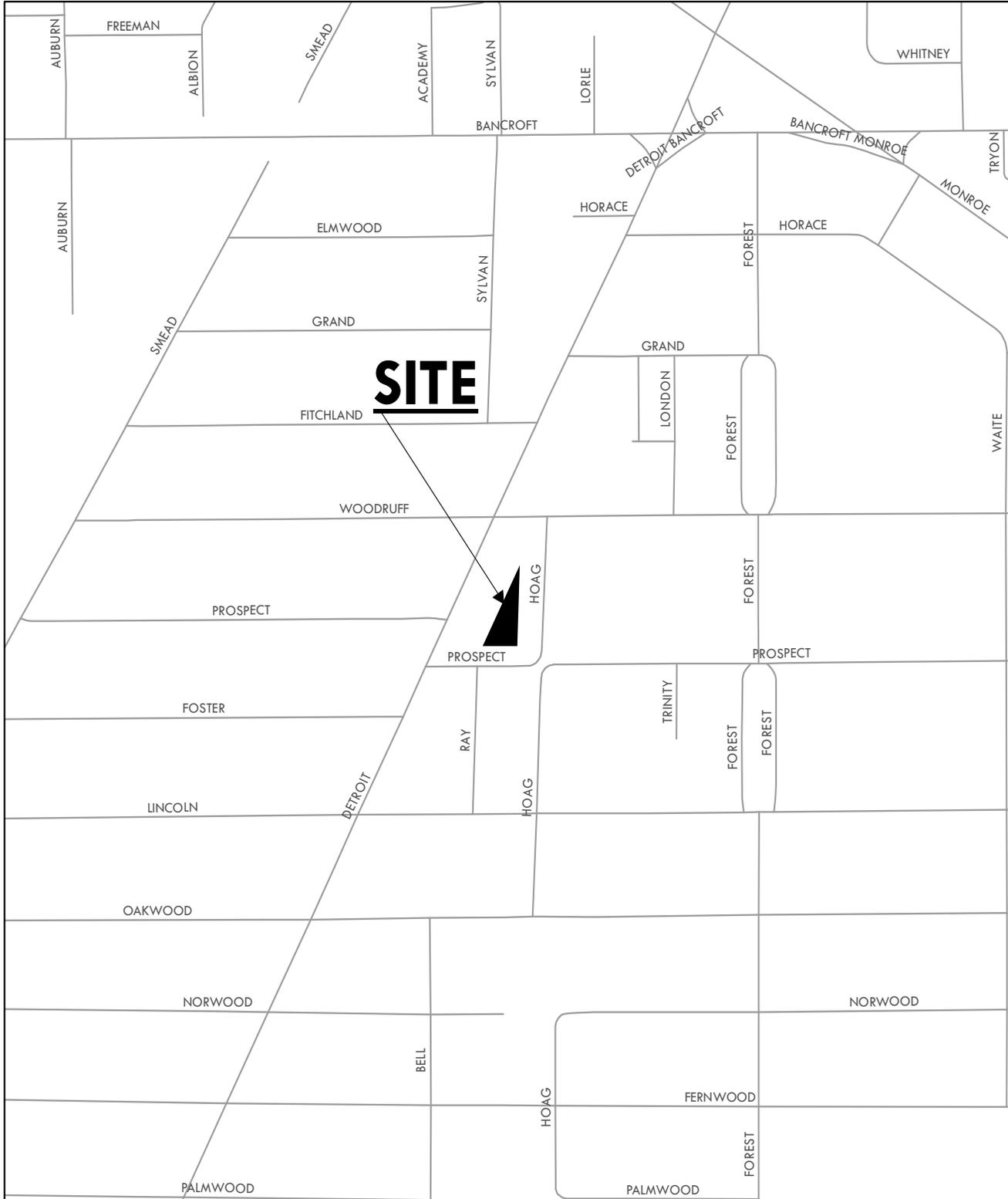
ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-2002-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

RS  
Two (2) sketches follow

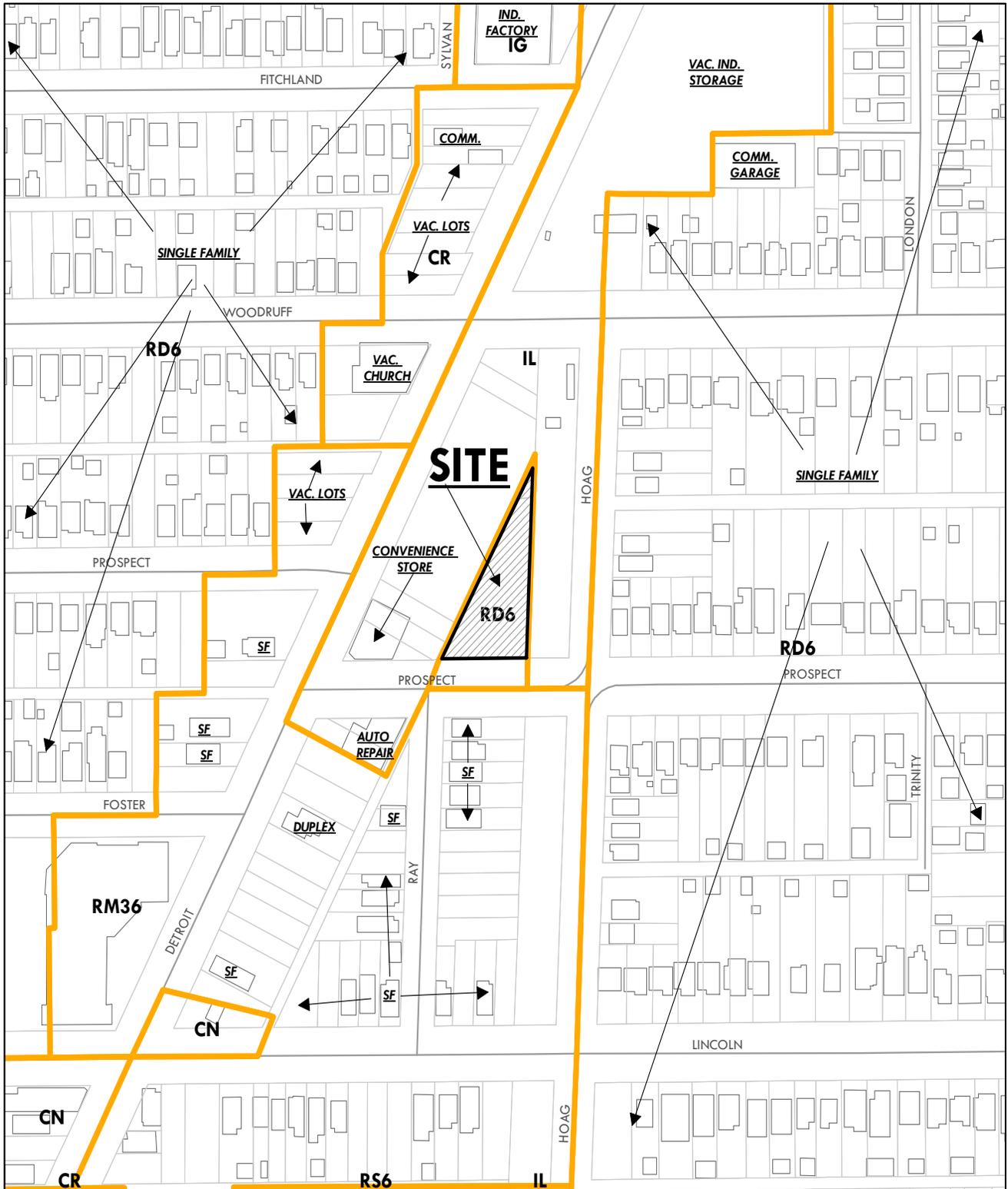
# GENERAL LOCATION

Z-2002-16  
ID 18



# ZONING & LAND USE

Z-2002-16  
ID 14



**GENERAL INFORMATION**

Subject

- Request - Zone Change from CO Office Commercial to CR Regional Commercial
- Location - 322 & 330 21<sup>st</sup> Street
- Applicant - James K. House, President  
Canaan Construction  
322 21<sup>st</sup> Street  
Toledo, Ohio 43604

Site Description

- Zoning - CO / Office Commercial
- Area - ± 0.48 acres
- Frontage - ± 130' along 21<sup>st</sup> Street  
± 160' along Laburnum Alley
- Existing Use - Vacant commercial property
- Proposed Use - Construction Sales / Services

Area Description

- North - 21<sup>st</sup> Street, Toledo Sign Inc. / CR
- South - Alley, vacant parking lot, green space / CO
- East - Toledo Sign Inc., Ramsey Brothers Boat Restoration / CR & CO
- West - Vacant warehouse / CO & CR

Parcel History

- M-22-65 - No records on file.
- M-9-69 - Special Study and recommendation for Toledo Central City General Neighborhood Renewal Plan by Res. 193-69.
- M-4-12 - UpTown Neighborhood District Plan (Plan Commission recommended approval on 12-05-2013. Approved by City Council by Ord. 19-14).

## **GENERAL INFORMATION (cont'd)**

### Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Toledo UpTown District Plan
- UpTown District Urban Neighborhood Overlay District

## **STAFF ANALYSIS**

The applicant is requesting a Zone Change from CO Office Commercial to CR Regional Commercial at 322 & 330 21<sup>st</sup> Street. The ± 0.48 acre site is currently occupied by an existing vacant commercial storage building. Surrounding land uses include vacant properties used for warehousing to the west and east, a sign company and boat restoration business to the west of the property, and a vacant parking lot with green space to the south.

The applicant intends to occupy the site with a Construction Sales and Services Business. A Zone Change is required because Construction Sales and Services are only permitted in CR Regional Commercial or more intense zoning districts. A Zone Change is also needed to store building materials on site. In the CR district building materials must be stored indoors. Outside storage is not permitted.

### Landscaping

No changes are proposed to the existing site therefore additional landscaping improvements are not required. However, a Minor Site Plan Review may be required with a landscaping plan if any modification to the site or parking is proposed.

In the event the property is modified by any physical changes which are visible from the right-of-way and constitute more than ten percent (10%) of the appraised value through the auditor's office then there will be a separate review process by the UpTown District Architectural Review Committee (UDARC). Additionally, any fencing, parking, driveways or signage proposed to be modified on site will require a separate application for UDARC approval.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial land uses. CN land uses typically include predominantly small and medium scale commercial uses that serve neighborhoods although it may include small and medium scale office and mixed uses.

**STAFF ANALYSIS (cont'd)**

Staff recommends approval of the Zone Change for this location because it is compatible with the established land uses to the northeast. Additionally, the proposed CR zoning is consistent with the current zoning designations of properties established in the immediate area north, east and west of the site.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of Z-3001-16, a Zone Change from CO Office Commercial to CR Regional Commercial at 322 & 330 21<sup>st</sup> Street to Toledo City Council for the following three (3) reasons:

1. The CR Zone Change will facilitate the development of a commercial business that is similar to the existing Regional Commercial land uses along Adams Street;
2. The CR zoning request is similar to existing land uses within the general vicinity of the subject property (TMC§1111.0606.B Review & Decision-Making Criteria).
3. A Zone Change to CR Regional Commercial is consistent with the zoning classification of properties within the general vicinity of the site (TMC§1111.0606.C Review & Decision-Making Criteria).

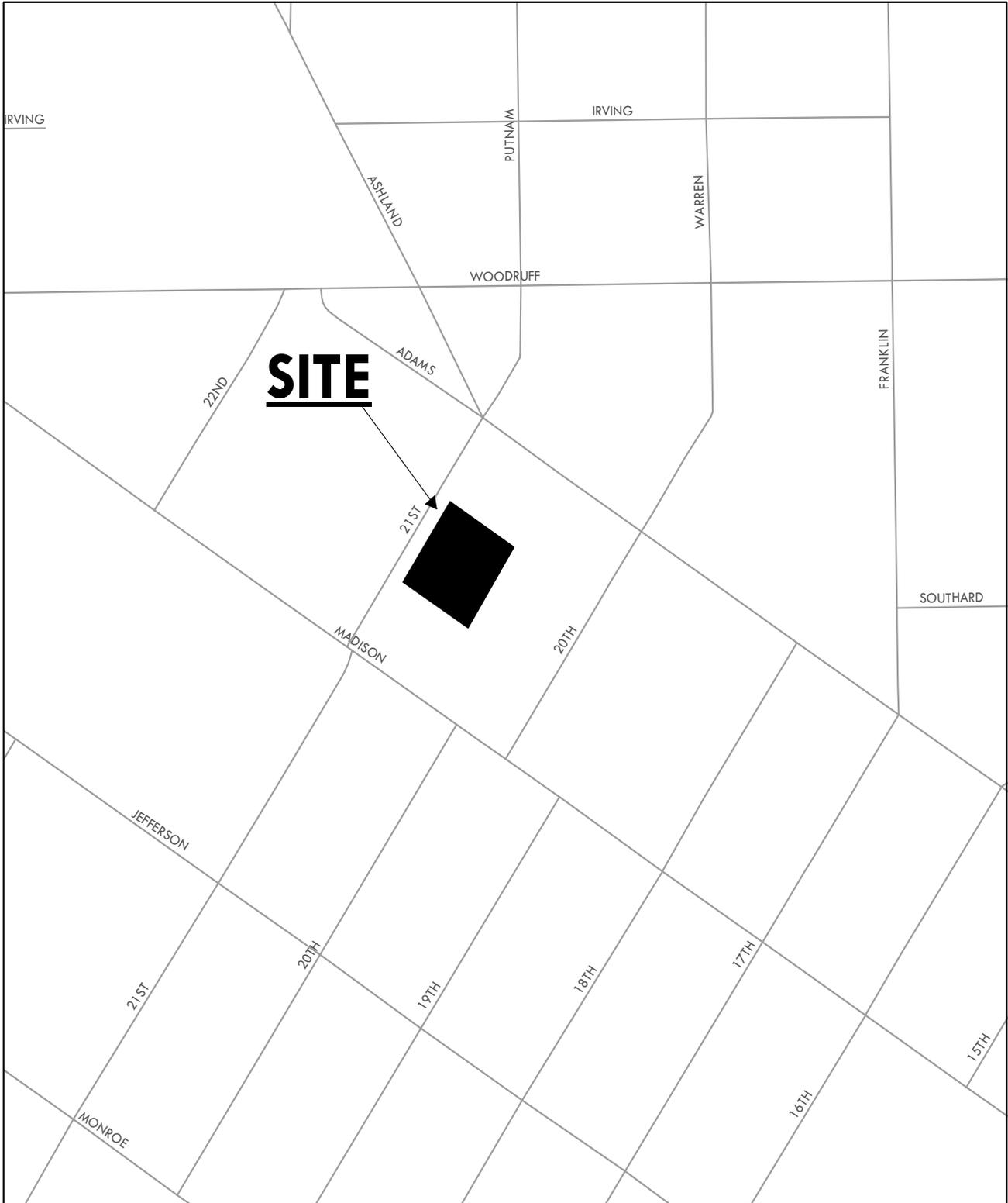
ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-3001-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

RS  
Two (2) sketches follow

# GENERAL LOCATION

Z-3001-16  
ID 14





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**GENERAL INFORMATION**

Subject

- Request - Minor Site Plan Review for new commercial parking lot
- Location - 4018 Bowen Road
- Applicant - Jeff Urbanski  
Independent Investments, Inc.  
650 Phillips Avenue  
Toledo, OH 43612

Site Description

- Zoning - Regional Commercial / CR
- Area - ± 0.124 acres
- Frontage - ± 38' along Bowen Road
- Existing Use - Vacant property
- Proposed Use - Parking Lot

Area Description

- North - Single Family Residential / RS6
- South - Dog Groomers, Sign Shop / CR
- East - Single Family Residential / RS6
- West - Bowen Road, Single Family Residential / RS6

Parcel History

- Z-1001-16 - Request for Zone Change from RS6 Single Family Residential to CR Regional Commercial (P.C. approved on 3/10/2016, C.C. approved 4/26/2016 by Ord. 151-16).

Applicable Plans and Regulations

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

## **STAFF ANALYSIS**

The applicant is requesting a Minor Site Plan Review for a new commercial parking lot at 4018 Bowen Road. The ± 0.124 acre site is currently undeveloped. Surrounding land uses include single family homes to the north, east and west of the property; and retail commercial businesses immediately abutting the property to the south along Sylvania Avenue.

The applicant owns the commercial properties abutting the site to the south and intends to develop the site with a parking lot to support those businesses. Pursuant to TMC§1111.0802(A)(3), a Minor Site Plan Review is required for any off-street parking developments with more than five (5) parking spaces. Additionally, due to the encroachment of commercial development on a residential zoning district, Plan Commission has requested a staff report be generated and public notice given for the site plan review.

### Parking and Circulation

The applicant intends to develop the property with an expansion of the existing commercial parking lot to the south of the site. The applicant has expressed inadequate parking on site and plans to add ten (10) parking spaces. Comments from the Division of Transportation indicated that the site does not depict any parking for persons with disabilities. ADA parking is required and must meet the requirements of the Toledo Municipal Code. A minimum of one (1) van accessible handicap parking space is required for the site. Additionally, the site plan submitted depicts a single parking space in front of the proposed dumpster which is not acceptable in order to maintain access. A revised site plan or documentation shall be submitted addressing the handicap parking requirements listed as a condition of approval by the Division of Transportation.

### Landscaping

A fifteen foot (15') frontage greenbelt is required along Bowen Road. The frontage greenbelt shall include a solid evergreen hedge to screen the parking lot. Low, undulating (horizontal and vertical) earth berms or decorative stone or brick walls (no concrete block), or ornamental metal fencing or combinations thereof may also be approved by the Planning Director. The site plan submitted depicts a twelve foot (12') frontage greenbelt, requiring a waiver, with landscaping and a privacy fence to screen the proposed parking lot addition.

Per TMC 1108.0203 Landscape Buffer and Screening Requirements a Type A landscape buffer is required along adjoining residential zoning districts to the north and east sides of the property. This buffer shall include a solid privacy fence or wall and ten feet of landscaping including a combination of trees and shrubs.

The applicant has provided a site plan that offers two (2) street trees and ten (10) six foot (6') tall arborvitae shrubs in the frontage greenbelt. As well as three (3) canopy trees with eleven (11) arborvitae shrubs along the north side of the proposed parking lot. The Type A landscape buffer requires a total of four (4) canopy trees and fifteen (15) shrubs to be distributed along the buffer area. The site plan offers the appropriate amount of trees and shrubs.

**STAFF ANALYSIS (cont'd)**

Landscaping (cont'd)

A dumpster may not be located in any required setback or landscape buffers and shall be located as far away from residential areas as possible (TMC§1108.0203(G)(5)). The submitted site plan depicts the dumpster to the north of the proposed parking lot in front of a proposed parking space. Dumpster access shall be maintained and not obscured or blocked by parking spaces. Staff recommends removal of the parking space or relocation of the dumpster to a more conducive location which allows for a refuse collector truck to access the dumpster.

At the Board of Zoning Appeals hearing on April 18, 2016, the applicant was granted a waiver to TMC§1105.0301(A)(B) to allow for a six foot (6') board-on-board privacy fence within the required front and side setbacks. As a condition of approval, the applicant agreed to relocate the proposed fence from the property line along Bowen Road to abut the proposed parking lot addition and install a landscaping buffer in the first twelve feet (12') of the frontage greenbelt setback along Bowen Road. Staff recommends the existing access gate be relocated to match the setback of the proposed privacy fence and parking lot addition, reducing the number of the parking spaces abutting the building to three.

The applicant is requesting a waiver of TMC§1108.0202(B)(3) for a reduction of the required fifteen-foot (15') frontage greenbelt along Bowen Road to twelve-feet (12'). Staff is supportive of this waiver because the applicant has agreed to the installation of a landscape buffer and privacy fence to screen the proposed parking lot from surrounding residential properties.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial land uses. CN land uses typically include predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses are permitted uses in the CR zoning designation. Staff recommends approval of the Site Plan Review for this location because it is compatible with the established land uses along Sylvania Avenue. Additionally, the proposed land use is consistent with the current zoning designations of properties established in the immediate area south of the site. Finally, the proposed parking lot will support the existing neighborhood commercial businesses along the Sylvania Avenue corridor.

Neighborhood Meeting

Due to the encroachment of a commercially zoned district on a residential zoning district, staff required the applicant to host a neighborhood meeting for the companion zone change. Meeting notifications were sent to a mailing address list provided to the applicant generated by the staff. The neighborhood meeting for the zone change was held on March 1, 2016 at Kathy's Confectionary at the corner of Bowen Road and Sylvania Avenue. The zone change was approved by the Plan Commission on March 10, 2016 and sequentially approved by City Council on April 13, 2016.

## **STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission approve SPR-1-16, a Minor Site Plan Review for a new commercial parking lot at 4018 Bowen Road for the following three (3) reasons:

1. The proposed land use will support the existing neighborhood commercial uses immediately south of the site along Sylvania Avenue;
2. The proposed land use complies with all standards of the Toledo Municipal Code, Zoning Code and other adopted City policies (TMC§1111.00809.A Approval Criteria); and
3. The proposed land use is allowed in the zoning district which it is located (TMC§1111.0809.B Approval Criteria).

The staff recommends that the Toledo City Plan Commission approve the waiver requested for a new commercial parking lot at 4018 Bowen Road:

### **Chapter 1108 Landscaping and Screening**

#### **Sec. 1108.0202 Frontage Greenbelt – B. Requirements**

Approve a waiver of 3’ of the 15’ frontage greenbelt, to allow a 12’ frontage greenbelt along Bowen Road.

The staff further recommends that the Toledo City Plan Commission approve SPR-1-16, a Minor Site Plan Review for a new commercial parking lot at 4018 Bowen Road subject to the following twenty-five (25) 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.

#### Division of 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. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.

**STAFF RECOMMENDATION** (cont'd)

Division of Engineering Services (cont'd)

3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained before work begins from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

5. Contact the City of Toledo Fire Prevention Bureau to determine the fire-protection requirements for this site.
6. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a 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 by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water Utility, including storm-water detention and post-construction storm-water Best Management Practices (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

7. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
8. All 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

No concerns.

**STAFF RECOMMENDATION (cont'd)**

Division of Environmental Services

9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable. An in-depth Stormwater Pollution Prevention Plan is also recommended especially containment of all pollutants associated with the proposed operation.
12. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the facility, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
13. Applicant shall maintain compliance with the City of Toledo and State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Anti-Noise Laws.

Building Inspection

No comments at time of print.

Division of Transportation

14. There is no parking for persons with disabilities shown on the site plan. ADA parking is required and must meet the requirements of the Toledo Municipal Code.

Plan Commission

15. The six-foot (6') fence and sliding gate proposed to be installed within the twenty-foot (20') required front yard setback requires a variance of **TMC§1105.0302(A)(1)** through the Board of Zoning Appeals. **Waiver obtained on 4/18/2016.**
16. Applicant shall obtain a waiver to **TMC§1108.0202** for a reduction of 3' of the 15' frontage greenbelt, to allow a 12' frontage greenbelt along Bowen Road.

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

17. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks. **Not acceptable as depicted on site plan, dumpster cannot be obscured or blocked by proposed parking space.**
18. All lots of the development site shall be combined into a single taxable parcel identification number.
19. 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)).
20. 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.
21. A detailed site, lighting, sign, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A greenbelt is required along the Bowen Road frontage, and shall include a solid evergreen hedge planting and one tree per every 30 feet of frontage; **acceptable as depicted on site plan.**
  - b. A Type A Landscape Buffer is required along the rear and side of the property where the site abuts residential zoning. This buffer shall include ten feet of landscaping and a solid wood, board on board fence; **acceptable as depicted on site plan.**
  - c. Interior site landscaping shall include one tree per 1000 square feet of building coverage. Greenbelt frontage trees are included in this total, minimum of 2 trees in the front and side yards. Interior site landscaping may consist of foundation shrub plantings and new tree planting or preservation of existing trees.
  - d. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances;

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

- e. Total interior landscaping shall be 20 square feet per parking space. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6 inch by 18 inch concrete curbing;
  - f. All parking spaces must be within 100 linear feet of a landscaped area;
  - g. Topsoil must be back filled to provide positive drainage of the landscape area.
  - h. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage;
  - i. Landscape terminal islands must be provided at the end of each parking row;
  - j. Two canopy trees and six shrubs are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot (existing trees may be used for credits);
  - k. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10') in width;
  - l. 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.
  - m. The location, height and materials for any fencing to be installed and maintained.
  - n. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
  - o. The location, lighting and size of any signs.
22. 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.**
23. 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.

**STAFF RECOMMENDATION** (cont'd)

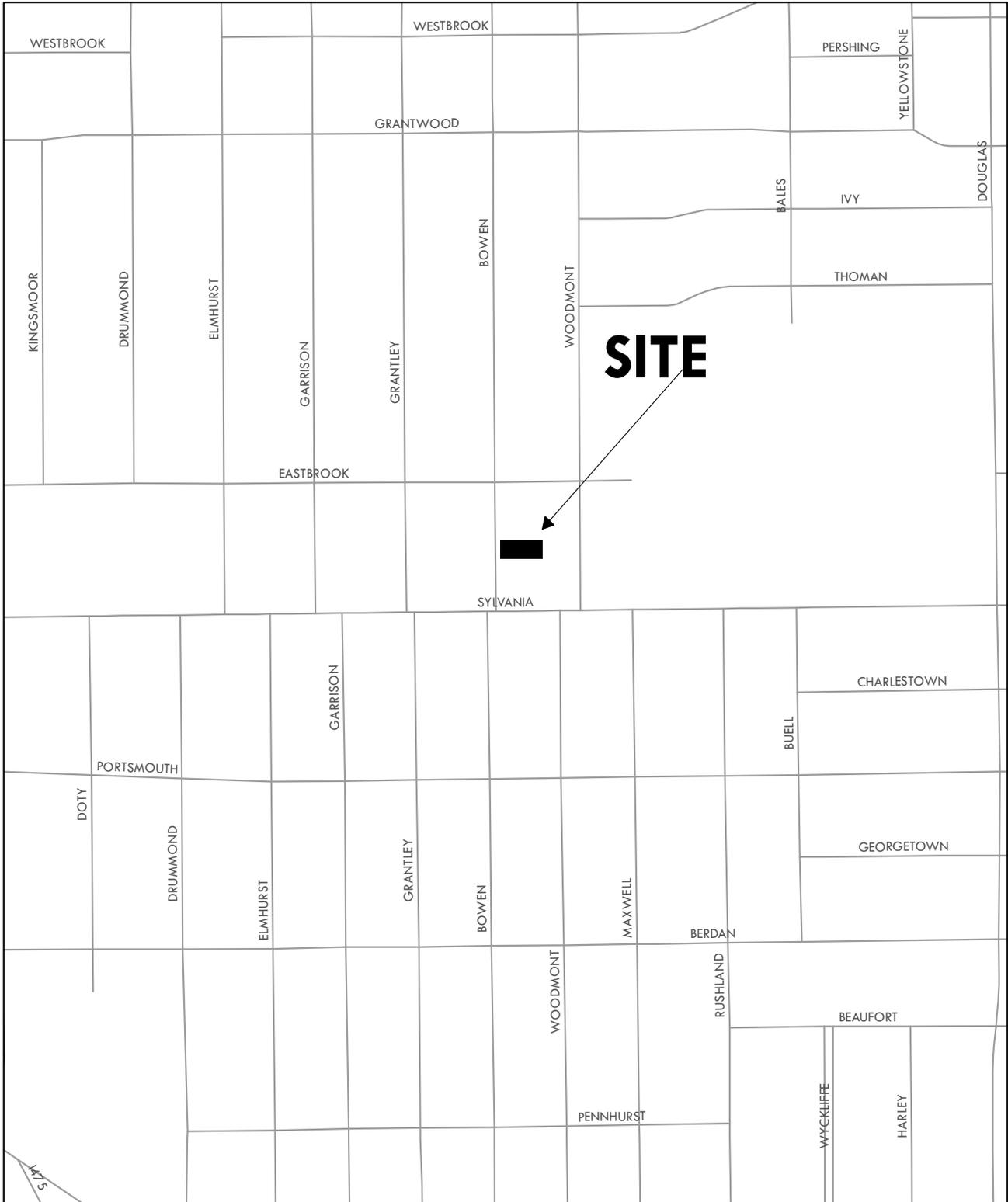
Plan Commission (cont'd)

24. Per TMC§1111.0814, if a building permit is not issued within one year of this approval date (5-12-2016) then the site plan approval shall become null and void.
25. 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.

MINOR SITE PLAN REVIEW  
TOLEDO CITY PLAN COMMISSION  
REF: SPR-1-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

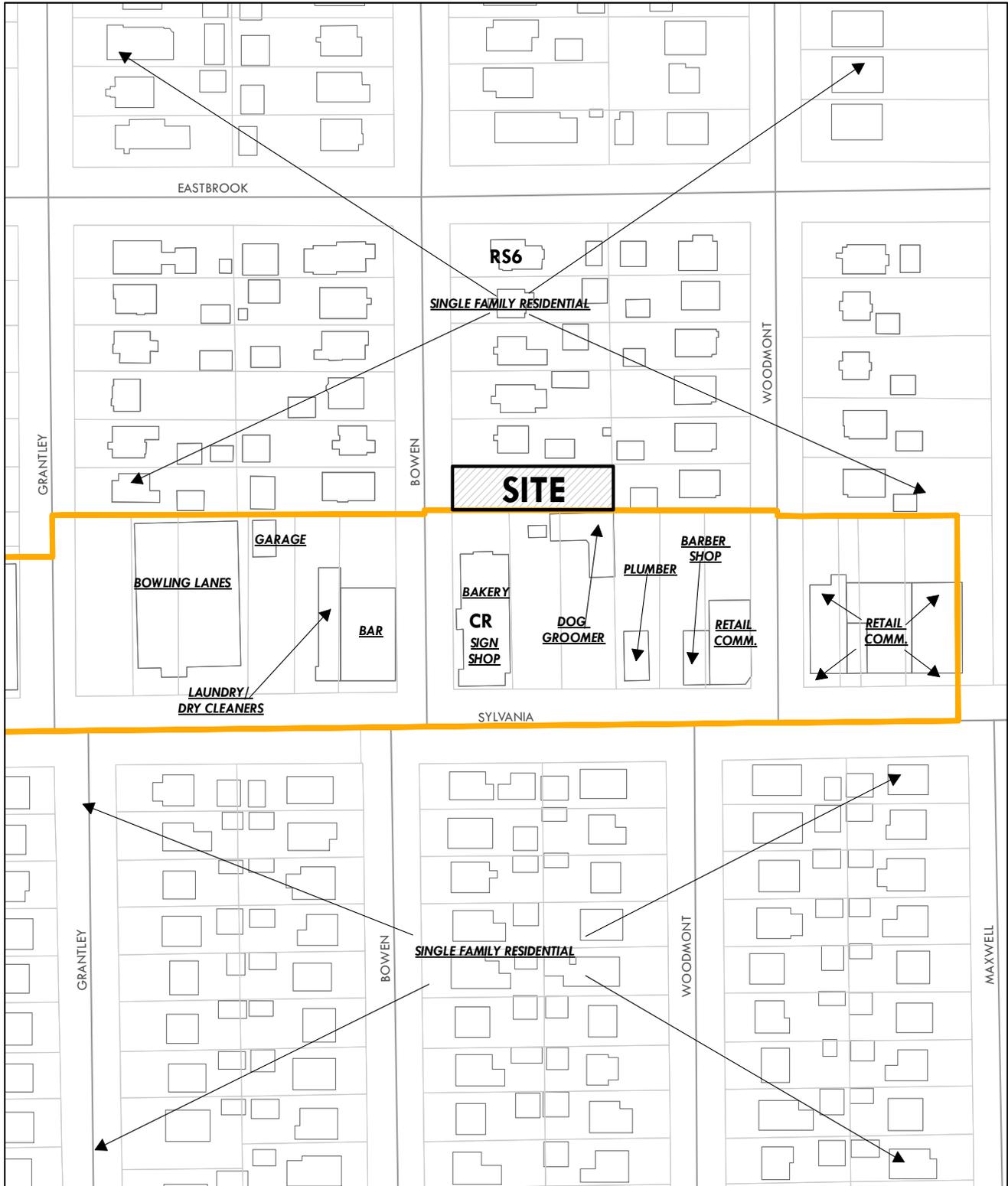
# GENERAL LOCATION

SPR-1-16  
ID 49



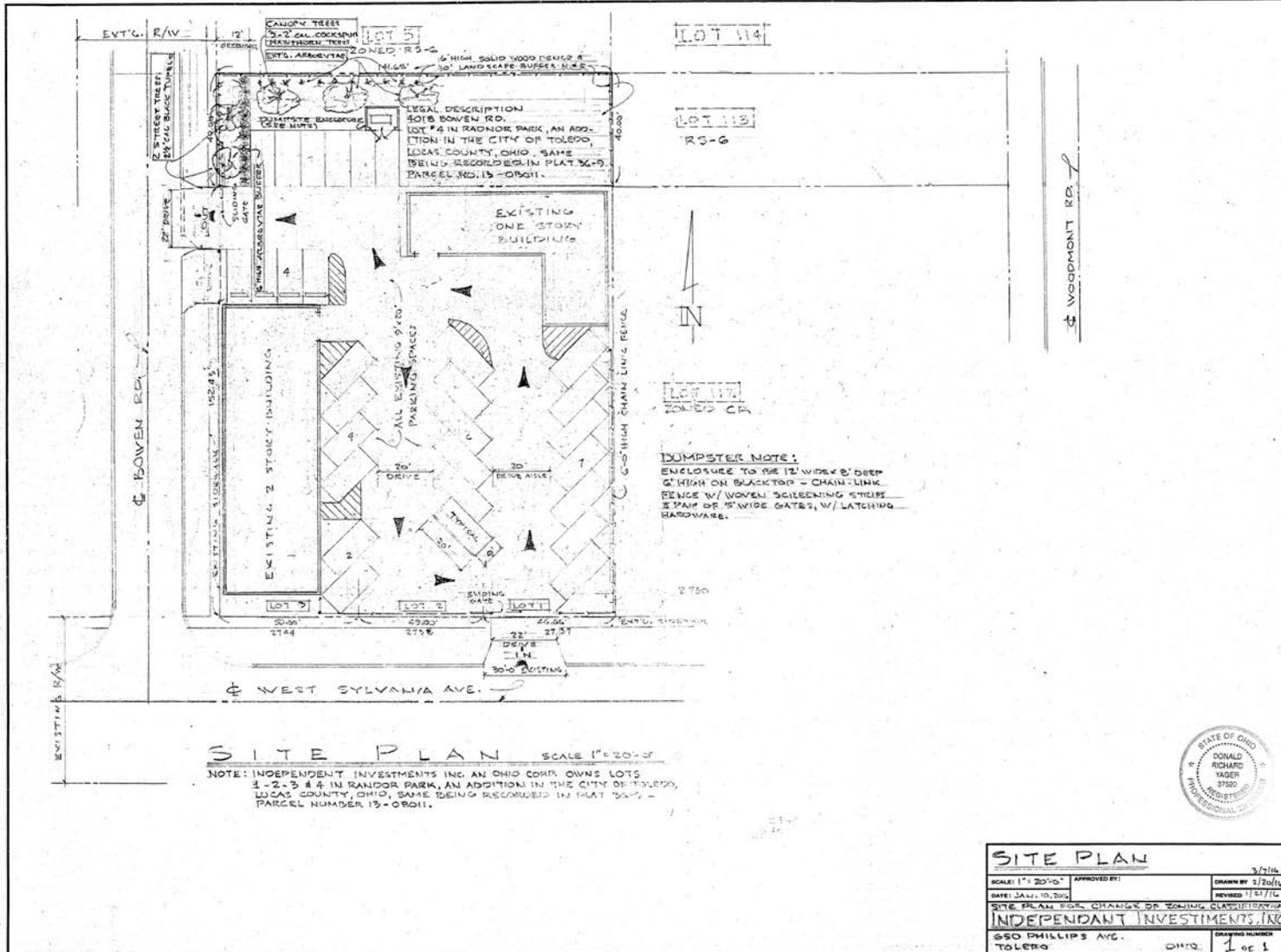
# ZONING & LAND USE

SPR-1-16  
ID 49



# SITE PLAN

SPR-1-16  
ID 49



**GENERAL INFORMATION**

Subject

- Request - Zone Change from CN Neighborhood Commercial to RD6 Duplex Residential
- Location - 2611 & 2619 Glendale Avenue
- Applicant - Neighborhood Properties, Inc.  
319 21<sup>st</sup> Street  
Toledo, Ohio 43604
- Attorney - Scott Johnson, Esq.  
Eastman & Smith Ltd.  
P.O. Box 10032  
Toledo, Ohio 43699

Site Description

- Zoning - Neighborhood Commercial / CN
- Area - ± 0.91 acres
- Frontage - ± 150' along Glendale Avenue
- Existing Use - Vacant flower shop building
- Proposed Use - Residential Facility, Small

Area Description

- North - Single Family Residential / RS6
- South - Schneider Soccer Complex / POS
- East - Kroger Grocery store / CR
- West - Schneider Soccer Complex access drive, Multi-family Residential Apartments / POS, RM36

Parcel History

- Z-1004-98 - R-2 to C-1 and C-3 for 2601 and 2615 Glendale (P.C. recommended approval on 3/12/1998, C.C. approved on 4/28/1998 by Ord. 627-98).

Applicable Plans and Regulations

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

## **STAFF ANALYSIS**

The applicant is requesting a Zone Change from CN Neighborhood Commercial to RD6 Duplex Residential at 2611 & 2619 Glendale Avenue. The ± 0.91 acre site is comprised of three parcels and currently occupied with an existing building that was used as a flower shop. Surrounding land uses include single family residential to the north, multi-family residential to the west, a Kroger grocery store immediately to the east, and the City of Toledo Schneider Soccer Complex to the south.

The applicant, Neighborhood Properties, Inc. intends to develop the property as a Small Residential Facility. The proposed facility will include common space and kitchen facilities. Residents will be referred by a professional for a three (3) to five (5) day “respite” stay. The proposed facility will be staffed by peers. A Zone Change is required because Small Residential Facilities are not permitted in the CN zoning category.

### Future Developments

Upon development of the site, a Minor Site Plan Review will be required with a landscaping plan. Through the installation of landscape buffers, efforts will be taken to screen the parking area from the Right-of-Way. Furthermore, the site plan will be sent to the City of Toledo Division of Transportation to verify any traffic concerns are addressed and/or eliminated before development.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Single Family Residential land uses. Single Family land uses typically include the development of single dwelling units on individual lots and may also include libraries, schools, churches, and community centers that serve neighborhoods. The Single Family Residential district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. The proposed RD6 zoning district is appropriate because it allows uses compatible with these proposed in the 20/20 Plan.

Staff recommends approval of the Zone Change for this location because it is compatible with the established residential land uses to the north and west along Glendale Avenue. Additionally, the proposed RD6 zoning is consistent with the current zoning designations of properties established in the immediate area north and west of the site.

### Neighborhood Meeting

Due to the proximity of the site to a residential zoning district and land uses; staff is requesting the applicant host a neighborhood meeting. Meeting notifications will need to be sent to the mailing address list provided to the applicant generated by the staff.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of Z-4001-16, a Zone Change from Zone Change from CN Neighborhood Commercial to RD6 Duplex Residential at 2611 & 2619 Glendale Avenue to Toledo City Council for the following three (3) reasons:

1. The proposed zoning conforms to the Toledo 20/20 Plan (TMC§1111.0606.A Review & Decision-Making Criteria).
2. The RD6 zoning request is similar to existing land uses within the general vicinity of the subject property (TMC§1111.0606.B Review & Decision-Making Criteria); and
3. A Zone Change to RD6 Duplex Residential is consistent with the zoning classification of properties within the general vicinity of the site (TMC§1111.0606.C Review & Decision-Making Criteria).

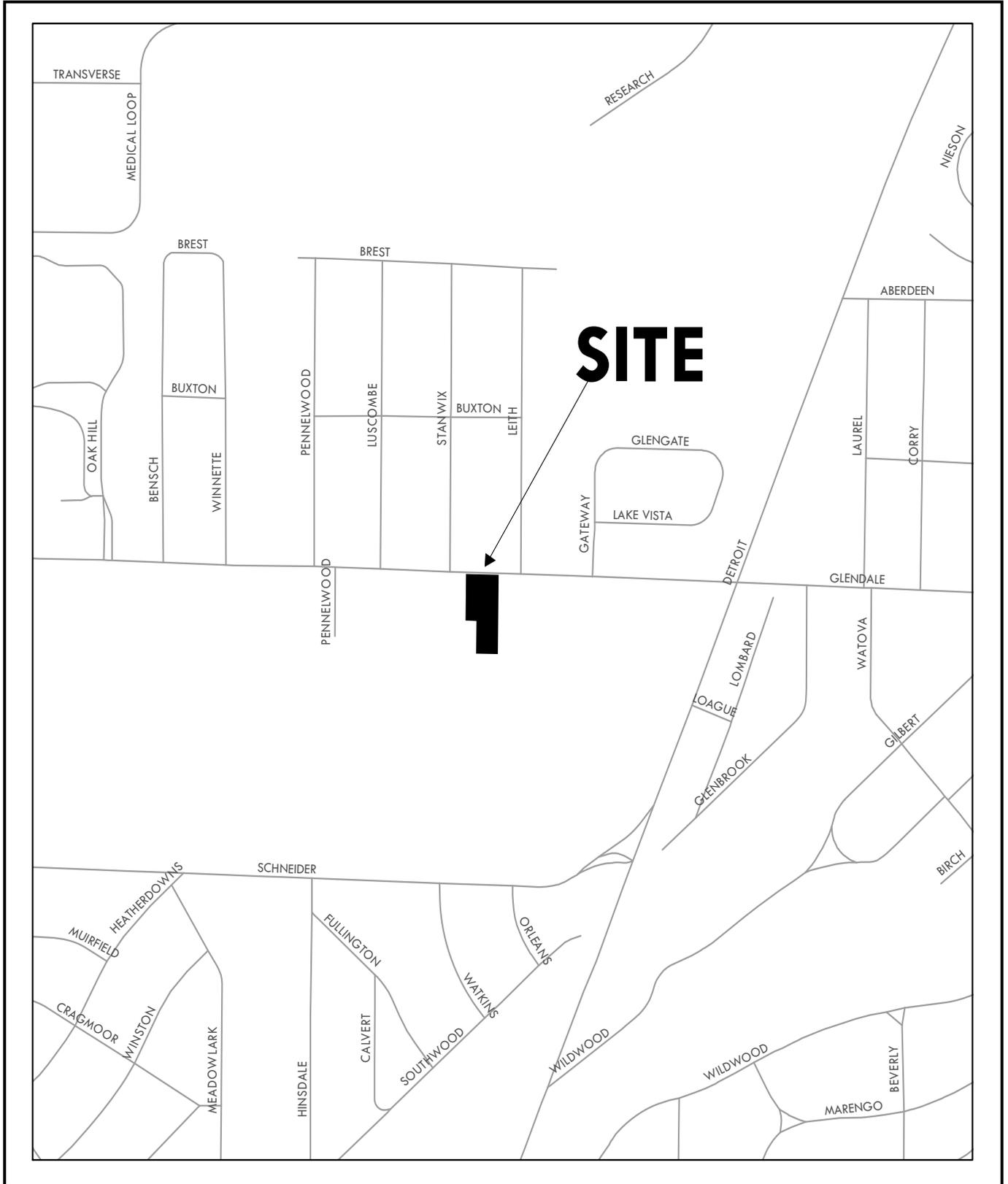
ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-4001-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

RS  
Two (2) sketches follow

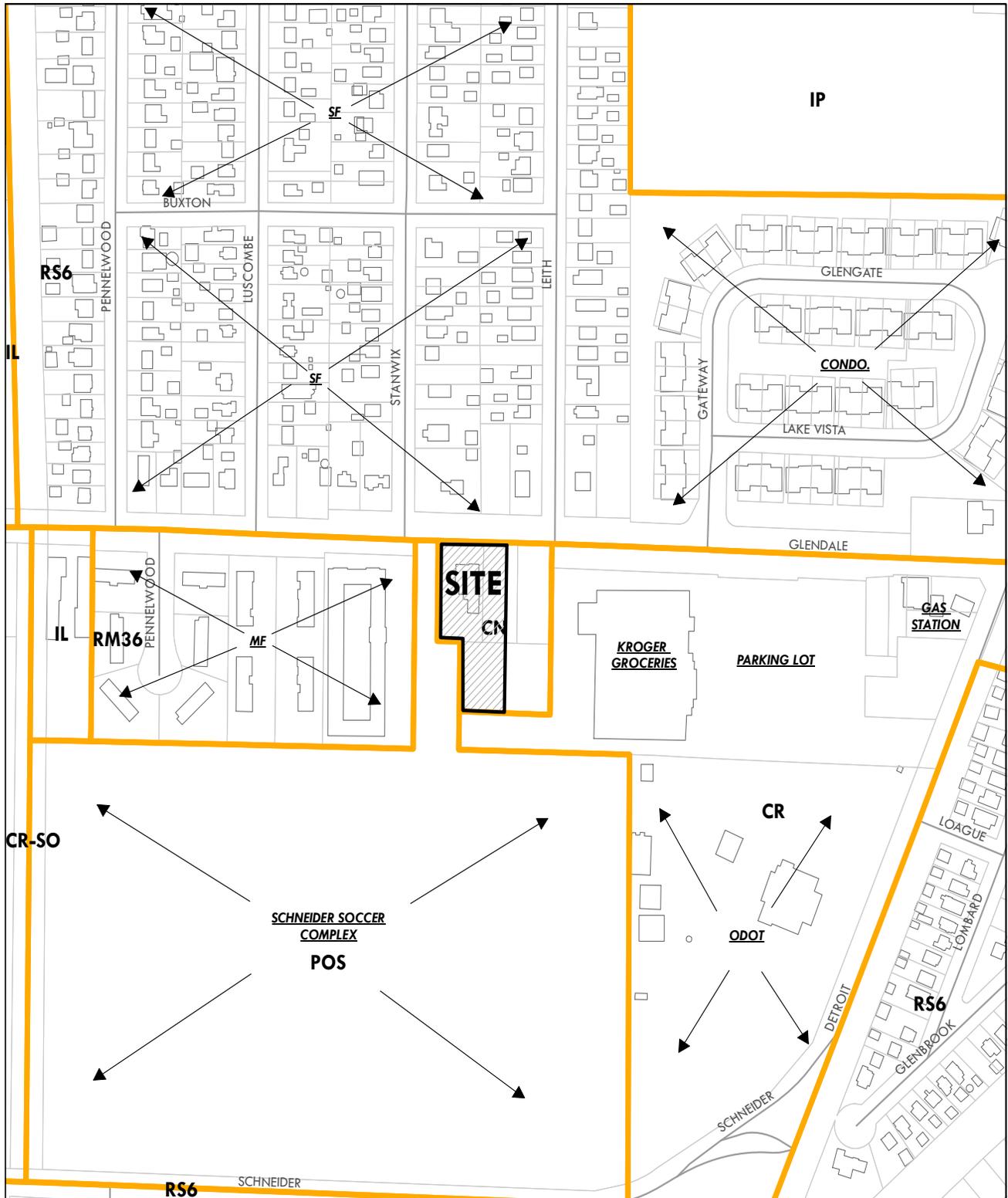
# GENERAL LOCATION

Z-4001-16  
ID 54



# ZONING AND LAND USE

Z-4001-16  
ID 54



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**GENERAL INFORMATION**

Subject

- Request - Zone Change from IL Limited Industrial & RD6 Duplex Residential to CM Mixed Commercial
- Location - 701 & 705 Phillips Avenue
- Applicant - Thomas Clapsaddle, Executive Director  
Toledo Gospel Rescue Mission  
117 West Woodruff Avenue  
Toledo, OH 43604

Site Description

- Zoning - Limited Industrial, Duplex Residential / IL, RD6
- Area - ± 1.11 acres
- Frontage - ± 307' along Phillips Avenue
- Frontage - ± 163' along Eggeman Avenue
- Existing Use - Church
- Proposed Use - Homeless shelter within church

Area Description

- North - Phillips Avenue, Toledo Gospel Rescue Mission Outreach Center, Upholstery shop / IL
- East - Single Family Residential / RD6
- South - Cemetery, Single Family Residential / RD6
- West - Office Commercial / IL & CO

Parcel History

- SUP-3003-16 - Special Use Permit for 21 bed homeless shelter in an existing church at 701 & 705 Phillips Avenue.

Applicable Plans and Regulations

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

## **STAFF ANALYSIS**

The applicant is requesting a Zone Change from IL Limited Industrial & RD6 Duplex Residential to CM Mixed Commercial located at 701 & 705 Phillips Avenue. The ±1.11 acre site is owned by the United Church of God and consists of four parcels that front on Phillips Avenue and one parcel fronting on Eggeman Avenue. Adjacent land uses include an outreach center, church and upholstery shop to the north across Phillips Avenue, single-family residential to the east, a cemetery to the south, and office commercial land uses to the west.

The site is currently occupied by a building sectioned into three different uses. The church is located in the largest portion of the building to the east. Offices occupy the middle portion of the building with a cafeteria on the first floor. The western portion of the building, which was previously operating as a school, will house a twenty-one (21) bed homeless shelter. The existing church and offices will remain under the ownership and management of the United Church of God while the shelter will be managed by the Toledo Gospel Rescue Mission. A companion Special Use Permit accompanies this case. A Zone Change is required because homeless shelters are not permitted in the IL zoning category.

The applicant requesting the Zone Change is the Toledo Gospel Rescue Mission (TGRM). According to the applicant's website, the mission of the TGRM is to minister to the spiritual and physical needs of the homeless and low income throughout northwest Ohio and southeast Michigan. They currently provide a number of social services in the city including an outreach center across the street from the proposed homeless shelter

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Single Family Residential land uses. Single Family land uses typically include the development of single dwelling units on individual lots and may also include libraries, schools, churches, and community centers that serve neighborhoods. The Single Family Residential district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods.

However, the designation was placed on the site at a time when the site was fully functional as a church and school. The educational uses have since ceased operations. Churches are permitted in single family zoning districts however, with the addition of a homeless shelter, a zone change is required. The 20/20 Plan further designates nearby properties along Phillips Avenue primarily as Neighborhood Commercial, Office Commercial and Industrial. The proposed use is consistent with the 20/20 Plan recommendation for nearby properties.

**STAFF ANALYSIS (cont'd)**

Staff recommends approval of the Zone Change for this location because it is compatible with the established land uses to the north along Phillips Avenue. Additionally, the proposed CM zoning is consistent with the current zoning designations of properties established in the immediate area north and west of the site and affects a small portion of a block that is largely zoned commercial and industrial. Finally, the proposed CM zoning will facilitate the development of a homeless shelter to support the existing outreach center across the street at the corner of Phillips Avenue and Vermaas Avenue.

Neighborhood Meeting

Due to the proximity of the site to a residential zoning and land uses, staff is requesting the applicant host a neighborhood meeting. Meeting notifications will need to be sent to the mailing address list provided to the applicant generated by the staff.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of Z-3002-16, a Zone Change from IL Limited Industrial & RD6 Duplex Residential to CM Mixed Commercial located at 701 & 705 Phillips Avenue to Toledo City Council for the following three (3) reasons:

1. The CM Zone Change will facilitate the development of a homeless shelter that will support the existing outreach center at the intersection of Phillips Avenue and Vermaas Avenue.
2. The CM zoning request is similar to existing land uses within the general vicinity of the subject property (TMC§1111.0606.B Review & Decision-Making Criteria); and
3. A Zone Change to CM Mixed Commercial is consistent with the zoning classification of properties within the general vicinity of the site (TMC§1111.0606.C Review & Decision-Making Criteria).

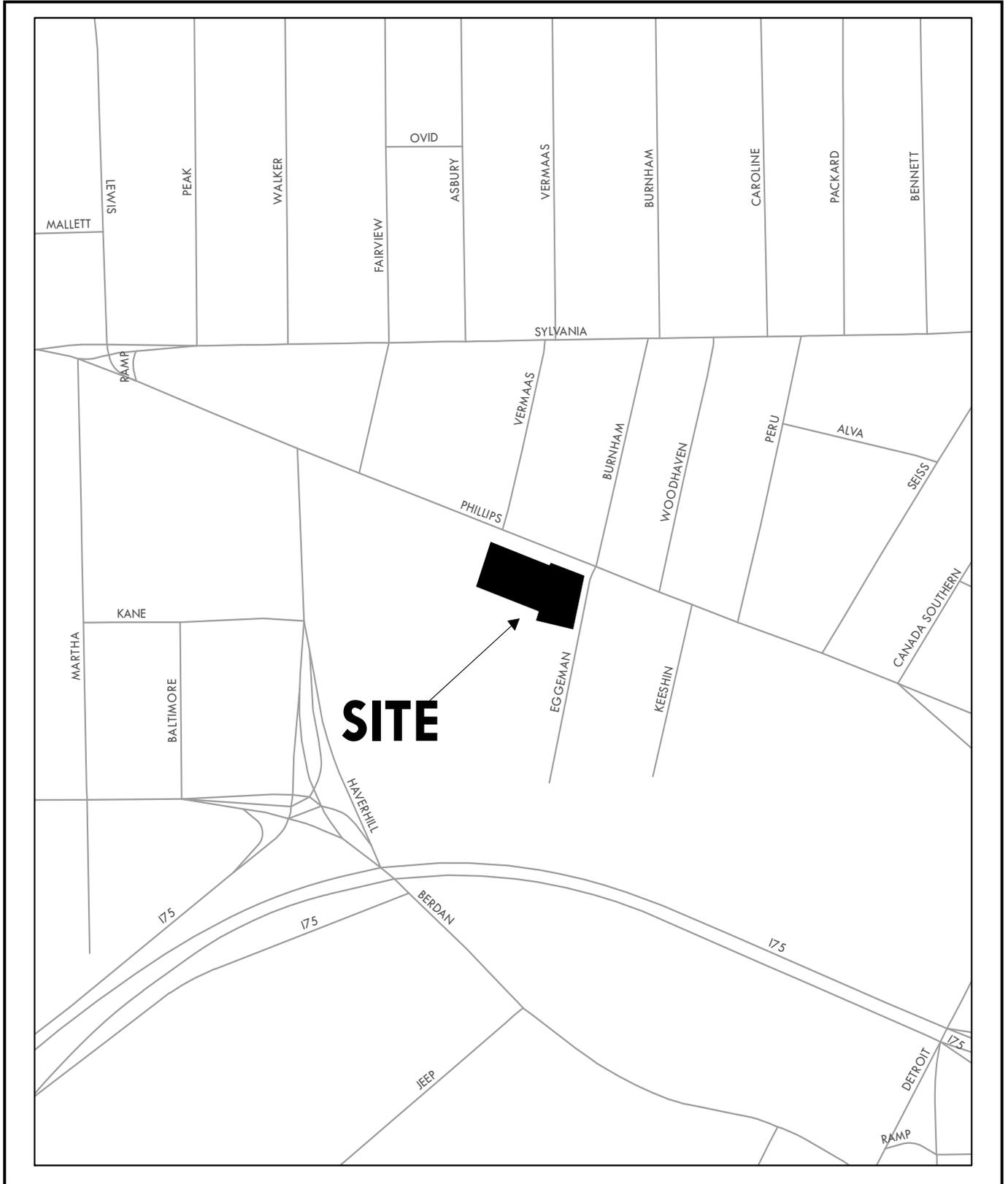
ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-3002-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

RS  
Two (2) sketches follow

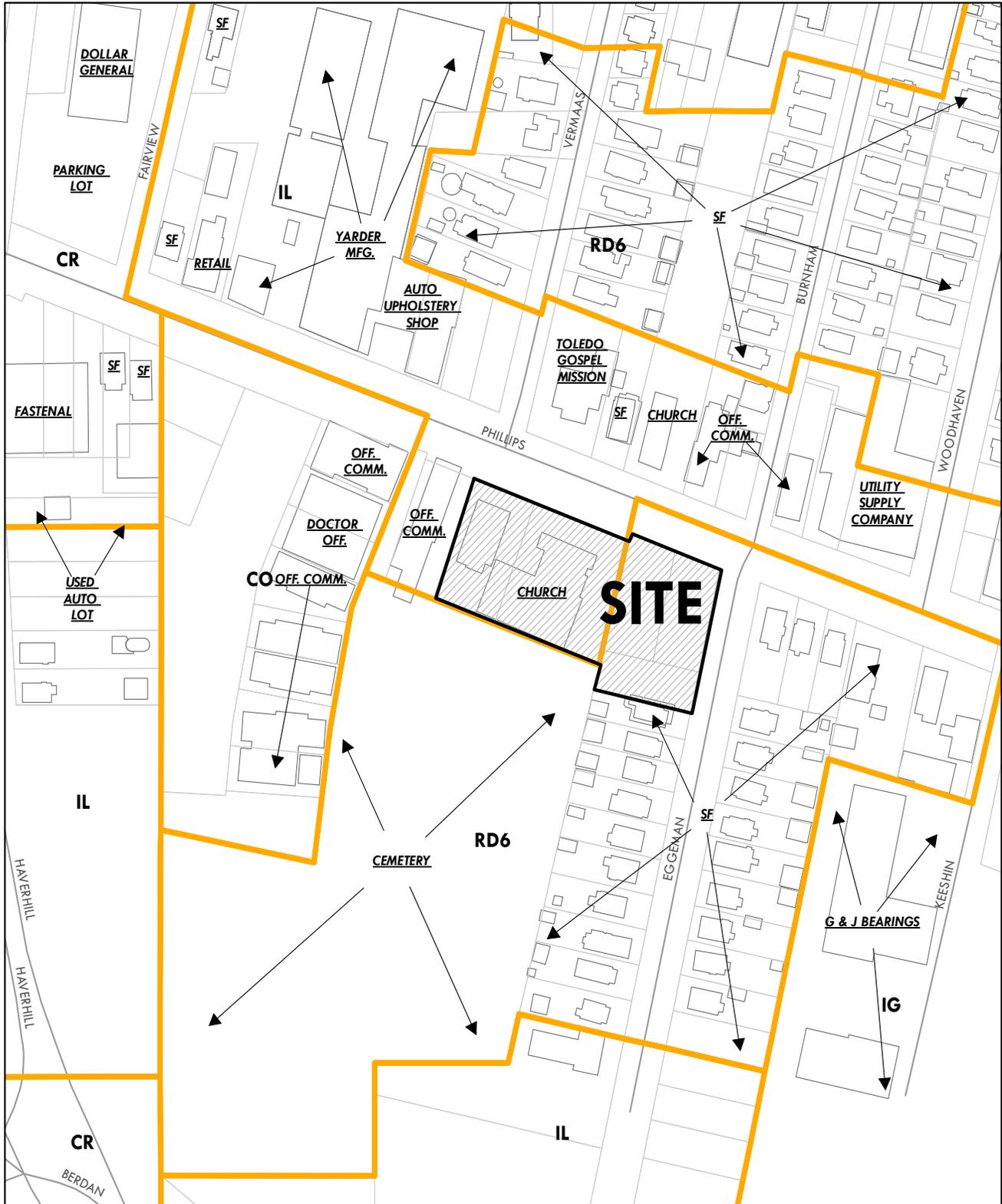
# GENERAL LOCATION

SUP-3003-16  
Z-3002-16  
ID 54



# ZONING AND LAND USE

SUP-3003-16  
Z-3002-16  
ID 54



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## GENERAL INFORMATION

### Subject

- Request - Special Use Permit for 21 bed homeless shelter in an existing church
- Location - 701 & 705 Phillips Avenue
- Applicant - Thomas Clapsaddle, Executive Director  
Toledo Gospel Rescue Mission  
117 West Woodruff Avenue  
Toledo, OH 43604
- Architect - Coger/Schambarger Architects  
3550 Secor Road, Suite 100  
Toledo, OH 43606

### Site Description

- Zoning - Limited Industrial, Duplex Residential / IL, RD6  
(proposed CM Mixed Commercial)
- Area - ± 1.11 acres
- Frontage - ± 307' along Phillips Avenue
- Frontage - ± 163' along Eggeman Avenue
- Existing Use - Church
- Proposed Use - Homeless shelter within church
- Required Parking - 1 per 4 residents/beds, 21 beds ≈ 6 spaces
- Proposed Parking - Shared parking agreement with church

### Area Description

- North - Phillips Avenue, Toledo Gospel Rescue Mission  
Outreach Center, Upholstery shop / IL
- East - Single Family Residential / RD6
- South - Cemetery, Single Family Residential / RD6
- West - Office Commercial / IL & CO

### Parcel History

- Z-3002-16 - Zone Change from IL Limited Industrial & RD6  
Duplex Residential to CM Mixed Commercial at 701  
& 705 Phillips Avenue.

## GENERAL INFORMATION (cont'd)

### Applicable Plans and 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 homeless shelter within an existing church located at 701 & 705 Phillips Avenue. The ±1.11 acre site is owned by the United Church of God and consists of four parcels that front on Phillips Avenue and one parcel fronting on Eggeman Avenue. Adjacent land uses include an outreach center, church and upholstery shop to the north across Phillips Avenue, single-family residential to the east, a cemetery to the south, and office commercial land uses to the west.

The site is currently occupied by a building sectioned into three different uses. The church is located in the largest portion of the building to the east. Offices occupy the middle portion of the building with a cafeteria on the first floor. The western portion of the building, which was previously operating as a school, will house a twenty-one (21) bed homeless shelter. The existing church and offices will remain under the ownership and management of the United Church of God while the shelter will be managed by the Toledo Gospel Rescue Mission. A companion zone change accompanies this case. A Special Use Permit is required for homeless shelters in all applicable zoning categories within the City of Toledo.

The applicant requesting the Special Use Permit is the Toledo Gospel Rescue Mission (TGRM). According to the applicant's website, the mission of the TGRM is to minister to the spiritual and physical needs of the homeless and low income throughout northwest Ohio and southeast Michigan. They currently provide a number of social services in the city including an outreach center across the street from the proposed homeless shelter.

### Group Living

Per TMC§1116.0221(J) Homeless Shelters are considered Group Living facilities and defined as "A home or facility that provides temporary housing, with or without meals, to indigent, homeless, or transient persons. Such home or facility shall not provide lodging on a regular basis." As a Group Living facility, homeless shelters are subject to the spacing requirements outlined in TMC§1104.1000. Group Living facilities, Type A Family Day Care Homes and Nonresidential Drug and Alcohol Centers must be at least 500 feet from a site with any other Group Living facility, Type A Family Day Care Home, and Nonresidential Drug and Alcohol Center that is also subject to this spacing requirement. Furthermore, the spacing regulations state that in no case may more than one facility be located on the same block.

## **STAFF ANALYSIS (cont'd)**

### Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Schedule A, Homeless Shelter facilities require one (1) parking space per every four (4 ) persons or beds and one (1) bicycle parking slots per ten (10) parking spaces. The site plan depicts a total of twenty-one beds, requiring six (6) parking spaces with one (1) required as a van accessible space.

### Parking and Circulation (cont'd)

The site is currently accessed via three (3) curb cuts, two (2) along Phillips Avenue and one (1) access point at Eggeman Avenue. The submitted plan depicts the parking on the east side of the property, shared with the church. The Division of Transportation does not object to the approval of the site plan however they have addressed five (5) issues with the site plan that are listed in the conditions of approval. Additionally, the applicant shall provide the Plan Commission with an off-street shared parking agreement from the church which operates on site.

### Landscaping

The site was developed before the 2004 zoning code and therefore not required to completely comply with the landscape standards of the 2004 code. However, TMC§1114.0500 Appearance Upgrade for Nonconforming Development, requires futures changes to bring a site closer into compliance with the 2004 code. The site plan submitted does not depict any proposed changes to the landscaping. Existing landscaping shown on the submitted site plan does not accurately depict the existing conditions on site but from the field check it was determined that landscaping along Phillips Avenue and foundation plantings around the building are adequate.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for single family residential uses. However, the designation was placed on the site at a time when the site was fully functional as a church and school. The educational uses have since ceased operations. Churches are permitted in single family zoning districts however, with the addition of a homeless shelter, a zone change is required. The 20/20 Plan further designates the nearby properties along Phillips Avenue primarily as Neighborhood Commercial, Office Commercial and Industrial. Staff is supportive of the Special Use Permit because there are no spacing violations outlined in TMC§1104.1000 and the proposed use is consistent with adjacent land uses.

### Neighborhood Meeting

Due to the proximity of the site to a residential zoning and land uses, staff is requesting the applicant host a neighborhood meeting. Meeting notifications will need to be sent to the mailing address list provided to the applicant generated by the staff.

## STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3003-16, a Special Use Permit for a 21 bed homeless shelter at 701 & 705 Phillips Avenue, to the Toledo City Council, for the following three (3) reasons:

1. The proposed use does not violate any spacing requirements as stated in TMC§1104.1000.
2. The proposed use meets the stated purpose of this Zoning Code (TMC§1111.0706.A Review & Decision-Making Criteria); and
3. The proposed use complies with all applicable provisions of this Zoning Code; TMC§1111.0706 B Review & Decision-Making Criteria).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-3003-16, a Special Use Permit for a 21 bed homeless shelter located at 701 & 705 Phillips Avenue to the Toledo City Council subject to the following twenty-two (22) 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

### Division of 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. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.** Existing drive approaches, including the curb drop that will no longer be utilized, shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained before work begins from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

**STAFF RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for new water service or modifications to existing water service shall be submitted to the Division of Engineering Services for review and approval.
7. Contact the City of Toledo Fire Prevention Bureau to determine the fire-protection requirements for this site.
8. Contact the Division of Water Distribution to determine the backflow-prevention requirements for this site.
9. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a 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 by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water Utility, including storm-water detention and post-construction storm-water Best Management Practices (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 and Drainage Services

10. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
11. 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

12. No concerns or objections. Building will undergo change of use. Facility must be compliant with requirements of new use.

Division of Environmental Services

No comments at time of print.

**STAFF RECOMMENDATION (cont'd)**

Building Inspections

No comments at time of print.

Division of Transportation

13. The three parking spaces south of the proposed shelter shall be modified to match the one way traffic pattern established by the angled parking shown surrounded by the existing buildings and proposed shelter.
14. The easternmost Phillips Avenue drive cannot support two-way traffic and shall be widened to accommodate a two-way traffic pattern or adequately signed to indicate a one-way traffic pattern.
15. Signage and/or pavement markings shall be installed to identify one way traffic patterns.
16. Parking for persons with disabilities must be provided in accordance with the requirements of the Toledo Municipal Code.
17. The angled parking located on the southern portion of the main lot must meet the 18' minimum requirements for parking stall length.

Plan Commission

18. The approval of a Special Use Permit is subject to the approval of a zone change from Limited Industrial to an applicable zoning district which allows for the use of homeless shelters.
19. The applicant shall obtain and submit an off-street shared parking agreement with the church which currently operates on site.
20. 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.
21. 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.
22. 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.

REF: SUP-3003-16 . . . May 12, 2016

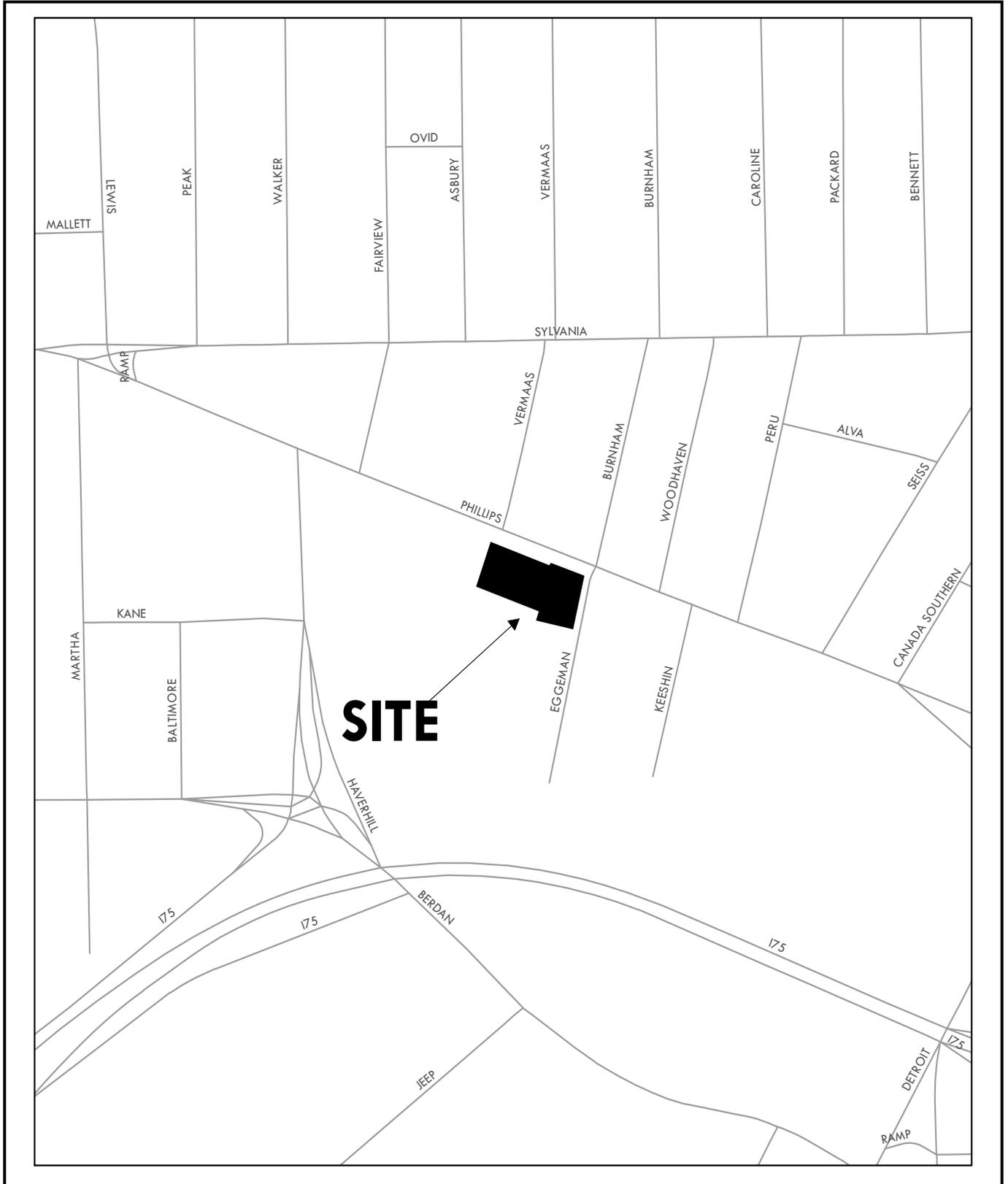
SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-3003-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

RS  
Three (3) sketches follow

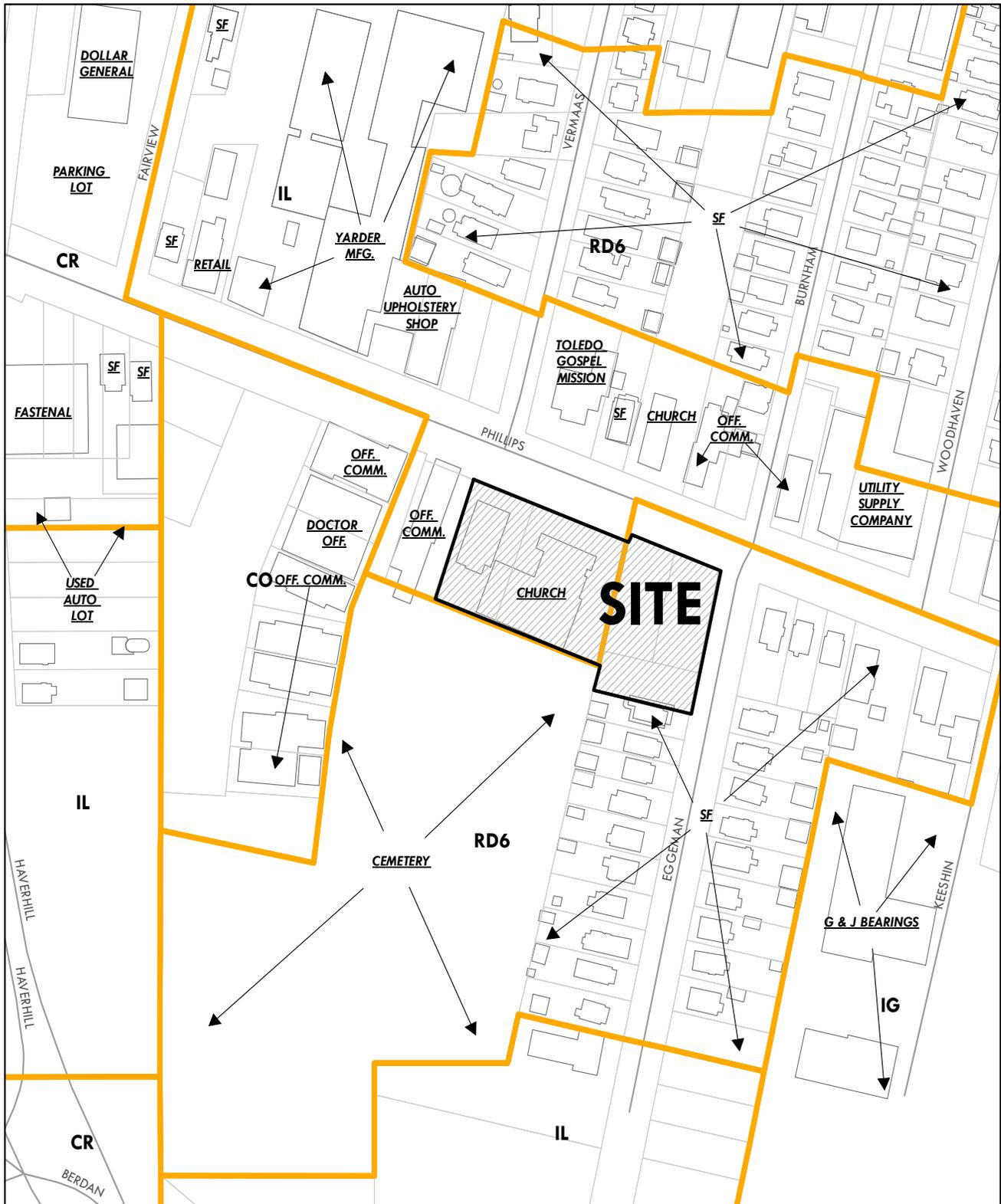
# GENERAL LOCATION

SUP-3003-16  
Z-3002-16  
ID 54



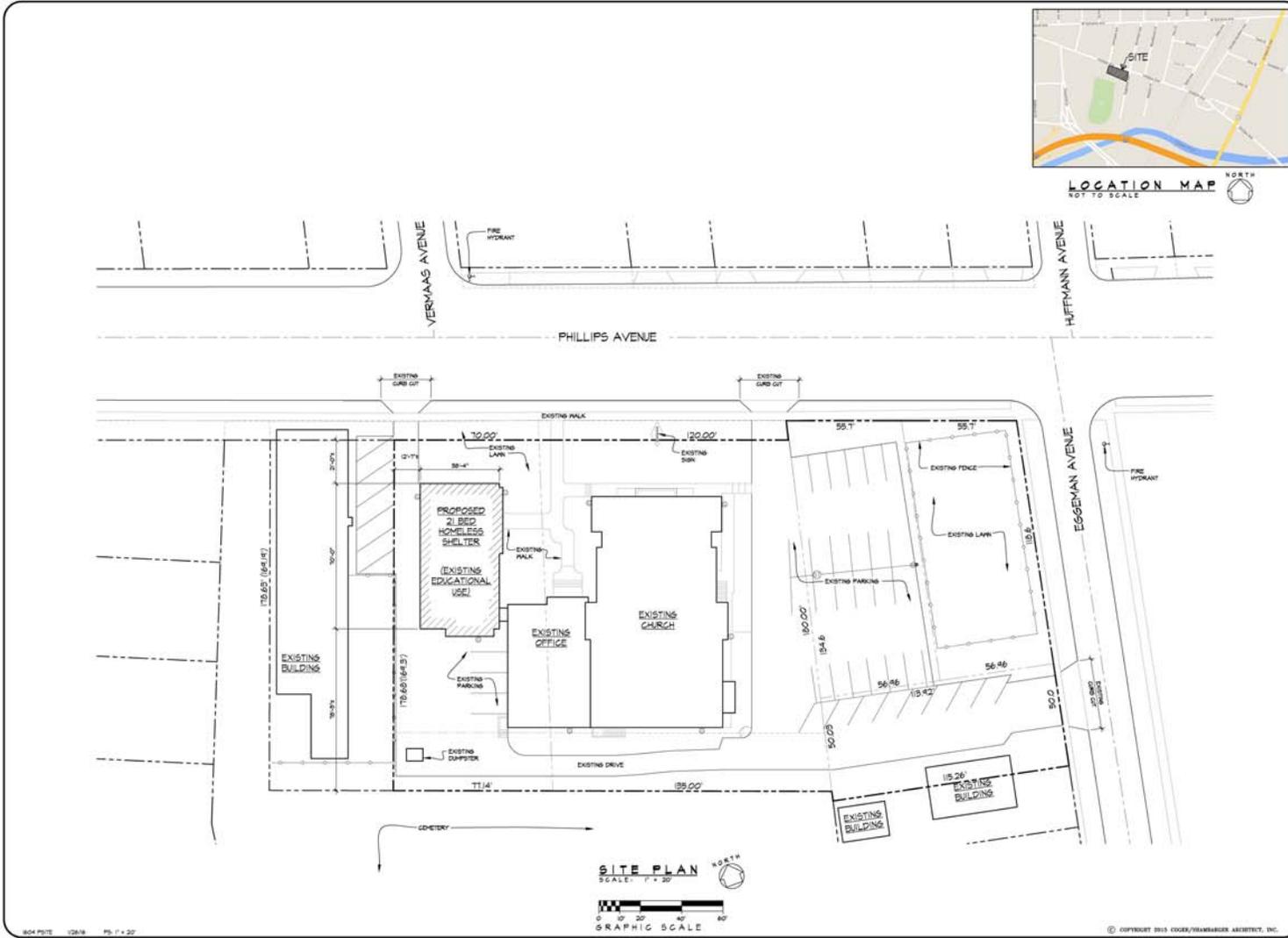
# ZONING AND LAND USE

SUP-3003-16  
Z-3002-16  
ID 54



# SITE PLAN

SUP-3003-16  
ID 16



**COGER/SHAMBARGER ARCHITECT, INC.**  
419-537-9759 FAX 419-537-6589  
3500 BECON ROAD  
TOLEDO, OHIO 43608-1028

SPECIAL USE ZONING CHANGE FOR:  
**TOLEDO GOSPEL RESCUE MISSION**  
701 PHILLIPS AVENUE  
TOLEDO, OHIO

DATE: 12/2008

PS1

16-04

6-10

## GENERAL INFORMATION

### Subject

- Request - Major Site Plan Review for a new warehouse addition
- Location - 253 Waggoner Boulevard
- Applicant - Antonio Sofo and Son Imp Co.  
C/O: Gary Tolles  
253 Waggoner Boulevard  
Toledo, OH 43612
- Engineer - Engineers, Surveyors and Associates, LLC  
5353 Secor Road  
Toledo, OH 43623

### Site Description

- Zoning - IG / General Industrial  
IL / Limited Industrial
- Area - ±10.35 acres
- Frontage - ±1,523' along Waggoner Boulevard
- Existing Use - Warehouse
- Proposed Use - Warehouse

### Area Description

- North - SoFo Foods Warehouse / IL
- South - SoFo Foods Warehouse / IG
- East - Railroad Tracks / IG
- West - SoFo Foods Warehouse / IG

### Parcel History

No file on record

### Applicable Regulations

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

## STAFF ANALYSIS

The applicant is requesting a Major Site Plan review for a site located at 253 Waggoner Boulevard to facilitate the development of a new addition to an existing warehouse. The ±10.35 acre site is a part of the Sofo Foods distribution warehouse. The proposed development site is mixed zoned IL Limited Industrial, and IG General Industrial. Although the existing facility is across from a residential neighborhood, only a small section of the addition is visible. The majority of the addition is located behind the existing facility and screened from the public right-of-way. The existing parking lot will not be affected by the proposed development, although a gravel storage area will be replaced.

The applicant is proposing to develop a new ±67,000 square foot warehouse addition to an existing facility. The business is a family owned distributor of ethnic foods that has been in operation for 60 years. The proposed addition will occupy a place on the site that currently has a gravel covering. According to TMC§1107.1906, 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 parking lot. Any remaining area covered by gravel must adhere to this regulation.

### Landscaping and Screening

The purpose and intent of landscaping and screening is to regulate the planting and preservation of landscape materials to promote general health, safety and welfare to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; provide coordinated streetscapes; reduce pollutants in stormwater runoff and improve the appearance of parking lots.

The site is existing and per TMC§1114.0502 is only required to be brought closer into compliance with the 2004 Zoning Code. The applicant has submitted a detailed landscape plan that depicts the installation of seven (7) Colorado Spruce along Waggoner Boulevard, in addition to the existing maple trees. Drainage of the site will utilize an existing stormwater detention area. The site plan shows that runoff will be directed to internal stormwater lines that outlet into the detention area. The landscape plan shows that existing trees are incorporated to the maximum practical extent. Existing healthy non-nuisance trees may be preserved and used to fulfill landscape requirements for any required planting provided they are in accordance with the standards of TMC§1108.0407(B). The landscape plan as submitted is acceptable.

### Building Design

Building elevations shall comply with TMC§1109.0500 – *Façade Materials*. Predominant exterior building materials shall be high-quality materials. For facades visible from the public right-of-way, predominate materials must comprise at least seventy-five percent (75%) of the total wall area of the façade. Façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including colors subject to the approval of the Planning Director.

**STAFF ANALYSIS** (cont'd)

Building Design (cont'd)

The elevation drawings depict an addition that is thirty-nine (39) feet in height with pre-finished metal siding to match the existing building. A portion in the rear of the addition has a pitched roof that is covered with a stainless steel roofing material to match the existing building. Elevations show that this portion has a total of eighteen (18) overhead doors to be used for truck docking to deliver food merchandise. Said section is not visible from the public right-of-way and faces industrial railroad tracks. Building materials are clearly defined on the elevation drawings and appear to be in compliance. However, revised elevation drawings depicting façade colors shall be submitted for Plan Director approval.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for IL Limited Industrial and IG General Industrial land uses. The intent of the IL Limited Industrial is to accommodate uses such as wholesale activities, warehouses and industrial/manufacturing operations that are not employment-intensive and are compatible with commercial and residential land uses. The intent of IG General Industrial district is intended to permit moderate and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportations access and public facilities and services.

Staff supports the request for the proposed development of a new addition to an existing distribution warehouse. The proposed use meets the stated intent of the Zoning Code and is consistent with The Toledo 20/20 Comprehensive Plan.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission approve SPR-12-16, a request for a Major Site Plan Review for a new addition to an existing distribution warehouse located at 253 Waggoner Boulevard, for the following two (2) reasons:

1. The proposed use meets the stated intent of the zoning code (TMC§1111.0706(A));
2. The request is consistent with The Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) Review and Decision Making Criteria);

**STAFF RECOMMENDATION** (cont'd)

The staff further recommends that the Toledo City Plan Commission approve SPR-12-16, a Major Site Plan Review for a new addition to an existing distribution warehouse located at 253 Waggoner Boulevard subject to the following thirty (30) conditions:

The following 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. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.**
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.  
  
Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.
5. Contact the City of Toledo Fire Prevention Bureau to verify the fire-protection requirements for this site.
6. Plans for new water service or modifications to existing water service shall be submitted to the Division of Engineering Services for review and approval.
7. Plans for new water meter or modifications to existing water meter shall be submitted to the Division of Water Distribution for review and approval.

**STAFF RECOMMENDATION** (cont'd)

Engineering Services (cont'd)

8. All commercial properties are required to have approved backflow-protection devices installed on the domestic service and fire-protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com at 800-414-4990. In the case of renovation, expansion, or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow-prevention requirements for this site.
9. If the existing water service near Rosetta Avenue is not going to be reused, the connection to the public waterline in Waggoner Boulevard shall be killed by the City of Toledo at the owner's expense; and the owner shall remove the water manhole to a minimum of one foot below grade and plug the remaining pipe.
10. Plans submitted for plan commission review indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Storm Water Pollution Prevention Plan (SWP3), calculations, and plans for storm-water service for this project shall be submitted to the Division of Engineering Services for storm-water review and approval.
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 storm-water detention and post-construction storm-water Best Management Practices (BMPs).
12. 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.
13. 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 storm-water utility fee through the Storm Water Credit Program.
14. A site-specific Storm Water Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Storm Water NPDES permit and shall accompany a completed Ohio EPA SWP3 Checklist. The checklist can be found at the following link: [http://epa.ohio.gov/dsw/storm/const\\_SWP3\\_check.aspx](http://epa.ohio.gov/dsw/storm/const_SWP3_check.aspx).

**STAFF RECOMMENDATION** (cont'd)

Engineering Services (cont'd)

15. No construction work, including any earth-disturbing work, including any earth-disturbing work, will be permitted without approved plans and inspection.
16. 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  
Storm-water Drainage: Lorie Haslinger, ph. 419-245-3221;  
Andy Stepnick 419-245-1338  
Water: Andrea Kroma, ph. 419-936-2163  
Roadway: Tim Grosjean, ph. 419-245-1344

Sewer & Drainage Services

17. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
18. 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

19. Private fire hydrants will be required (OFC 507).
20. Continued fire apparatus access around the facility will be required (OFC 503).

Transportation

No comments or objections

Economic Development

No comments or objections

**STAFF RECOMMENDATION** (cont'd)

Building Inspection

Comments not received at time of printing.

Plan Commission

21. Per TMC§1109.0403, if the site is across from a residential district, side and rear yards shall be used for vehicle operations and storage areas.
22. 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 parking lot (TMC§1107.1906).
23. The building materials shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. A revised elevation shall be submitted indicating compliance with this requirement
24. Predominate exterior building materials shall be high-quality materials. For facades visible from the public right-of-way, predominate materials must comprise at least seventy-five percent (75%) of the total wall area of the façade **(acceptable as submitted)**.
25. Façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, subject to the approval of the Planning Director **(acceptable as submitted)**.
26. The detail landscape plan as submitted is acceptable.
27. The seven (7) proposed new trees along Wagner Boulevard shall be installed and maintained indefinitely along with existing landscaping. Existing healthy non-nuisance trees may be preserved and used to fulfill landscape requirements for any required planting provided they are in accordance with the standards of TMC§1108.0407(B).
28. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

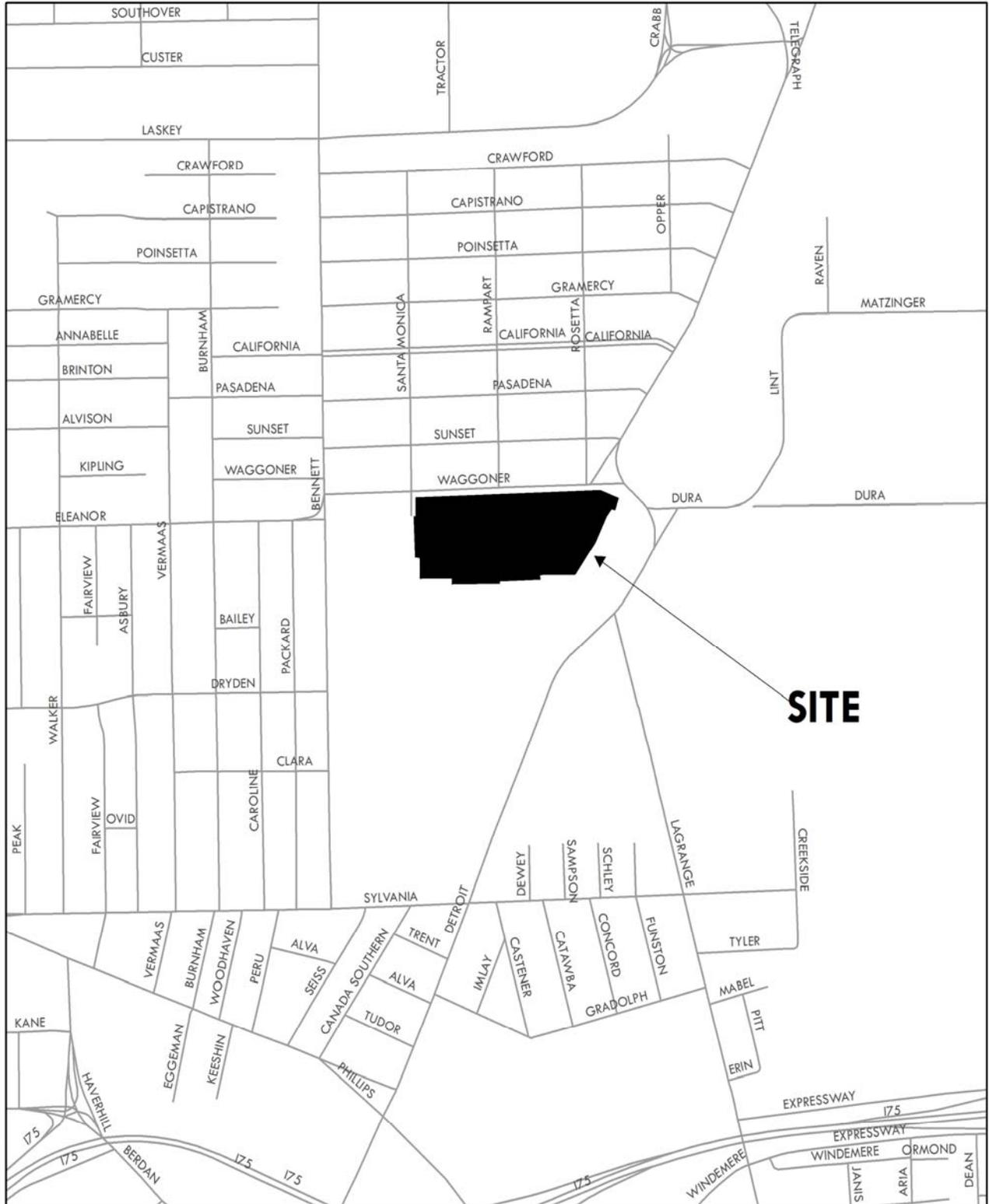
29. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
30. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

MAJOR SITE PLAN REVIEW  
TOLEDO CITY PLAN COMMISSION  
REF: SPR-12-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

GP  
Four (4) sketches follow

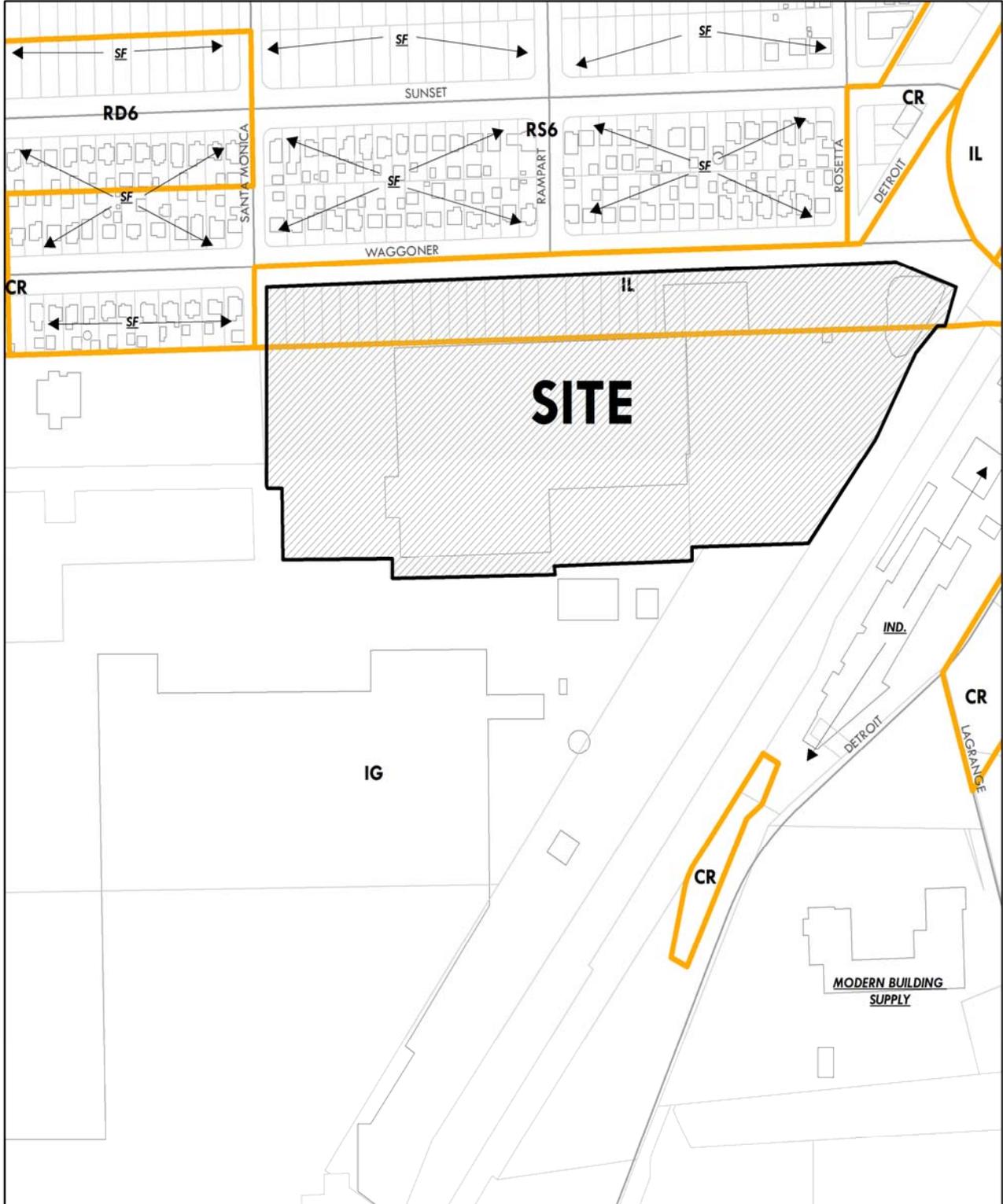
# GENERAL LOCATION

SPR-12-16  
ID 38



# ZONING AND LAND USE

SPR-12-16  
ID 38



# SITE PLAN

SPR-12-16  
ID 38



### LEGAL DESCRIPTION

**PARCEL A** PARCEL OF LAND BEING LOTS NUMBER NINE HUNDRED SIXTY-FIVE(65) SECOR ROAD, NINE HUNDRED SIXTY-FIVE(65) TOGETHER WITH PART OF LOT NUMBER NINE HUNDRED SIXTY-FOUR(64) AND PART OF VACATED RAMPART STREET SOUTH COLLINGWOOD PARK SECOND EXTENSION, SAME BEING RECORDED IN VOLUME 34 OF PLATS, PAGE 44, TOGETHER WITH PART OF SOUTHEAST QUARTER(A) OF SECTION FOURTEEN(14), TOWN NINE(NINE) SOUTH RANGE SEVEN(7) EAST IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, SUBJECT TO LEGAL HIGHWAYS.

**PARCEL B** PARCEL OF LAND BEING LOTS NUMBER 890 TO 983 INCLUSIVE AND PART OF LOT NUMBER 984 IN NORTH COLLINGWOOD PARK, SECOND EXTENSION, SAME BEING RECORDED IN PLATS 34-43, TOGETHER WITH PART OF SOUTHEAST 1/4 OF SECTION 14, TOWN 9 SOUTH RANGE 7 EAST, IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO, SUBJECT TO LEGAL HIGHWAYS.

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PARCEL ID: 112817	ASSESSOR# 02296003
PARCEL ID: 112814	ASSESSOR# 02296004
PARCEL ID: 112813	ASSESSOR# 02296005
PARCEL ID: 112812	ASSESSOR# 02296006
PARCEL ID: 112814	ASSESSOR# 02296007
PARCEL ID: 112814	ASSESSOR# 02296008
PARCEL ID: 112817	ASSESSOR# 02296009
PARCEL ID: 112814	ASSESSOR# 02296010
PARCEL ID: 112811	ASSESSOR# 02296011
PARCEL ID: 112817	ASSESSOR# 02296012
PARCEL ID: 112814	ASSESSOR# 02296013
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PARCEL ID: 112814	ASSESSOR# 02296099
PARCEL ID: 112814	ASSESSOR# 02296100

### DRAWING INDEX

C1.0 OVERALL SITE PLAN  
C2.0 DEMOLITION PLAN  
C3.0 SITE & GRADING PLAN  
C4.0 UTILITY PLAN  
C8.0 LANDSCAPE PLAN

**OWNER**  
SOFO FOODS  
253 WAGGONER BLVD.  
TOLEDO, OH 43612  
PHONE: 419-476-4211

**CIVIL ENGINEER**  
ESA, LLC  
5353 SECOR ROAD  
TOLEDO, OH 43623

**ARCHITECT**  
COGER-SHAWBARGER ARCHITECTS INC.  
3550 SECOR ROAD, SUITE 101  
TOLEDO, OH 43606

**CONTRACTOR**  
MIDWEST CONTRACTING INC.  
1428 ALBON ROAD  
HOLLAND, OH 43028

### PARKING DATA

EXISTING BUILDING WAREHOUSE 215,000SF 1/70,000 = 22  
OTHER 30,000SF 1/70,000 = 11  
NEW BUILDING WAREHOUSE 472,545SF 1/70,000 = 7  
TOTAL REQUIRED = 40

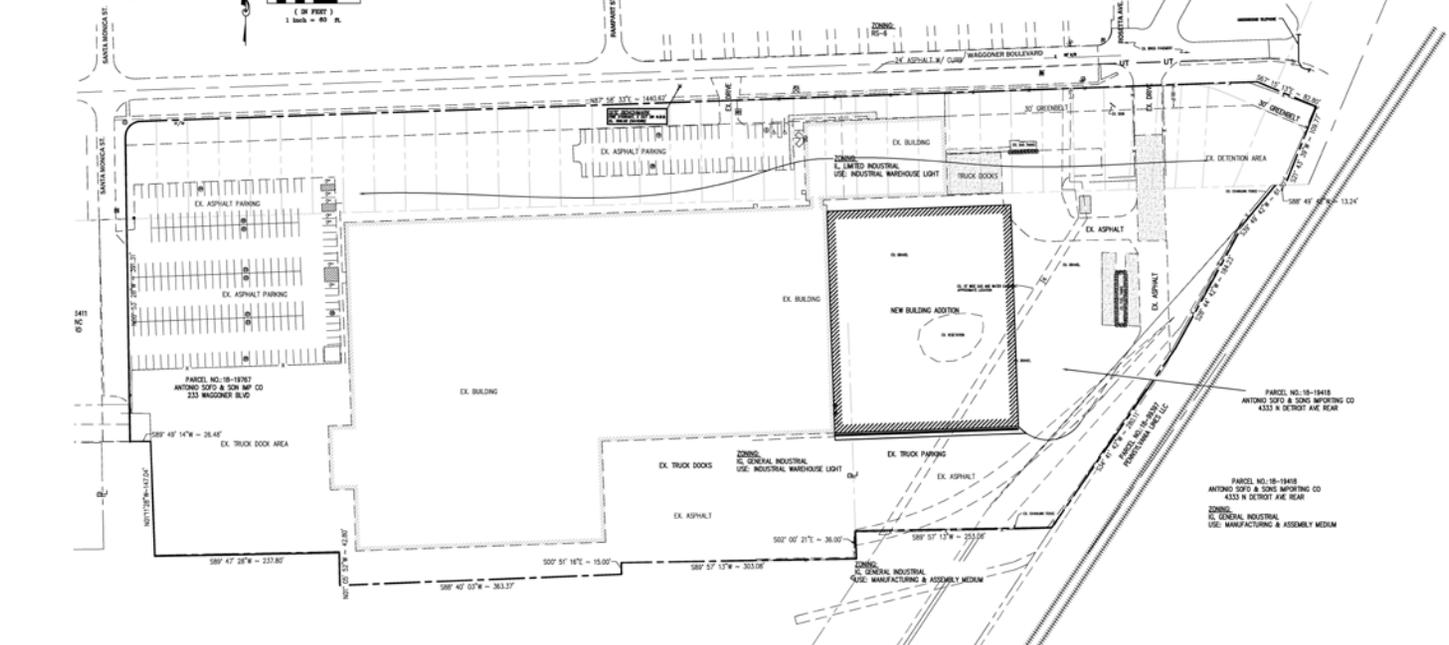
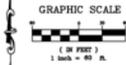
**PARKING PROVIDED**  
STANDARD SPACES = 245  
HANDICAP SPACES = 8  
TOTAL = 254

### ZONING ANALYSIS

CURRENT ZONING: IS, GENERAL INDUSTRIAL & R, LIGHT INDUSTRIAL  
PROPOSED USE: INDUSTRIAL WAREHOUSE

### FLOOD ZONE

THE PROPERTY DEPICTED HEREON IS LOCATED IN ZONE "X" MINIMAL FLOODING AS INDICATED ON THE F.I.S.M. FLOOD PANEL, MAP NO. 300000000P UNDER DATE OF 03/16/78. THIS WAS DETERMINED BY GRAPHIC NOTING ONLY.



**UNDERGROUND UTILITIES**  
UNDERGROUND UTILITIES AS SHOWN WERE LOCATED IN THE FIELD AND/OR TAKEN FROM LANDIS DEPARTMENT RECORDS. THE LOCATION ARE AS ACCURATE AS WE CAN CONFIRM FROM SURFACE MANIFESTATIONS (I.E. VALVES, MANHOLES, ETC.) BUT NO GUARANTEE IS MADE BY ESA ENGINEERS, SURVEYORS AND ASSOCIATES, LLC. THE EXACT LOCATION IS THE RESPONSIBILITY OF THE CONTRACTOR(S). BE SURE TO CALL THE OHIO UTILITIES PROTECTION SERVICE BEFORE STARTING ANY DCA/CAAT AT THE SITE.



PARCEL NO. 18-1649  
WILLY DAY STORAGE CO AN OHIO CORP  
4402 BENNETT RD

DATE: 03/12/18  
DRAWN BY: JAW  
DRAWING DATE: 03/12/18  
JOB NUMBER: 158-54  
REVISIONS: 01-148

**OVERALL SITE PLAN**  
SOFO FOODS - WAREHOUSE EXPANSION  
253 WAGGONER BLVD.  
TOLEDO, OHIO

**esa**  
**Engineers, Surveyors & Associates, LLC**  
5353 Secor Rd., Toledo, Ohio 43623 Phone (419) 476-9448

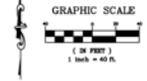
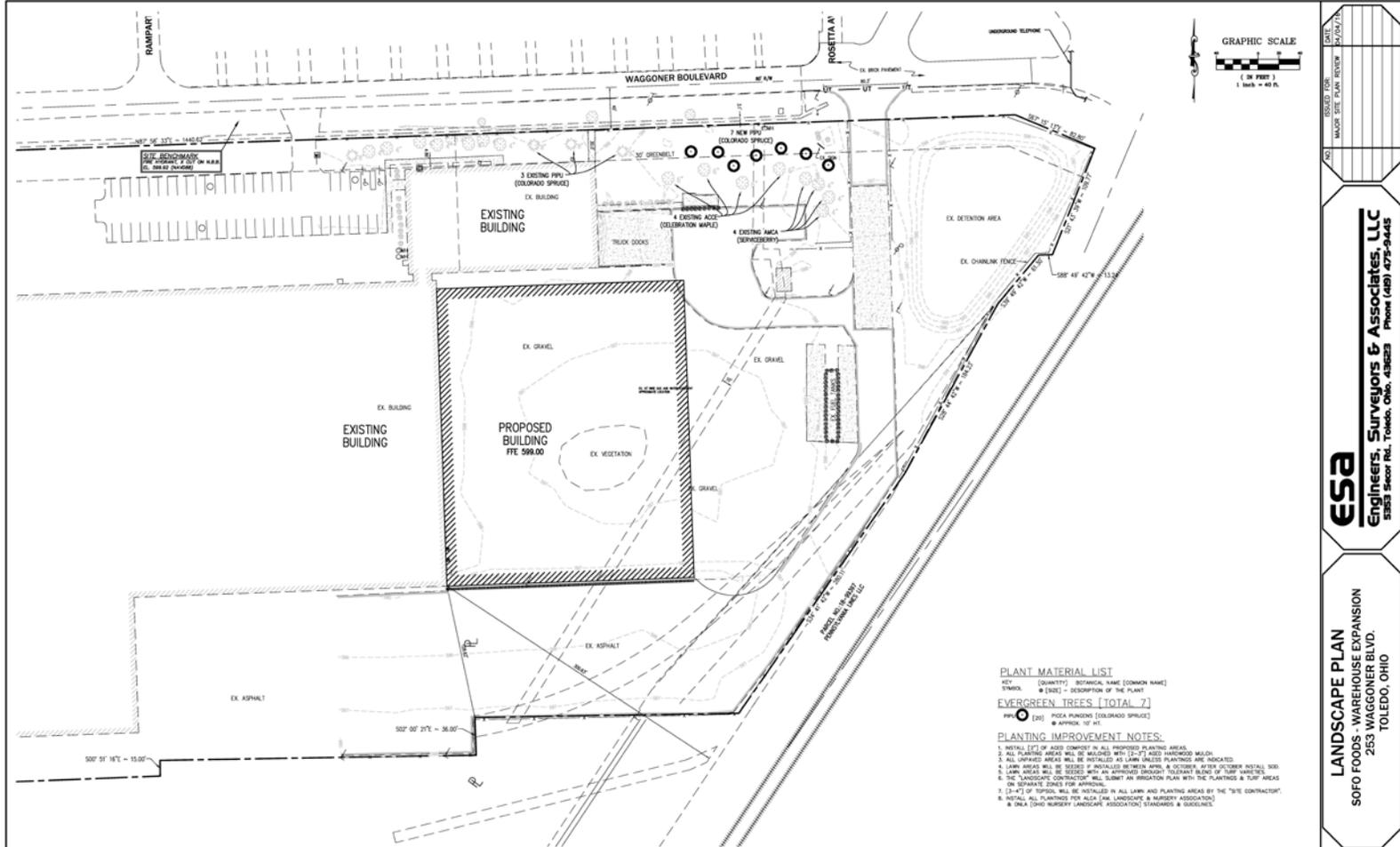
**C1.0**

ISSUED FOR: MAJOR SITE PLAN REVIEW

7-11

# LANDSCAPE PLAN

SPR-12-16  
ID 38



- PLANT MATERIAL LIST**
- KEY: (QUANTITY) BOTANICAL NAME (COMMON NAME)  
 STARS \* (SIZE) - DESCRIPTION OF THE PLANT
- EVERGREEN TREES (TOTAL 7)**
- PICTA PLUMBIC (COLORADO SPRUCE)  
 # APPROX. 10' HGT.
- PLANTING IMPROVEMENT NOTES:**
1. INSTALL [ET] OF AGG COMPACT IN ALL PROPOSED PLANTING AREAS.
  2. ALL PLANTING AREAS WILL BE MULCHED WITH (2"-3") AGG HARDWOOD MULCH.
  3. ALL UNPAVED AREAS WILL BE INSTALLED AS LAWN UNLESS PLANTINGS ARE INDICATED.
  4. LAWN AREAS WILL BE SEEDS IF INSTALLED BETWEEN APRIL & OCTOBER. AFTER OCTOBER INSTALL 100.
  5. LAWN AREAS WILL BE SEEDS WITH AN APPROVED DROUGHT TOLERANT BLEND OF "TUFF" VARIETIES.
  6. THE LANDSCAPE CONTRACTOR WILL SUBMIT AN IRRIGATION PLAN WITH THE PLANTINGS & TUFF TREES ON SEPARATE ZONES FOR APPROVAL.
  7. 25% OF TOPSOIL WILL BE INSTALLED IN ALL LAWN AND PLANTING AREAS BY THE "SITE CONTRACTOR".
  8. INSTALL ALL PLANTING PER ALL (EX. LANDSCAPE & NURSERY ASSOCIATION)
  9. INSTALL (OHIO NURSERY LANDSCAPE ASSOCIATION) STANDARDS & SPECIFICATIONS.

**UNDERGROUND UTILITIES**  
 UNDERGROUND UTILITIES AS SHOWN WERE LOCATED IN THE FIELD AND/OR TAKEN FROM VARIOUS DEPARTMENT RECORDS. THE LOCATIONS ARE AS ACCURATE AS WE CAN CONFIRM FROM SURFACE MANIFESTATIONS (E.G. VALVES, MANHOLES, ETC.). BUT NO EXCAVATION WAS DONE BY ESA ENGINEERS, SURVEYORS AND ASSOCIATES, LLC. THE EXACT LOCATION IS THE RESPONSIBILITY OF THE CONTRACTORS. BE SURE TO CALL THE OHIO UTILITIES PROTECTION SERVICE BEFORE STARTING ANY EXCAVATION AT SITE.



ISSUED FOR: MAJOR SITE PLAN REVIEW

DATE: 04/12/17  
 MAJOR SITE PLAN REVIEW: 04/12/17

**esa**  
**Engineers, Surveyors & Associates, LLC**  
 5255 Inverness Pl., Toledo, Ohio 43623 Phone: (419) 475-9445

**LANDSCAPE PLAN**  
**SOFO FOODS - WAREHOUSE EXPANSION**  
 253 WAGGONER BLVD.  
 TOLEDO, OHIO

DRAWN BY: LAM  
 CHECKED BY: JAC  
 JOB NUMBER: 190-04  
 REVISIONS BY: JAC

**C8.0**

7 - 12

ISSUED FOR: MAJOR SITE PLAN REVIEW

## GENERAL INFORMATION

### Subject

- Request - Vacate St. Bernard Drive south of Giant Street
- Applicant - Toledo Hospital  
C/O: Robin Whitney  
1801 Richards Road  
Toledo, OH 43607
- Attorney - Marshall & Melhorn, LLC  
Mark H. Rose, Esq.  
Four Seagate Center  
Eight Floor  
Toledo, OH 43604
- Surveyor - Engineers, Surveyors and Associates, LLC  
C/O: Gregory L. Boudouris, P.S.  
5353 Secor Road  
Toledo, OH 43623

### Site Description

- Zoning - RD6, CR, IC, M-UNO / Duplex Residential,  
Regional Commercial, Institutional Campus,  
Monroe Street Corridor Overlay
- Area - ±0.70 acres
- Dimensions - 50' X 612'
- Existing Use - Right of Way

### Area Description

- North - Single Family Dwellings / RS6
- South - Central Avenue / CR
- East - ProMedica Hospital (north campus) / IC
- West - Vacant Land, Commercial Buildings / RD6, CR

### Parcel History

No file on record

## GENERAL INFORMATION (cont'd)

### Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Monroe Street Corridor Urban Neighborhood Overlay

## STAFF ANALYSIS

The applicant is requesting the vacation of a portion of St. Bernard Drive right-of-way running south of Giant Street and north of Central Avenue. The subject of right-of-way is approximately 50 feet wide and 612 feet long and is mixed zoned RS6 Single Family Residential, CR Regional Commercial, and IC Institutional Campus. A portion of the right-of-way is also in the M-UNO Monroe Street Corridor Urban Neighborhood Overlay. The proposed vacation abuts a portion of the west side of ProMedica Hospital's North Campus.

The proposal to vacate the site comes at the request of ProMedica to facilitate additional future developments to the North Campus. A portion of Giant Street east of St. Bernard was vacated in 2014 for the purpose of producing a consolidated site. The applicant is the title owner or has a pending contract to acquire all of the property abutting the St. Bernard Drive right-of-way to be vacated.

### Monroe Street Corridor UNO

The Monroe Street Corridor UNO district is an overlay zoning classification established as an Urban Neighborhood Overlay (UNO). The overlay zoning district establishes additional design standards for development allowed by the underlying zoning district. The Monroe Street Corridor is intended to provide a review process for proposed physical changes to structures and public space along the corridor, implement appropriate building and parking lot setbacks, and promote development that features retail display windows, rear parking lots, and other pedestrian-oriented site design features. The Monroe Street UNO will facilitate the implementation of appropriate building and parking setbacks that accommodate redevelopment that is compatible with present building patterns.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the areas surrounding the streets to be requested for a variety of future land uses. The targeted land uses for the area include: IC, Institutional Campus, CR Regional Commercial, RD6 Duplex Residential, RS6 Single Family Residential and M-UNO Monroe Street Corridor Urban Neighborhood Overlay. All fore-mentioned zoning districts are deemed to be compatible with IC Institutional Campus land uses.

**STAFF ANALYSIS (cont'd)**

Staff has reviewed the proposed Vacation request and based on the results of the review, staff has determined that the Vacation of St. Bernard Drive is suitable for this location because the proposed use does not affect the ability of the City and other service providers to provide sufficient public safety, transportation, and utility facilities and services to properties while maintaining sufficient levels of service for existing development.

Review agency conditions have not been received. A revised staff report will be issued when conditions are available.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of V-130-16, the request to vacate a 50 foot wide and 612 foot long portion of St. Bernard Drive right-of-way running south of Giant Street and north of Central Avenue, to Toledo City Council, for the following one (1) reason:

1. The City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to properties while maintaining sufficient levels of service for existing development.

The staff further recommends that the Toledo City Plan Commission recommend approval of V-130-16, the request to vacate a 50 foot wide and 612 foot long portion of St. Bernard Drive right-of-way running south of Giant Street and north of Central Avenue, to Toledo City Council, subject to agencies conditions:

The following ten (10) 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. Eliminate access to St. Bernard by installing new curb and sidewalk through existing right-of-way. The curb height should match the exiting curb on Central Avenue. The same procedure needs to be followed at the Giant Street end.
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. Applicant shall relocate existing public water main, sanitary sewer, and storm sewer from the proposed vacated right-of-way. Alternatively, a full-width easement shall be retained by the City of Toledo over vacated right-of-way. The following language shall appear in the authorizing vacation ordinance which shall be recorded and a notation placed in the remarks section of the County's real estate records:

That a full-width (60 foot) easement is hereby retained over, across, under, and through said vacated area as described in Section 1 herein, for the existing water main, sanitary sewer, and storm sewer located in said vacated right-of-way. All City of Toledo facilities located within said easement are hereby dedicated to the City of Toledo, for City utility use only, to allow for future maintenance, repairs, replacements, etc., and shall not be combined with easements for other utilities. The easement hereby retained by the City of Toledo herein shall be primary in nature to any other utilities located therein, and any easement retained by any other utility as a result of this Ordinance shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing, and/or constructing any utilities located within the easement. The property owner shall not construct fences, walls, or other barriers that would impede access onto the easement. No temporary or permanent structure, including building foundations, roof overhangs, or other barriers denying access, may be constructed on or within the easement. Driveways, parking lots, walkways, and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility, or costs resulting from the City's removal of any barriers that deny ingress or egress from the easement or that obstruct access to the public utilities located on said property; and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for the removed facilities. Further, any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained by the owner separately from each utility, as to their interest(s) only, by separate, recordable instrument.

4. Please see Water comment above in regard to relocating the storm line or providing a full-width easement.
5. Please see Water comment above in regard to relocating the sanitary line or providing a full-width easement.

**STAFF RECOMMENDATION (cont'd)**

Division of Transportation

6. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Fire Prevention

7. Vacation of this street will eliminate the access to and use of two (2) city fire hydrants.
8. Street must remain accessible and the use of both hydrants must be maintained until demolition of all single family home and other involved structures is complete.
9. Installation of new hydrants will be required. Location to be approved prior to installation.

Division of Streets, Bridges, and Harbors

No comments or objections to this vacation.

Columbia Gas Company

Comments not received at time of printing.

AT&T (Ohio)

Comments not received at time of printing.

Toledo Edison Company

Comments not received at time of printing.

**STAFF RECOMMENDATION** (cont'd)

Buckeye Cablevision

10. Buckeye Cablesystem Inc. & Buckeye Telesystem Inc. shall be granted a 10' easement along the west side of St. Bernard Drive & on the south side of Giant Street as shown on the attached drawing (Exhibit "A") with the following conditions:

A perpetual, nonexclusive easement upon and through the portion of Grantor's Property to construct, install, inspect, maintain, repair, enlarge, reconstruct and/or replace telecommunications transmission lines, cables, power nodes, conduits, markers, signs and related equipment and facilities (collectively, the "facilities"); The right of ingress and egress over real property for the purposes stated herein.

TARTA

No comments or objections to this vacation.

Lucas County Solid Waste

Comments not received at time of printing.

Lucas County Tax Map

Comments not received at time of printing.

Republic Services

Comments not received at time of printing.

Plan Commission

No comments or objections to this vacation.

REF: V-130-16...May 12, 2016

STREET VACATION  
TOLEDO CITY PLAN COMMISSION  
REF: V-130-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

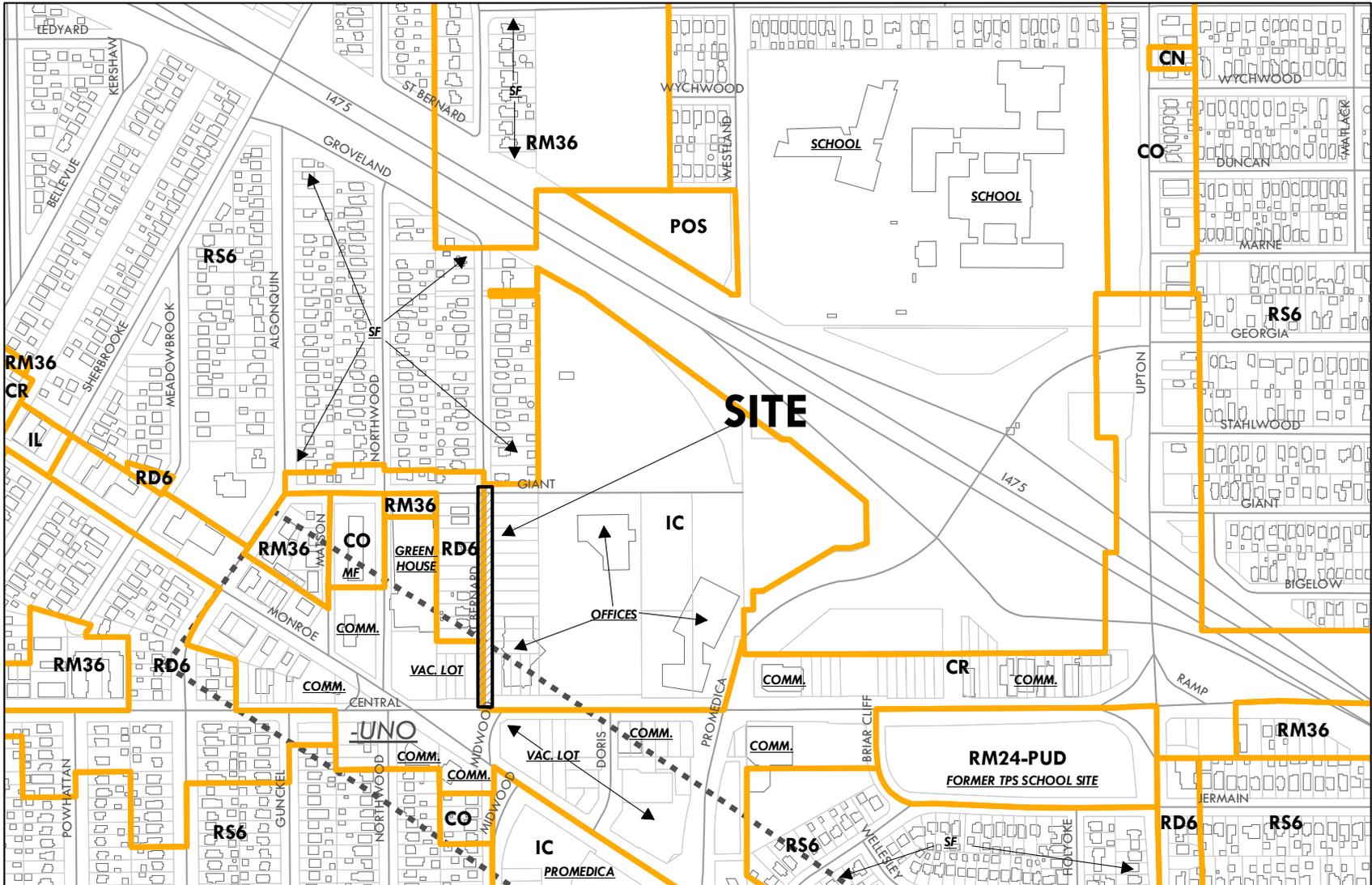
GP/nn

Three (3) sketches follow



# ZONING & LAND USE

V-130-16  
ID 45



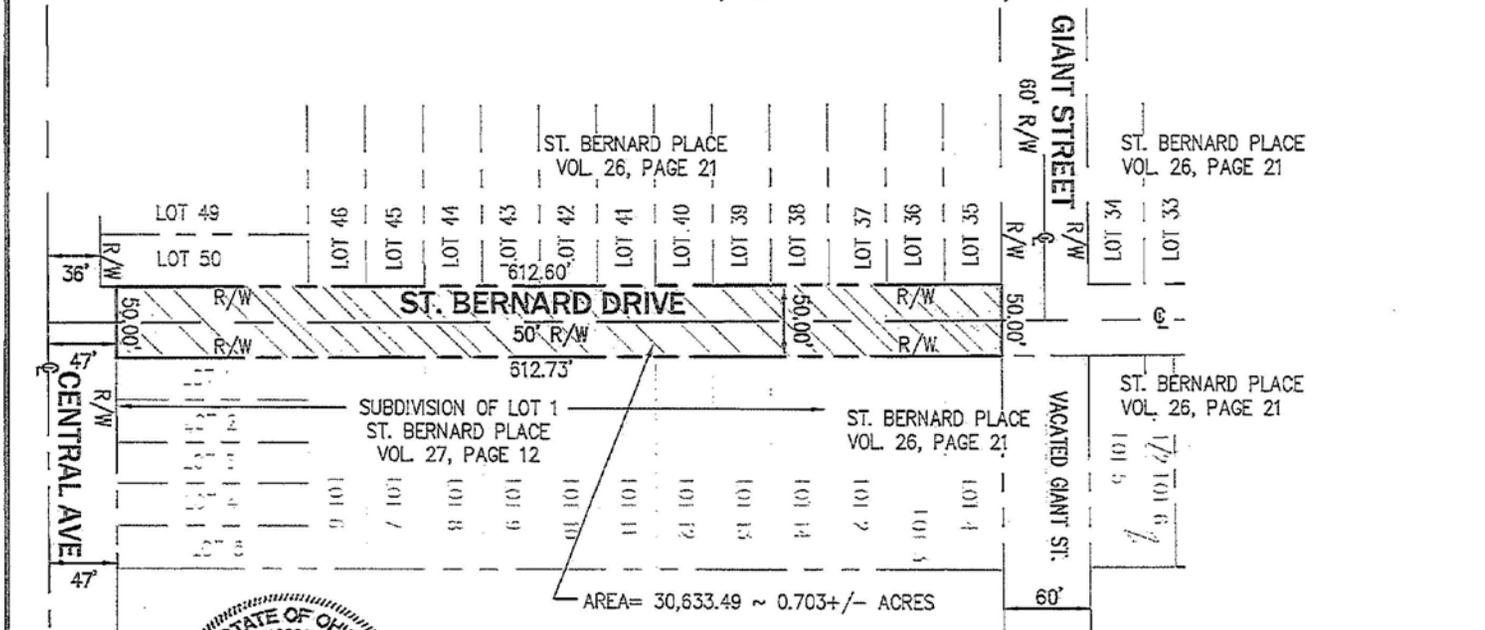
# SURVEY

V-130-16  
ID 45

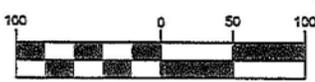


## EXHIBIT "B"

PROPOSED VACATING OF A PORTION OF ST. BERNARD DRIVE  
PART OF THE SOUTHWEST 1/4 OF SECTION 21, TOWN 9 RANGE 7 EAST,  
CITY OF TOLEDO, LUCAS COUNTY, OHIO



GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

SCALE: 1" = 100'
JOB NUMBER: 193-24
DRAWING DATE: 3/23/16
DRAWN BY: PCW

*Gregory L. Boudouris 3/29/2016*  
GREGORY L. BOUDOURIS  
PROFESSIONAL SURVEYOR NO. 8083

**esa**  
Engineers, Surveyors & Associates, LLC  
5353 Secor Rd., Toledo, Ohio, 43623 Phone (419) 475-9445

8 - 10

REF: Z-3004-16  
DATE: May 12, 2016

## GENERAL INFORMATION

### Subject

- Request - Request a for Zone Change from RS6 Single Family Residential to CR Regional Commercial
- Location - 2837 Albion Street
- Applicant - Antonio O'Neal  
2714 Albion Street  
Toledo, OH 43610

### Site Description

- Zoning - RS6 / Single Family Residential
- Area - ± 0.12 acres
- Frontage - ±32' along Albion Street
- Existing Use - Vacant Commercial Building
- Proposed Use - Commercial Use

### Area Description

- North - Single Family Residential / RS6
- South - Single Family Residential / RS6
- East - Single Family Residential / RS6
- West - TARTA Hub Station / IG

### Parcel History

- M-13-81 - Request for the adoption of the Auburn / Delaware Neighborhood Plan. Plan Commission recommended approval on 10/20/81, approved by City Council 12/16/81, Ord. 776-81.

**GENERAL INFORMATION (cont'd)**

Parcel History (cont'd)

Z-248-82 - Request for Zone Change for the property in the Auburn – Delaware Neighborhood from M-1 Limited Industrial to R-2 Single Family Residential. Plan Commission recommended approval on 12/7/82, approved by City Council 2/2/83, Ord. 106-83.

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Auburn-Delaware Neighborhood Plan

**STAFF ANALYSIS**

The applicant is requesting a Zone Change from RS6 Single Family Residential to CR Regional Commercial for a site located at 2837 Albion Street. The ±0.12 acre site is occupied by a small storefront commercial building that is vacant but was once used for the retail sale of beverage and packaged goods. The site is located in the middle of a residential block that is bordered by industrial zoning districts to the east and to the west. The 1,200 square foot structure was built in 1908 but has not been in operation for over a year.

The applicant is requesting a Zone Change to CR Regional Commercial to facilitate the development of a multi-use building that offers personal improvement services, namely a barbershop, and convenience store sales. (The combination of uses would require a minimum of ten (10) parking spaces for a site that does not readily offer commercial parking). Records indicate that the structure once functioned as the Albion Market carry-out store as late as 1998. The applicant has submitted a petition with signatures from the neighbors and residents in the immediate vicinity. If approved, the proposed development would require a Special Use Permit that would be subject to annual review and revocation.

Auburn-Delaware Neighborhood Plan

In 1980 the Neighborhood Planning Program received a request for planning assistance from the Auburn-Delaware Residents Association. The purpose of the request was to survey the problems that exist in the neighborhood and identify the best approach to implement towards their solution. The findings were compiled into a Neighborhood Plan that is intended to serve as a working tool and policy guide for both the neighborhood and the City. A major problem identified in the study was the contradictions between the way the land was presently zoned (M-2 Light Industrial) and its existing use (primarily single family). It was determined that if zoning is not updated to reflect the existing land use, conflict areas would surely multiply and become a more serious problem. The result of the assessment was a neighborhood down zoning for the 2700, 2800, 2900, and 3000 blocks of Albion Street.

**STAFF ANALYSIS (cont'd)**

In 1982 a proposed neighborhood down zoning from industrial to residential was initiated as a step in implementing the Auburn-Delaware Neighborhood Plan. The area was zoned Light Industrial although there were no industrial uses established along Albion Street. The 1982 staff report indicated that approval would result in one (1) carry-out and two (2) multi-family homes becoming legal non-conforming uses. Staff recommended approval of the rezoning for three (3) reasons: 1) to promote neighborhood stability; 2) to have zoning conform to the land use; and 3) to have the zoning conform to the adopted Auburn-Delaware Neighborhood Plan.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan provides a set of recommendations to guide the future growth and development of the City. The Toledo 20/20 Comprehensive Plan targets this area for Single Family Residential land uses. This district is intended to accommodate the development of single dwelling units on individual lots. The districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are typically compatible with residential neighborhoods.

Staff recommends disapproval of the Zone Change because CR Regional Commercial is not compatible with zoning districts or land uses in the immediate area. Additionally, the proposed zoning does not conform to the 20/20 Plan, which designates this portion of Albion Street for Single Family Residential land uses.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z-3004-16, a request for a Zone Change from RS6 Single Family Residential to CR Regional Commercial for the site located at 2837 Albion Street to the Toledo City Council, for the following three (3) reasons:

1. The request is not consistent with The Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) Review and Decision Making Criteria).
2. The requested CR Regional Commercial zoning is not compatible with existing land uses within the general vicinity (TMC§1111.0606(B) Review and Decision Making Criteria); and
3. The requested CR Regional Commercial zoning is not compatible with zoning classifications of properties within the general vicinity (TMC§1111.0606(C) Review and Decision Making Criteria).

REF: Z-3004-16. . .May 12, 2016

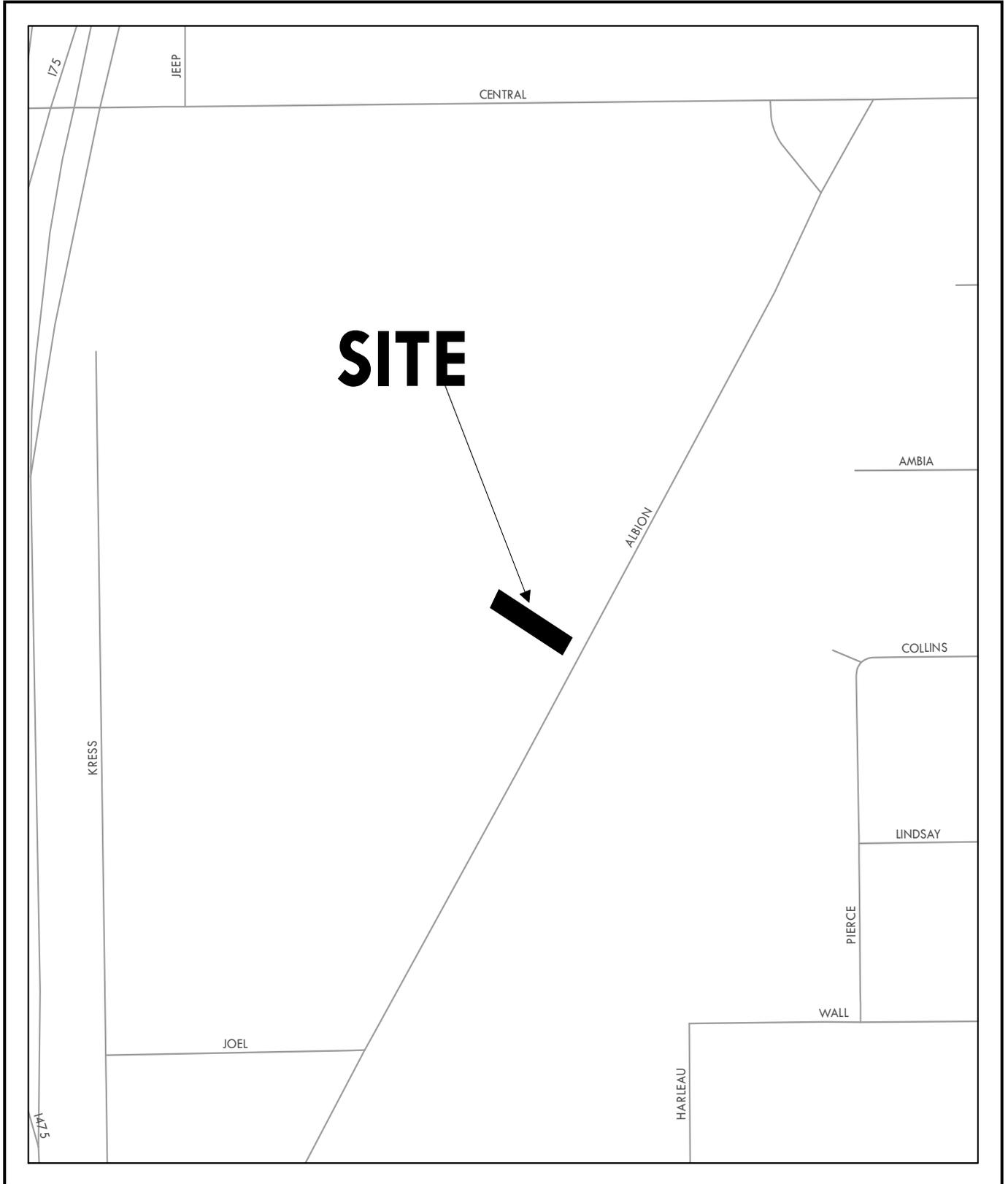
ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-3004-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

GP  
Two (2) sketches follow

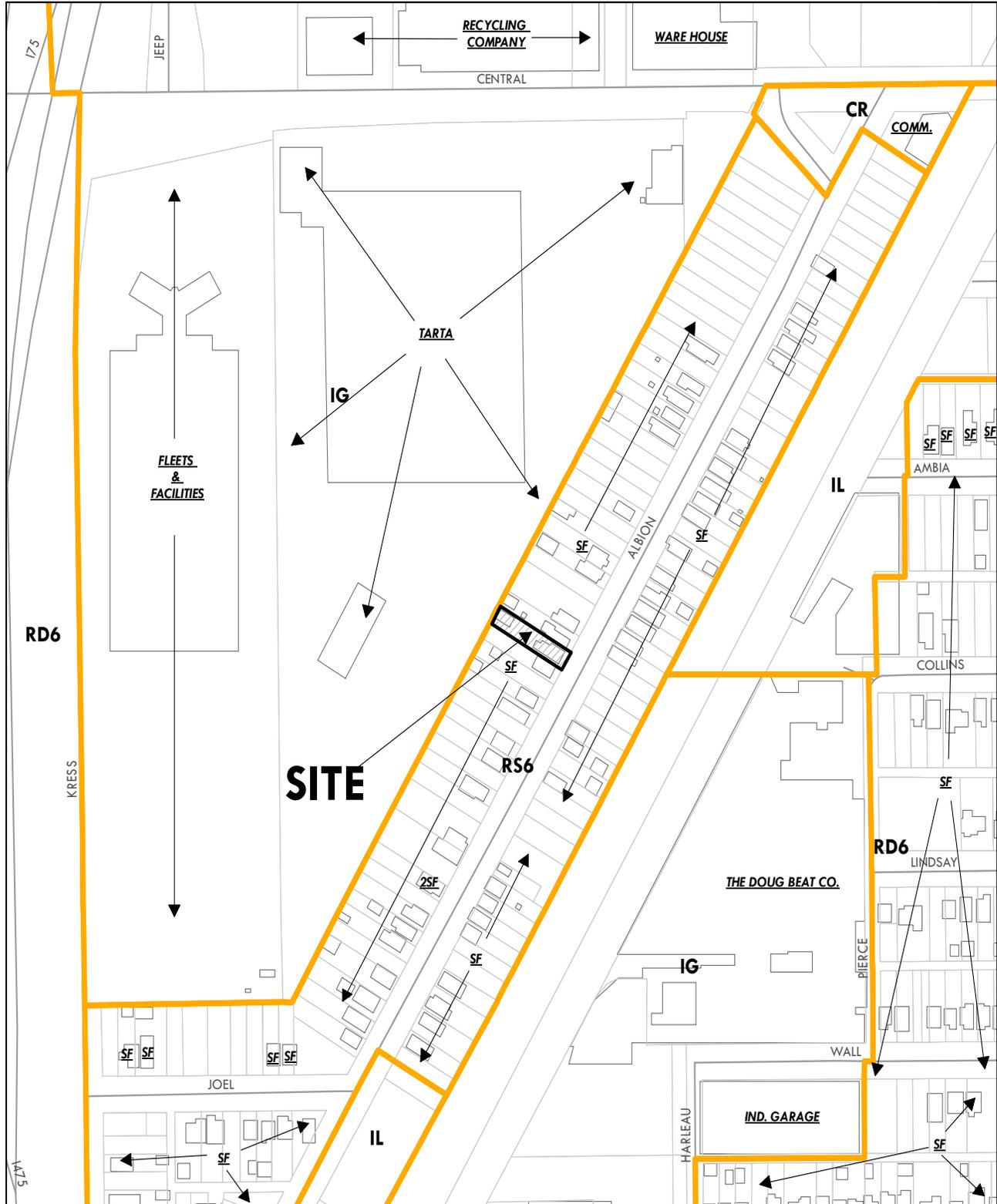
# GENERAL LOCATION

Z-3004-16  
ID 17



# ZONING & LAND USE

Z-3004-16  
ID 17



## GENERAL INFORMATION

### Subject

- Request - Special Use Permit for a Used Auto Sales Lot
- Location - 4656-4665 North Detroit Avenue
- Applicant - Ibrahim Ismail  
3426 Kenwood Boulevard  
Toledo, Ohio 43606
- Engineer - John Weithman, P.E.  
P.O. Box 184  
Waterville, Ohio 43566

### Site Description

- Zoning - Regional Commercial / CR
- Area - ± 0.41 acres
- Frontage - ±215' on North Detroit Avenue  
±78' on California Boulevard
- Existing Use - Used Auto Sales Lot
- Proposed Use - Used Auto Sales Lot
- Parking Required - 17 total customer parking spaces (1 per 5,000 square feet of open sales area (±8,200 sq ft) plus 1 per 500 square feet of enclosed sales area (±1,800 sq ft), plus 1.5 per service bay (7 service bays))
- Parking Provided - 13 spaces with no customer parking depicted

### Area Description

- North - California Blvd, vacant used auto sales lot / CR
- East - N. Detroit Avenue, Vacant used auto sales lot, open surface parking, K-Limited Carrier truck depot / CR
- South - Mixed use building, Pasedena Blvd, Restaurant Supply / CR, IL
- West - Single Family Residential / RS6

### Parcel History

No records on file.

## GENERAL INFORMATION (cont'd)

### Applicable Regulations

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

## STAFF ANALYSIS

The request is for a Special Use Permit to operate a used auto sales lot at 4656-4665 North Detroit Avenue. The overall site is 0.41 acres and consists of two (2) parcels which have frontage on Detroit Avenue and California Street. The current site is occupied by an auto repair/sales structure with a gross building area of 7,552 square feet and contains seven (7) service bays. Surrounding land uses include a mixture of single and multi-family homes immediately behind the subject property to the west with Regional Commercial land uses abutting the subject property to the north and south along Detroit Avenue.

The used auto sales lot was established without a Special Use Permit and has operated as a non-conforming use since the current owner purchased the building four years ago, as listed by the Lucas County Auditor's Real Estate Information System. A Special Use Permit has been required for all Used Automobile and Recreational Vehicle Sales facilities since 2004.

### 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 shall be located on a lot with a minimum lot area of no less than one-half (0.5) acre and have minimum average width of 150 feet along the main road frontage. The site meets the minimum frontage requirements. The calculated property area submitted on the site plan is not consistent with the area listed by the County Auditor's. However, the acreage of the site per the site plan is 0.425 acres and not in compliance with the regulation.

Site plans for Used Automobile and Recreational Vehicle 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. Required customer/employee parking may not be used for used vehicle inventory (TMC§1104.0308). The site plan submitted does not delineate the outdoor display areas with customer parking and therefore not in compliance with this regulation.

### 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) spaces per every service bay.

**STAFF ANALYSIS (cont'd)**

Parking and Circulation (cont'd)

The site plan submitted did not depict outdoor display areas with customer parking therefore staff is unable to determine if parking requirements can be met on site. Calculations using the square footage open sales area (5,460 sq. ft.), enclosed sales area (1,800 sq. ft.) and seven (7) service bays conclude that a total of seventeen (17) customer spaces are required. The site plan submitted depicts a total of thirteen (13) parking spaces but does not depict the total number of customer parking spaces.

The site plan submitted depicts parking spaces in front of the existing service bays which are not permitted unless the service bays are removed. Additionally, current conditions on the site include vehicles being displayed in the right-of-way along North Detroit Avenue. This is not permitted as it restricts pedestrian traffic and obstructs visibility from California Boulevard to North Detroit Avenue, increasing the risk for collisions. Furthermore, the Division of Transportation has objected to the approval of the site plan submitted. Comments from the Division of Transportation identifying several issues with the site are listed as conditions of approval in Exhibit "A". A revised site plan shall be submitted addressing the parking requirements and comments by the Division of Transportation.

Landscaping

A fifteen (15') foot frontage greenbelt is required along North Detroit Avenue and California Boulevard. The frontage greenbelt shall include a solid evergreen hedge along North Detroit Avenue to screen the parking lot. Low, undulating (horizontal and vertical) earth berms or decorative stone or brick walls (no concrete block), or ornamental metal fencing or combinations thereof may also be approved by the Planning Director. The site plan submitted did not depict any landscaping proposed on the site. However, due to a high percentage of building coverage on the property ( $\pm 42\%$ ) and the current front building setback, the installation of a frontage greenbelt is limited on site without encroaching into city right-of-way.

If approved, a Type A landscape screen and buffer will be required along the western property line of the site that abut the residential zoning district. Said screen and buffer shall consist of a solid six to eight foot (6'-8') tall fence or wall. Fencing is to be installed so that the smooth/flush side faces away from the development site. The submitted site plan depicts a six foot (6') tall chain link fence which is not acceptable screening along the western property boundary. Although the building setback restricts the installation of landscaping buffer along the western property line, staff will require a ten foot (10') landscaping buffer between the residential properties and the parking lot identified as the "*Dust Free Parking Area*" on the submitted site plan. The landscaping buffer shall consist of two (2) canopy trees with eight (8) shrubs. A completed Landscaping Plan must be submitted in compliance with TMC§1108.0000.

**STAFF ANALYSIS (cont'd)**

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial land uses. CN land uses typically include predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses are permitted uses in the CN zoning designation. Auto oriented uses are not considered as a land use that serves neighborhood zoning districts.

Staff recommends disapproval of the Special Use Permit for this location for several reasons. First, it does not meet the minimum lot size requirements for used auto sales lots per TMC§1104.0306. Second, the Division of Transportation has objected to the approval of the site plan. Third, the proposal does not comply with all applicable provisions of the zoning code as outlined in TMC§1111.0706 Review and Decision-making Criteria. Finally, the site is too small to comply with applicable parking and landscaping requirements.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-3005-15, a Special Use Permit for a used car lot located at 4656-4665 North Detroit Avenue, to Toledo City Council for the following five (5) reasons:

1. The request does not meet the provisions of TMC§1104.0306 for used auto sales requiring a minimum lot size of one-half (0.5) acre of area.
2. The Division of Transportation has objected to the approval of the submitted site plan provided by the Plan Commission.
3. The request is not consistent with The Toledo 20/20 Comprehensive Plan (TMC§1111.0606.A Review & Decision Making Criteria);
4. The proposed use does not comply with all applicable provisions of this Zoning Code (TMC§1111.0706.B Review & Decision-Making Criteria); and
5. The site is too small to meet minimum applicable parking and landscaping requirements.

Although staff is recommending disapproval, conditions of approval are included and listed by agency of origin as Exhibit "A" for informational purposes.

REF: SUP-3005-16. . May 12, 2016

SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-3005-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

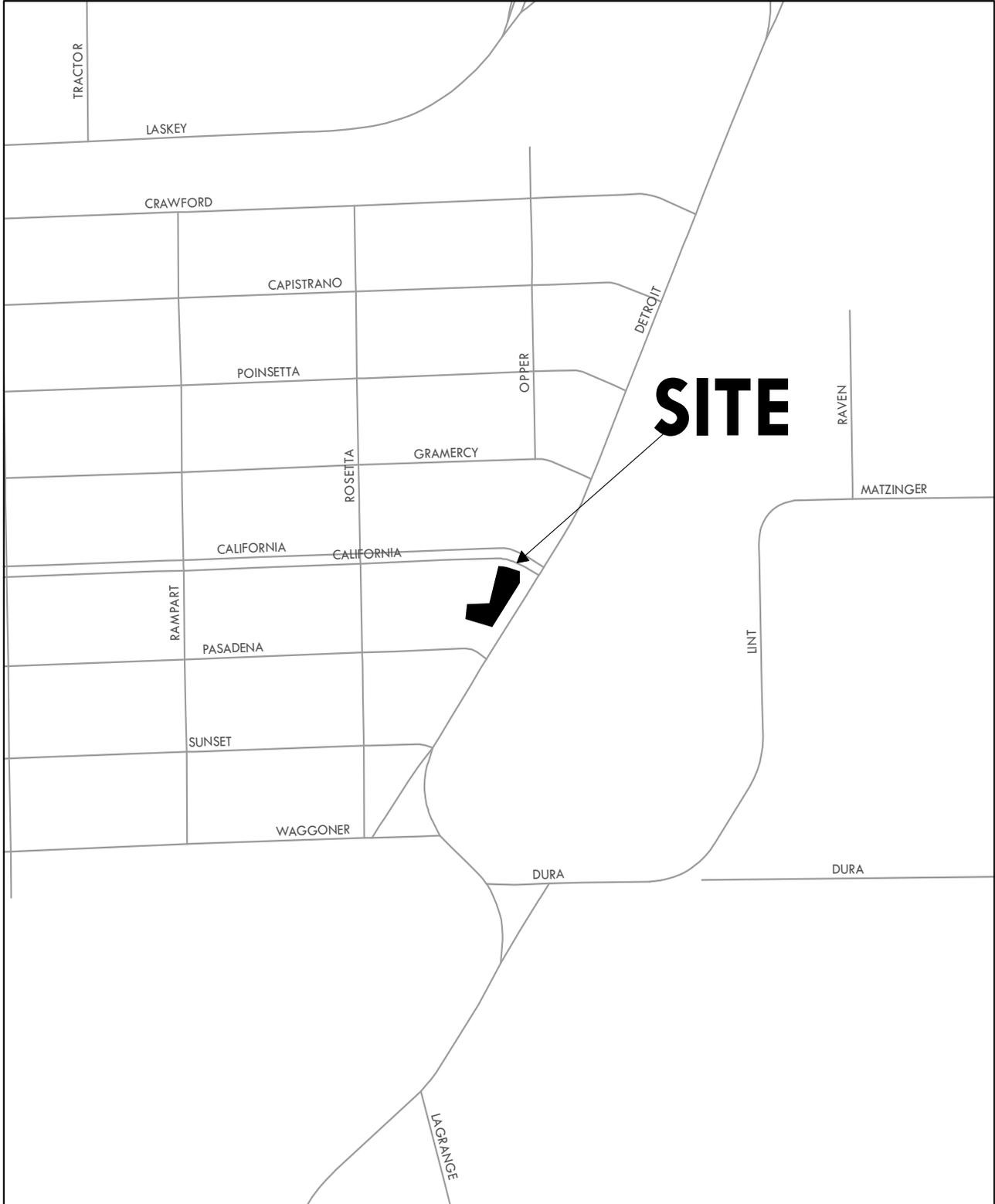
TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: June 15, 2016  
TIME: 4:00 P.M.

RS

Three (3) sketches and One (1) exhibit follow

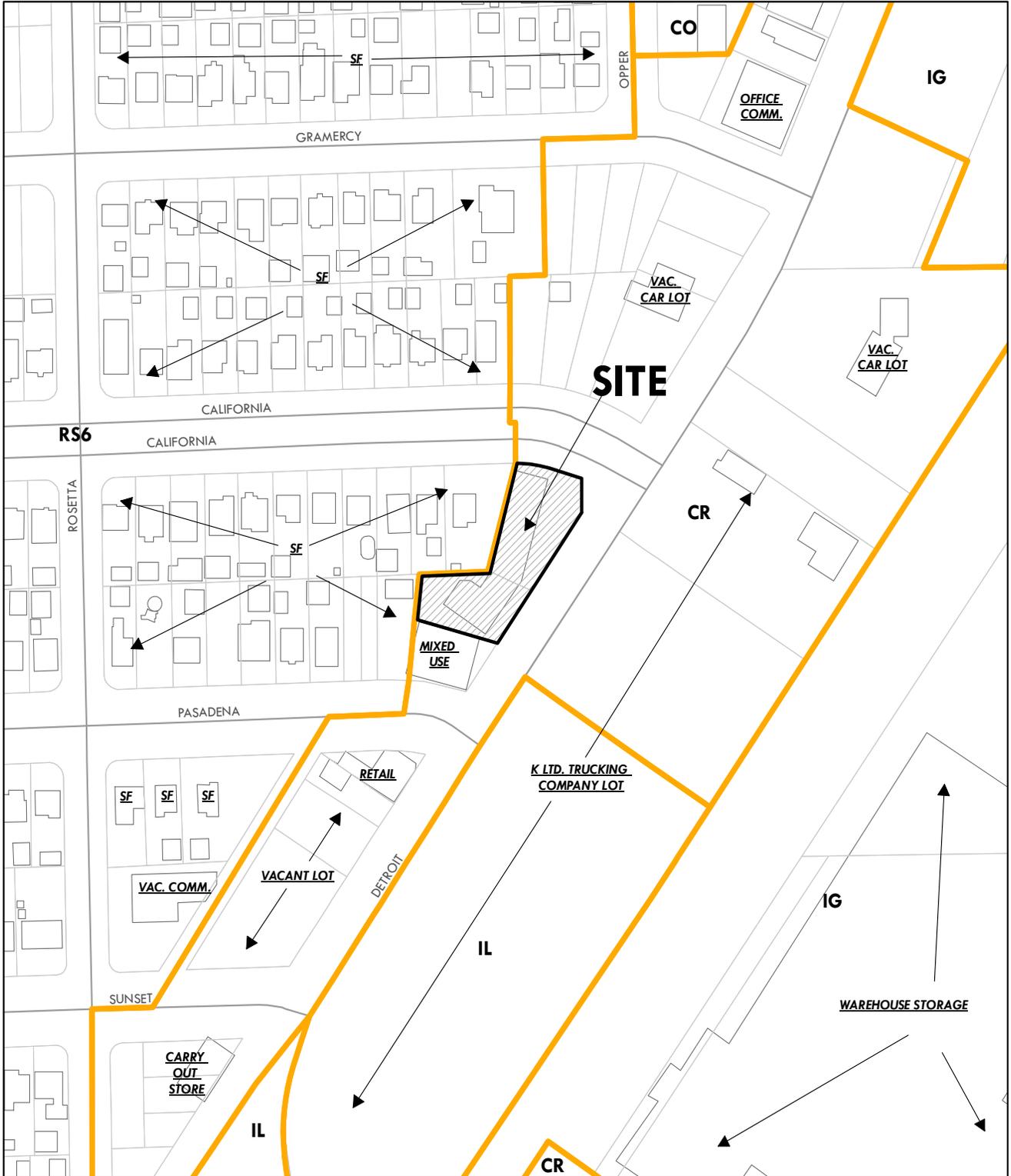
# GENERAL LOCATION

SUP-3005-16  
ID 38



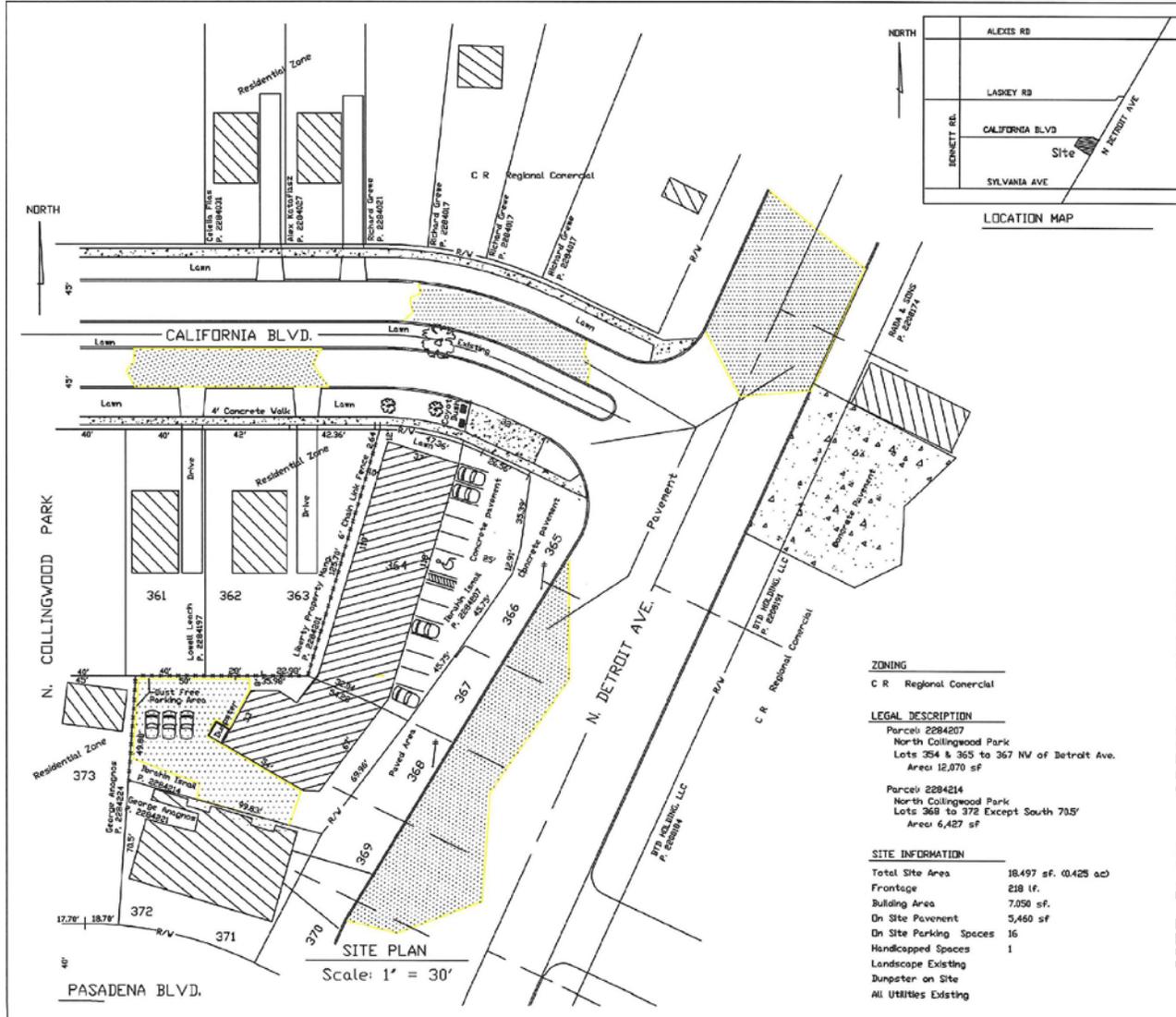
# ZONING AND LAND USE

SUP-3005-16  
ID 38



# SITE PLAN

**SUP-3005-16**  
ID 38



**ZONING**  
C R Regional Commercial

**LEGAL DESCRIPTION**  
Parcel: 2284207  
North Collingwood Park  
Lots 354 & 365 to 367 NW of Detroit Ave.  
Area: 12,870 sf  
  
Parcel: 2284214  
North Collingwood Park  
Lots 368 to 372 Except South 705'  
Area: 6,427 sf

**SITE INFORMATION**

Total Site Area	18,497 sf. (0.425 ac)
Frontage	218 lf.
Building Area	7,050 sf.
On Site Pavement	3,460 sf
On Site Parking Spaces	16
Handicapped Spaces	1
Landscape Existing	
Dumpster on Site	
All Utilities Existing	

SITE PLAN - SPECIAL USE PERMIT



**JOHN A. WEITHMAN, P.E.**  
P.O. BOX 184  
WATERVILLE, OHIO 43566  
ENGINEERING SURVEYING  
Ph: 419-868-7778 Fax: 419-868-7774

**IBRAHIM ISMAIL** dba. DETROIT AUTO SALES  
4665 N. DETROIT AVE.  
TOLEDO, OHIO

REVISED	DATE	BY
04/09/16	03/24/16	
DRAWING		
1 of 1		

**EXHIBIT “A”  
Review Agency Conditions**

The following thirty-six (36) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. All **existing standard** 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. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained before work begins from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for new water service or modifications to existing water service shall be submitted to the Division of Engineering Services for review and approval.
7. All commercial properties are required to have approved backflow-protection devices installed on the domestic water service and fire-protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com at 800-414-4990. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow-prevention requirements for this site.

**EXHIBIT “A” (cont’d)**

Division of Engineering Services (cont’d)

8. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, meter setting, or backflow-protection device and that these devices are properly installed, tested, and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo’s standards.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire-protection requirements for this site.
10. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a 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 by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water Utility, including storm-water detention and post-construction storm-water Best Management Practices (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

11. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
12. All 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

No concerns.

**EXHIBIT “A” (cont’d)**

Division of Environmental Services

13. Applicant shall maintain compliance with the City of Toledo’s Stormwater regulations as specified in the Toledo Municipal Code.
14. Applicant shall maintain compliance with Ohio EPA’s General Stormwater NPDES permit programs.
15. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable. An in-depth Stormwater Pollution Prevention Plan is also recommended especially containment of all pollutants associated with the proposed operation.
16. Applicant shall maintain compliance with the City of Toledo’s stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the facility, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
17. Applicant shall maintain compliance with the City of Toledo and State of Ohio’s Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Anti-Noise Laws.

Building Inspection

No comments at time of print.

Division of Transportation

18. The minimum dimensional requirement for standard parking stalls dimensions is 9’x 18’; the parking shown does not meet this requirement.
19. It is unclear which parking area is designated for customer parking, employee parking and the location of parking area that is designated for vehicle sales. The site plan must indicate the complete parking plan of the lot.
20. All customer and employee parking must be marked and striped in accordance with Toledo Municipal Code requirements.
21. The Division of Transportation requires clarification of what materials comprise the “dust free parking area.”

**EXHIBIT “A” (cont’d)**

Division of Transportation (cont’d)

22. The proposed use of the site for auto sales is too intense for the site. Minimum requirements for parking stalls, drive aisles and approaches and will be difficult to meet given the disposition of the site. The size and configuration of the site leaves it with limited options for use in commercial purposes.

Division of Economic Development

No comments at time of print.

Plan Commission

23. 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 **(if applicable)**.
24. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(B)(10) of the Building Code.
25. All lots of the development site shall be combined into a single taxable parcel identification number.
26. 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)**.
27. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
28. 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.
29. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site.

**EXHIBIT “A”** (cont’d)

Plan Commission (cont’d)

30. 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)).
31. 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.
32. If the existing 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 15% of the exterior for facades visible from the public right-of-way. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.
33. A detailed site, lighting, sign, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A greenbelt is required along the North Detroit Avenue and California Boulevard frontages, and shall include a solid evergreen hedge planting and one tree per every 30 feet of frontage; **applicable where building setback allows for landscaping. Shall be noted on completed landscaping plan.**
  - b. A Type A Landscape Buffer is required along the rear of the property where the site abuts residential zoning. This buffer shall include ten feet of landscaping and a solid wood, board on board fence; **applicable where building setback allows for landscaping, required around the “Dust Free Parking Area”.** **Shall be noted on completed landscaping plan.**
  - c. Interior site landscaping shall include one tree per 1000 square feet of building coverage. Greenbelt frontage trees are included in this total, minimum of 2 trees in the front and side yards. Interior site landscaping may consist of foundation shrub plantings and new tree planting or preservation of existing trees.
  - d. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances; **shall be noted on completed landscaping plan.**

**EXHIBIT “A” (cont’d)**

Plan Commission (cont’d)

- e. Total interior landscaping shall be 20 square feet per parking space. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6 inch by 18 inch concrete curbing; **shall be noted on completed landscaping plan.**
  - f. All parking spaces must be within 100 linear feet of a landscaped area;
  - g. Topsoil must be back filled to provide positive drainage of the landscape area.
  - h. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage; **shall be noted on completed landscaping plan.**
  - i. Landscape terminal islands must be provided at the end of each parking row; **shall be noted on completed landscaping plan.**
  - j. Two canopy trees and six shrubs are required to be installed in interior landscape areas for each 10 parking spaces within the parking lot (existing trees may be used for credits); **shall be noted on completed landscaping plan.**
  - k. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10’) in width; **shall be noted on completed landscaping plan.**
  - l. 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.
  - m. The location, height and materials for any fencing to be installed and maintained.
  - n. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
  - o. The location, lighting and size of any signs.
34. 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.**

**EXHIBIT “A” (cont’d)**

Plan Commission (cont’d)

35. 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.
36. 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	-	Special Use Permit for a convenience store
Location	-	302 Paine Avenue
Applicant	-	Angela Bivens 1809 W. Bancroft St Toledo, OH 43606
Architect	-	William R. Steele 2529 Talmadge Rd Ottawa Hills, OH 43606

### Site Description

Zoning	-	CN Neighborhood Commercial
Area	-	± .0695 acres
Frontage	-	± 30' on Paine Avenue ± 110' on Bakewell Street
Existing Use	-	Vacant commercial store front on the first floor and an apartment on the second floor
Proposed use	-	Convenience Store
Parking Required	-	10 spaces
Parking Provided	-	None

### Area Description

North	-	Grade School, Library and Single Dwelling Residential / RD6
East	-	Single Dwelling Residential / RD6
South	-	Single Dwelling Residential / RD6
West	-	Private Club House and Single Dwelling Residential / CN, RD6

### Parcel History

Nothing on file in the Plan Commissions office.

**GENERAL INFORMATION** (cont'd)

Applicable Plans and 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 open a convenience store to be located at 302 Paine Avenue, East Toledo. The .0695-acre site is located at the corner of Paine Avenue and Bakewell Street. The current site is zoned CN Neighborhood Commercial and is occupied by a two-story mixed use commercial building. The structure has 6,028 square feet with a commercial store front on the first floor and an apartment on the second floor.

The structure is located in the Birmingham Historic District, which is a national historic district not subject to local review. The structure was built in 1919 and was constructed to house a Hungarian noodle factory. The first floor was the operating space to make the noodles and the second floor was the residence for the factory owners.

Surrounding land uses include the Toledo-Public Library and Birmingham Elementary School to the north, the Hungarian Club and single-family homes to the west, and single-family residential homes to the east and south.

The proposal states the operator will open the first floor retail space in order to sell pre-packaged candy. Sales will be focused on a younger clientele, specifically children and teenagers. The hours of operation stated in the application are from 9 AM to 9 PM. The second floor tenants park directly behind the building on the two parking spaces on the site. There is no customer or employee parking available on site.

Convenience Store Regulations

As defined in TMC§1116.0217, any food and beverage retail sale facility that occupies a floor area of less than 5,000 square feet is considered a convenience store. The hours of operation of a convenience store may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to convenience stores located adjacent to any residential district, school, place of religious assembly, park, or playground (TMC§1104.0601).

The Special Use permit granted for a convenience store shall be subject to review on an annual basis and may be amended or revoked by action of City Council in consultation with the Plan Commission if said convenience store is determined to have significant negative secondary effects that have not been sufficiently alleviated under zoning, building or health code regulations (TMC§1104.0602).

**STAFF ANALYSIS** (cont'd)

A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors (Per TMC§1104.0603.B.). Separation distances between a proposed use and existing use or district are measured from property line to property line by the shortest distance. For leased space in multi-tenant properties, the measurement shall be from the outer boundaries of the leased space (TMC§1106.0208). There are two uses that trigger spacing violations established within the required 1,000 foot radius. The Birmingham Grade School located across Paine Avenue is within 500 feet of the proposed convenience store. Additionally, the Toledo Public Library Birmingham Branch, located at 203 Paine Avenue, is within 1,000 feet of the proposed convenience store.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Schedule A, Food and Beverage Retail Sales facilities are subject to Schedule B, TMC§1107.0400 – *Off-Street Parking Schedule “B” Additional Commercial Standards* which require one (1) parking space per every 300 square feet of floor area and one (1) bicycle parking slots per ten (10) parking spaces. The site plan depicts a total floor area of 3,014 square feet for the commercial space, requiring ten (10) customer parking spaces with one (1) required van accessible space. The site plan submitted does not satisfy this requirement for off-street parking.

The Division of Transportation acknowledges the parking constraints that are caused by the configuration of the site. A site is required to provide a minimum amount of standard and ADA parking for employees and customers. On street parking is reserved for residential use and is not permitted to be included as available parking spaces for commercial purposes. If approved, an alternative parking plan shall be submitted to the Division of Transportation for review and approval.

For the one residential apartment located on the second floor, that unit requires 1.5 parking spaces resulting in 2 parking spaces for residential uses. At this time the applicant does rent the apartment unit and provides sufficient off street parking for the tenants.

Landscaping and Screening

Because the building sits close to the property line, there is little opportunity to provide landscaping along the Paine Avenue or Bakewell Street frontages due to the concrete sidewalks. Per TMC 1108.0203 Landscape Buffer and Screening Requirements a Type A landscape buffer is required along adjoining residential zoning districts to the south and east sides of the property. If approved, this buffer shall include a solid privacy fence or wall and ten feet of landscaping including a combination of trees and shrubs. The applicant has not provided a landscape plan.

**STAFF ANALYSIS (cont'd)**

A dumpster may not be located in any required setback or landscape buffer and shall be located as far away from residential areas as possible (TMC§1108.0203.G.5.). The submitted site plan does not depict any dumpster to be located on the site.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Single Family land uses. This portion of Paine Avenue is residential in nature and the Toledo 20/20 Comprehensive Plan identifies the area of the existing commercial building as Single-Family Residential Zoning Designation.

Staff recommends disapproval of the Special Use Permit for the following reasons. First, the proposal does not meet the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 Review and Decision-making Criteria. Second, the site cannot be accessed with on-site parking. Third, the Special Use Permit violates the spacing criteria of TMC 1104.0603.B. Finally, the proposed use is not consistent with the Toledo 20/20 Comprehensive Plan.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-3007-16, a Special Use Permit to open a convenience store at 302 Paine Avenue, to the Toledo City Council, for the following four (4) reasons:

1. The proposed use does not meet the stated purpose of this Zoning Code (TMC§1111.0706.A Review & Decision-Making Criteria);
2. The proposed use does not comply with all applicable provisions of this Zoning Code; TMC§1111.0706 B Review & Decision-Making Criteria);
3. The proposed use violates Convenience Store Spacing Requirements which require a minimum of 1000' foot radius from a school, public park, licensed child day care center, or other use established specifically for the activities of minors (TMC§1104.0603.B.).
4. The proposed use is not consistent with the Toledo 20/20 Comprehensive Plan.

Although the staff is recommending disapproval, conditions of approval are as follows and are listed by agency of origin as Exhibit "A" for informational purposes.

SUP-3007-16..May 12, 2016

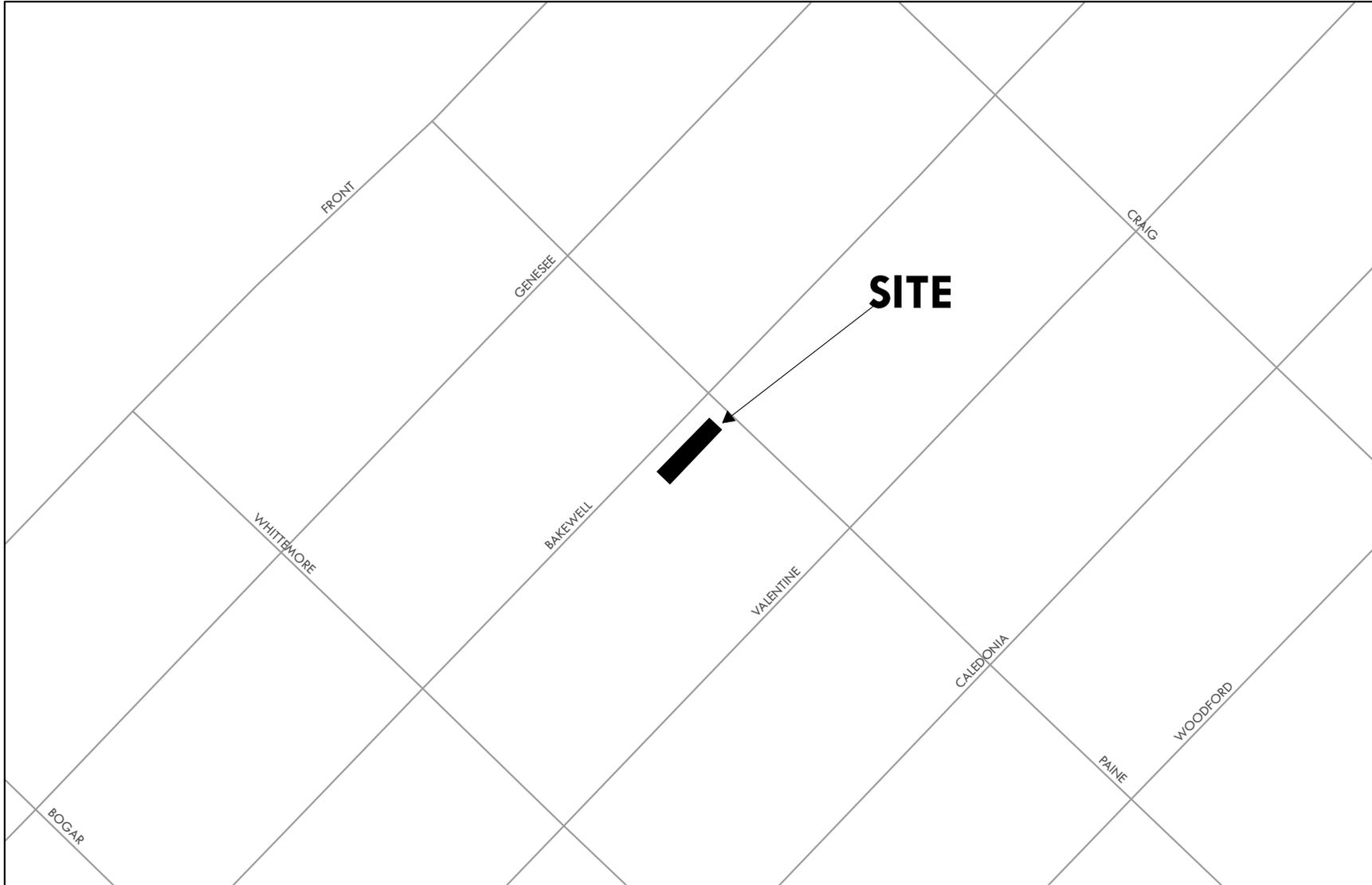
SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-3007-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: June 15, 2016  
TIME: 4:00 P.M.

MM  
Four (4) sketches follow  
Exhibit "A"

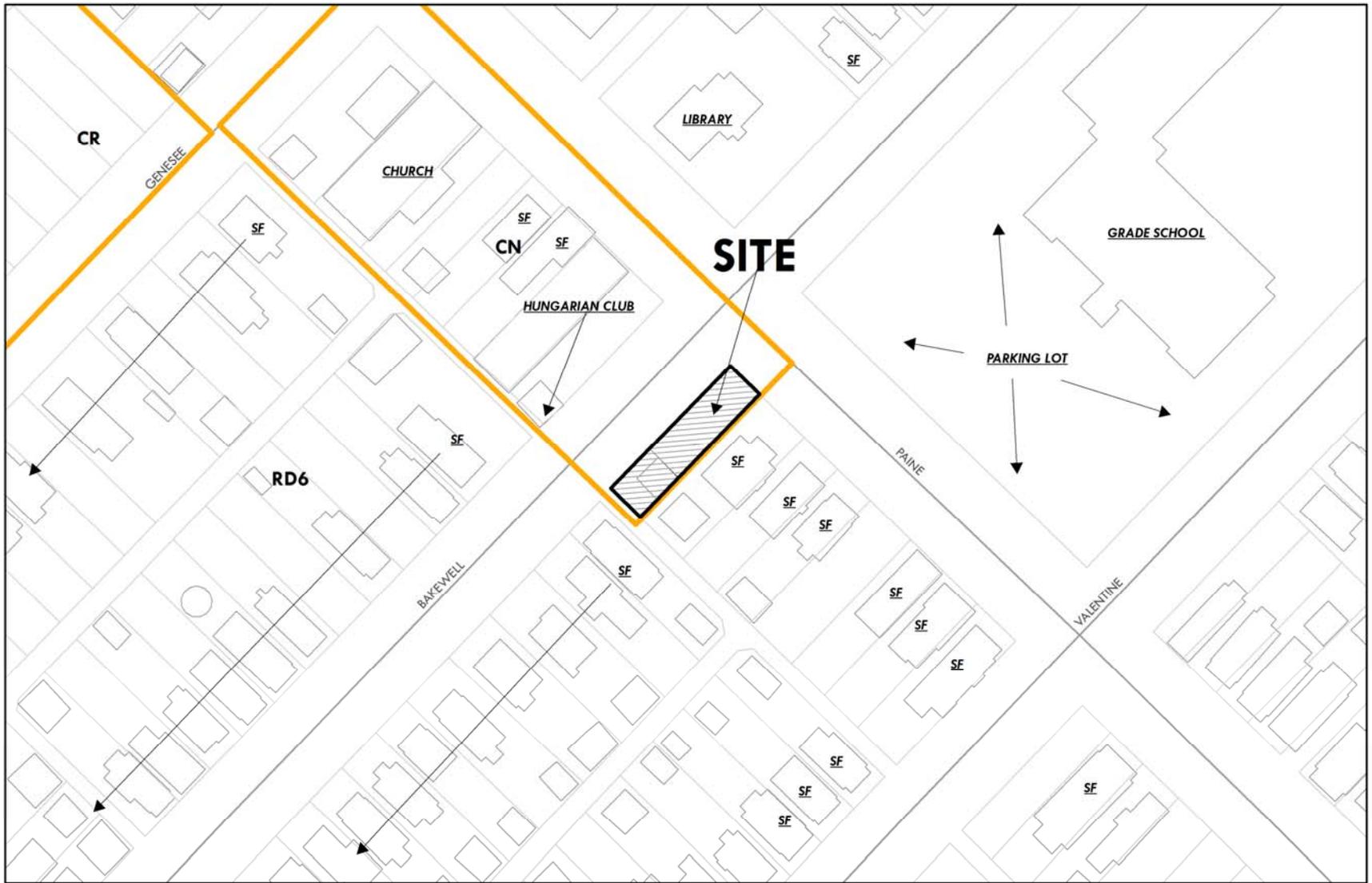
# GENERAL LOCATION

SUP-3007-16  
ID 25



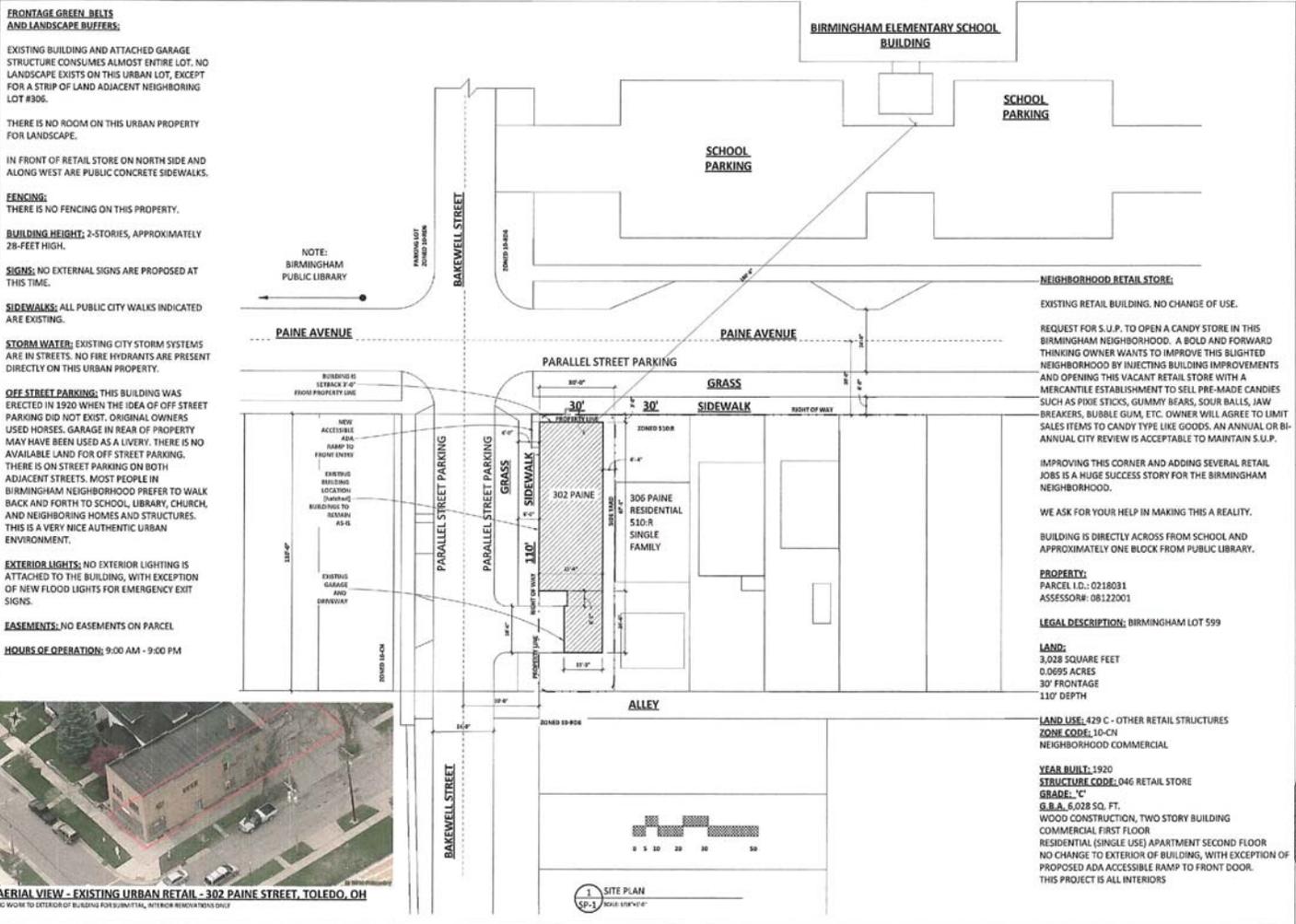
# ZONING & LAND USE

SUP-3007-16  
ID 25



# SITE PLAN

SUP-3007-16  
ID 25



William S. Steyer  
Architect  
2818 Fairway #4,  
Toledo, Ohio 43608  
419-264-1149  
wsteyer@williamsteyer.com  
Ohio Architect #97113790  
Registration 03/2016

**MINOR ENGINEER**

1. COVER PAGE  
2. SITE PLAN  
3. PLUMBING AND MECHANICAL SCHEDULES  
4. MECHANICAL PLAN  
5. PLUMBING PLAN  
6. ELECTRICAL PLAN

**REQUEST FOR SPECIAL USE PERMIT MINOR SITE PLAN REVIEW**

SP-1 - SITE PLAN  
ANGELA'S CANDY SHOP  
302 PAINE AVE.

**NORTH**

**SP-1**  
ANGELA'S CANDY SHOP  
302 PAINE AVE.



# AREIAL PHOTO OF RETAIL STORE

SUP-3007-16  
ID 25



## NEIGHBORHOOD RETAIL STORE:

EXISTING RETAIL BUILDING. NO CHANGE OF USE.

### PROPERTY:

PARCEL I.D.: 0218031  
ASSESSOR#: 08122001

LEGAL DESCRIPTION: BIRMINGHAM LOT 599

### LAND:

3,028 SQUARE FEET  
0.0695 ACRES  
30' FRONTAGE  
110' DEPTH

LAND USE: 429 C - OTHER RETAIL STRUCTURES

ZONE CODE: 10-CN  
NEIGHBORHOOD COMMERCIAL

YEAR BUILT: 1920

STRUCTURE CODE: 046 RETAIL STORE

GRADE: 'C'

G.B.A. 6,028 SQ. FT.

WOOD CONSTRUCTION, TWO STORY BUILDING  
COMMERCIAL FIRST FLOOR

RESIDENTIAL (SINGLE USE) APARTMENT SECOND FLOOR

NO CHANGE TO EXTERIOR OF BUILDING, WITH EXCEPTION OF PROPOSED

ADA ACCESSIBLE RAMP TO FRONT DOOR.

THIS PROJECT IS ALL INTERIORS



302 PAINE AVENUE, TOLEDO, OHIO AERIAL VIEW

April 4, 2016

Toledo, Ohio | **Angela's Candy Shop**

A 01

HIREARCHI

**Exhibit “A”**  
REVIEW AGENCY CONDITIONS

The following sixteen (16) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. 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. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch-thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220. Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for new water service or modifications to existing water service shall be submitted to the Division of Engineering Services for review and approval.
7. All commercial properties are required to have approved backflow-protection devices installed on the domestic service and fire-protection lines. Installation of the devices must be verified by the Division of Water Distribution, and all devices must be registered with BSIonlinetracking.com @ 800-414-4990. In the case of renovation, expansion, or modification projects, all existing backflow devices must be verified and registered. Where devices are missing they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow-prevention requirements for this site.

**Exhibit “A” (cont’d)**  
**REVIEW AGENCY CONDITIONS**

Division of Engineering Services (cont’d)

8. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire-protection requirements for this site.
  
9. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a 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 by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water Utility, including storm-water detention and post-construction storm-water Best Management Practices (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

10. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
  
11. 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.

Division of Transportation

12. The Division of Transportation acknowledges the parking constraints that are caused by the configuration of the site. Per the Toledo Municipal Code however, a site is required to provide a minimum amount of standard and ADA parking for employees and customers. On street parking is reserved for residential use and is not permitted to be included as available parking spaces for commercial purposes. An alternative parking plan shall be submitted to the Division of Transportation for review and approval.

**Exhibit “A” (cont’d)**  
**REVIEW AGENCY CONDITIONS**

Building Inspection

No comments received at the time of print.

Plan Commission

13. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscaping areas, **shall be noted on revised site plan.**
14. 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, **shall be noted on revised site plan.**
15. 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. Type A Landscape Buffer is required along the side and rear of the property where the site abuts residential zoning. This buffer shall include ten feet of landscaping and a solid wood, board on board fence; **shall be noted on completed landscaping plan.**
  - b. 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 Standard.
  - c. Topsoil must be back filled to provide positive drainage of the landscape area.
  - 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 cover.
  - e. The location, height and materials of any fencing to be installed and maintained.
  - f. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties).
  - g. The location, lighting and size of any signs.

**Exhibit “A” (cont’d)**  
**REVIEW AGENCY CONDITIONS**

Plan Commission (cont’d)

16. 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.
  
17. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. **Landscaping shall be installed & maintained indefinitely.**
  
18. 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 - Special Use Permit for a used auto sales facility
- Location - 6009 Whiteford-Center Road
- Applicant - Ahmed Ahmed  
4638 Hannaford Drive  
Toledo, OH 43623
- Architect - Architecture by Design  
C/O: Dwight Gilliland  
5622 Mayberry Square  
Sylvania, OH 43560
- Surveyor - Glass City Engineering and Surveying  
C/O: Bryan D. Ellis  
2001 River Road  
Maumee, OH 43537

### Site Description

- Zoning - RS6, CR / Single Family Residential, Regional Commercial
- Area - ±0.45 acres (not including residentially zoned portion of the site but includes the potential acquisition of right-of-way)
- Frontage - ±105' along Whiteford-Center Road
- Frontage - ±42' along Secor Road
- Frontage - ±138' along Otjen Road
- Existing Use - Auto Repair Shop
- Proposed Use - Used Auto Sales Facility

### Area Description

- North - Commercial Building / CR
- South - Single Family Dwellings / RS6
- East - Multi-Family Residential / CR
- West - Single Family Dwelling / RS6

**GENERAL INFORMATION** (cont'd)

Parcel History

V-108-16 - Request for the Vacation of a portion of Whiteford-Center Road right-of-way, companion case.

Applicable Regulations

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

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit (SUP) to facilitate the development of a used auto sales facility at 6009 Whiteford-Center Road. The ±0.45 acre site consists of one (1) parcel that is split zoned RS6 Single Family Residential and CR Regional Commercial. The residential portion of the site is completely undeveloped and the commercial portion is used as an auto repair shop. The applicant intends to use the existing ±2,000 square foot building located on the site to operate the used auto sales facility. Currently the commercial portion of the site is fenced in but encroaches northward onto the adjacent property. The residentially zoned portion of the site cannot be included in the overall acreage count nor can it be used for the proposed auto sales facility. A request for the Vacation of a portion of right-of-way along Whiteford-Center Road accompanies this case.

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 sale 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. The site does not meet these criteria. Although the parcel is a total of ±0.65 acres, the applicant is only allowed to use the ±0.27 acres portion of the property that is commercially zoned toward the minimum acreage requirement. The applicant has intentions on acquiring a portion of the right-of-way that is ±0.18 acres in total land area. The two areas combined will produce a commercially zoned section that is 0.45 acres which is ±0.05 acres short of the minimum requirement. The site plan indicates that the applicant is requesting a waiver of ±0.05 acres. Additionally, used auto sale facilities must be located on a lot with a minimum average width of 150 feet along the main road frontage. Whiteford-Center Road has frontage of ±105 feet.

**STAFF ANALYSIS** (cont'd)

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Schedule A, a used auto 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. Calculations using the existing building's square footage as enclosed sales area conclude that a total of five (5) customer spaces are required for the site. The site plan depicts a total of sixteen (16) customer parking spaces. No use may provide more than 150 percent of any of the minimum off-street parking ratios of Schedule A, except through approval of an Alternative Parking Plan.

Site plans for used automobile and recreational vehicle sales shall delineate, with dimensions, parking areas and drive aisles for the outdoor display area and customer/employee parking area. Required customer/employee parking may not be used for used vehicle inventory (TMC§1104.0308). Used vehicle inventory shall only be displayed, parked or located within parking spaces approved and defined on the site plan. 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. The site plan is not clearly dimensioned and, if the Special Use Permit is approved, will require revision showing compliance for the approval of the Planning Director.

Landscaping

If approved, staff will require a fifteen (15') foot frontage greenbelt along all public streets. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. 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 (12") inches in diameter must be retained to the maximum practical extent (TMC§1108.0407(A)).

If approved, a Type A landscape screen and buffer will be required along the commercially zoned portion of the site that abuts the adjacent residentially zoned portion in order to screen the use for residential neighbors. Said screen and buffer shall consist of a solid six (6') foot to eight (8') foot tall fence or wall and a ten (10') foot wide landscape buffer abutting the screening. Fencing is to be installed so that the smooth/flush side faces away from the development site. Additionally, a fifty (50') foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. This separation shall apply to both sides of a street and to intersecting streets on corner lots.

**STAFF ANALYSIS** (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial land uses. The intent of the CR Regional Commercial district is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. Although CR Regional Commercial districts allow for residential uses, they are required to be located above the ground floor which is to be reserved for commercial uses.

Staff has reviewed the proposed Special Use in accordance with the criteria of TMC§1111.0706 and the minimum requirements for used auto sales facilities in TMC§1104.0300. Based on the results of the review, staff has determined that the Special Use Permit is not suitable for this location because the proposed use does not meet the minimum lot acreage and average lot width along a main road. Although, the proposed development is within a well defined CR Regional Commercial zoning district, the use is not compatible with residential uses in the immediate vicinity in terms of scale, site design, and/or operating characteristics.

Although staff is recommending disapproval, conditions of approval are attached as Exhibit "A".

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-11002-15, a request for a Special Use Permit for a used auto sales facility, for a site located at 6009 Whiteford-Center Road, to the Toledo City Council, for the following two (2) reasons:

1. The proposed site plan does not meet the minimum frontage or lot size requirements in TMC§1104.0306.
2. The proposed use is not compatible with residential uses in the immediate vicinity in terms of scale, site design, and/or operating characteristics.

**STAFF RECOMMENDATION (cont'd)**

The staff further recommends that the Toledo City Plan Commission make the following recommendations to the Toledo City Council on the required lot size waivers for a used auto sales facility proposed at Whiteford-Center Road:

**Chapter 1104 Use Regulations**

**Sec. 1104.0300 Auto and RV Sales, Used Only**

**Sec. 1104.0306(A) Lot Size**

Deny waiver of that minimum lot size of shall be no less than one-half (1/2) acre.

**Sec. 1104.0300 Auto and RV Sales, Used Only**

**Sec. 1104.0306(B) Lot Size**

Deny waiver of that lot shall have a minimum average width of 150 feet along the main road frontage. Lot width shall be measured as outlined in TMC§1106.0204.

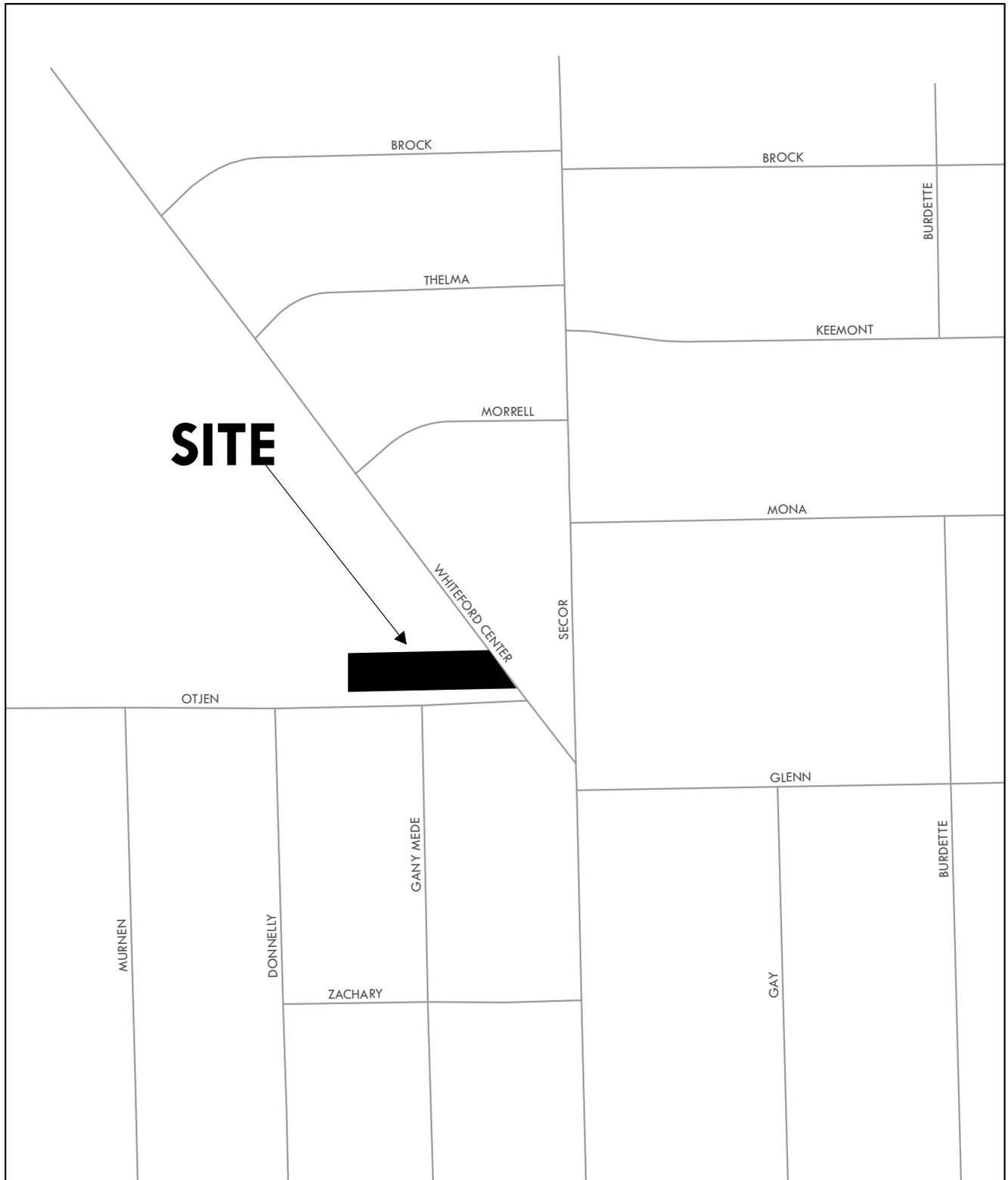
SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-11002-15  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

GP/nn  
Four (4) sketches follow  
Exhibit "A" follows

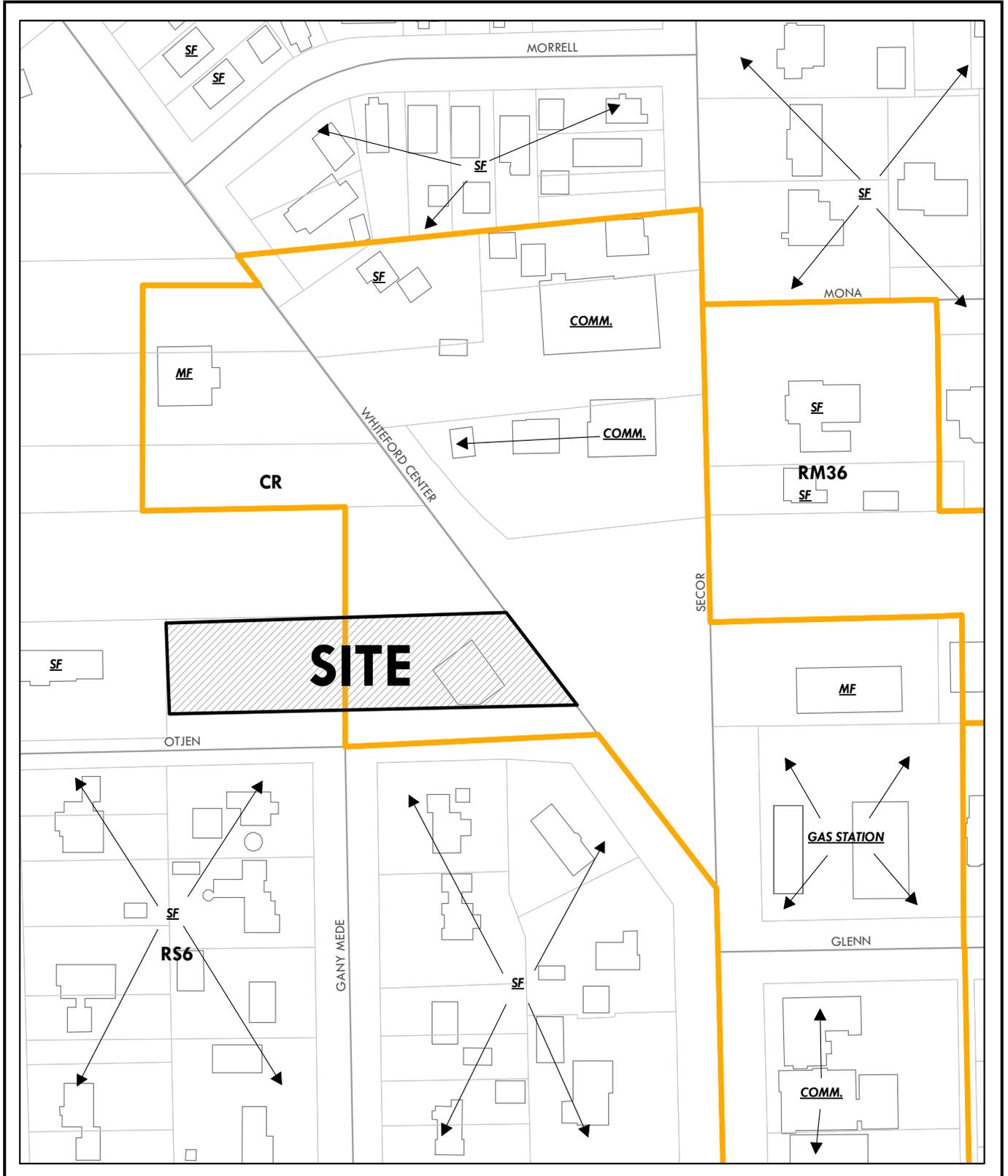
# GENERAL LOCATION

SUP-11002-15  
ID 75



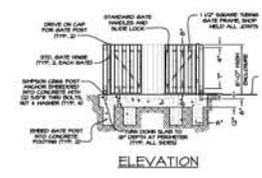
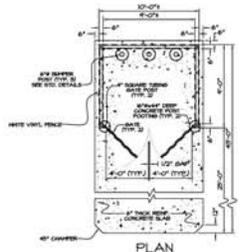
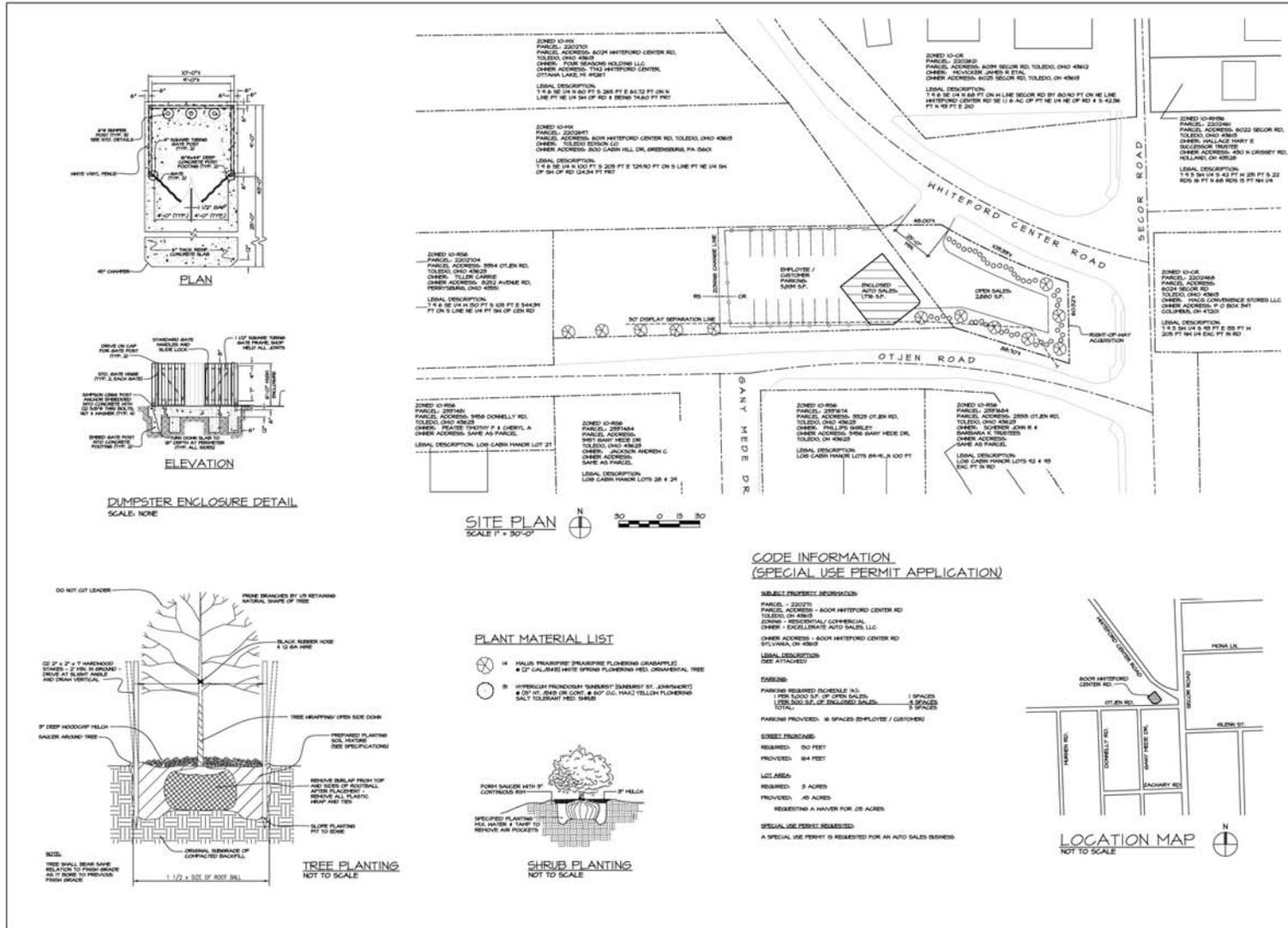
# ZONING AND LAND USE

SUP-11002-15  
ID 75



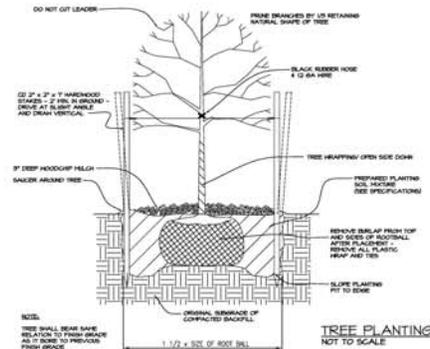
# SITE PLAN

**SUP-11002-15**  
ID 75

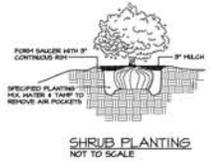


DUMPSTER ENCLOSURE DETAIL  
SCALE: NONE

**SITE PLAN**  
SCALE: 1" = 50'-0"



- PLANT MATERIAL LIST**
- ⊗ 4" WALNUT TRANSPARENT (SHADEPROOF FLOWERING GRANDIFLORA)
  - ⊗ 2" CALAMEA WHITE SPRING FLOWERING RED ORNAMENTAL TREE
  - ⊗ HYDRICUM PRINCIPALIS 'NABUCCI' (DWARF HYDRANGEA)
  - ⊗ 2" HYDRANGEA 'DWARF' (DWARF HYDRANGEA)
  - ⊗ 2" HYDRANGEA 'DWARF' (DWARF HYDRANGEA)
  - ⊗ 2" HYDRANGEA 'DWARF' (DWARF HYDRANGEA)



**CODE INFORMATION**  
(SPECIAL USE PERMIT APPLICATION)

**SEWER/STREET IMPROVEMENTS:**  
PARCEL: 1-220271  
PARCEL ADDRESS: BOOH HARTFORD CENTER RD TOLEDO, OH 43602  
OWNER: EXCELLERATE AUTO SALES LLC  
CHERRY ADDRESS: BOOH HARTFORD CENTER RD TOLEDO, OH 43602  
LEGAL DESCRIPTION: SEE ATTACHED

**PARKING:**  
PARKING REQUIRED (SCHEDULE 10): 1785 SQ. FT. OF OPEN SALES, 1 SPACES  
TOTAL: 1785 SQ. FT. OF ENCLOSED SALES, 3 SPACES  
PARKING PROVIDED: 16 SPACES (EMPLOYEE / CUSTOMER)

**STREET FRONTAGE:**  
REQUIRED: 80 FEET  
PROVIDED: 84 FEET

**LOT AREA:**  
REQUIRED: 5 ACRES  
PROVIDED: 40 ACRES  
REQUESTING A HANOVER FOR 25 ACRES

**SPECIAL USE PERMIT REQUIRED:**  
A SPECIAL USE PERMIT IS REQUESTED FOR AN AUTO SALES BUSINESS



Architecture by Design, Ltd. 2015  
 (419) 854-5111  
 6608 Mack Centre  
 Columbus, OH 43260

SITE PLAN WITH SURROUNDING PARCELS  
 SPECIAL USE PERMIT FOR:  
**EXCELLERATE AUTO SALES**  
 6008 HARTFORD CENTER RD  
 TOLEDO, OHIO 43603

REVISION BY:	DATE:
N.D.	D.N.B.
05	02/25/2015
06	02/25/2015
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50	02/25/2015

**C-1**



**EXHIBIT "A"**  
(agency conditions)

The following forty-eight (48) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

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/upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
2. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards and Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop or opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained before work begins from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Plans for a new water service or modifications to the existing water service shall be submitted to the Division of Engineering Services for review and approval.
7. Contact the City of Toledo Fire Prevention Bureau to determine the fire protection requirements for this site.

**EXHIBIT “A”** (cont'd)  
(agency conditions)

Engineering Services (cont'd)

8. Contact the Division of Water Distribution to determine the backflow prevention requirements for this site.
9. Do not construct permanent structures over public water mains or private unmetered water services.
10. 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.
11. We will object to the proposed vacation. Right-of-way is needed to maintain the 8-inch-diameter public water main in Whiteford Center Road.
12. We will object to the proposed vacation. Right-of-way is needed to maintain the 12-inch and 15-inch storm sewers located within the proposed vacation.
13. Plans submitted for Plan Commission review indicate earth-disturbing activity greater than 2,500 square feet; therefore, a detailed site-grading plan, Storm Water Pollution Prevention Plan (SWP3), calculations, and plans for storm-water service for this project shall be submitted to the Division of Engineering Services for storm-water review and approval.
14. 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 storm-water detention and post-construction storm-water Best Management Practices (BMPs).
15. 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.
16. 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 storm-water utility fee through the Storm Water Credit Program.

**EXHIBIT "A"** (cont'd)  
(agency conditions)

Engineering Services (cont'd)

17. A site-specific Storm Water Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Storm Water NPDES permit
18. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer.
19. No construction work, including any earth-disturbing work, including any earth-disturbing work, will be permitted without approved plans and inspection.
20. 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  
Storm-water Drainage: Lorie Haslinger, ph. 419-245-3221;  
Andy Stepnick 419-245-1338  
Water: Andrea Kroma, ph. 419-936-2163  
Roadway: Tim Grosjean, ph. 419-245-1344

21. Object to vacation. Right-of-way is required to maintain sanitary sewer in the area.

Sewer & Drainage Services

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

Economic Development

No objections or concerns to the Site plan.

**EXHIBIT "A"** (cont'd)  
(agency conditions)

Fire Prevention

24. Building must have approved address numbers. They must be plainly legible and visible from Whiteford-Centre Road. Minimum size is 4" high and ½" wide in a color that contrasts the building finish.
25. If the property is fenced, with restricted access gates, a fire department key box may be required.

Transportation

26. The drawing does not accurately depict the 60' right of way acquisition reflected on the survey. A revised drawing shall be submitted that includes the correct location of right of way.
27. The proposed parking configuration of the open sales area shall be included on the site plan. The disposition of vehicles must meet the requirements of the Toledo Municipal Code.
28. Dimensions of parking stalls and drive aisles shall be included on the site plan. Dimensions must meet the requirements of the Toledo Municipal Code.
29. ADA parking must be included on the site and meet the requirements of the Toledo Municipal Code.

Building Inspection

30. Any structural, mechanical or electrical installations or alterations will require plan approval, permit issuance and inspection.
31. Any parking lot modifications will require plan approval, permit issuance and inspection.
32. Any signage or fencing will require separate plan approval, permit issuance and inspection.

**EXHIBIT "A"** (cont'd)  
(agency conditions)

Plan Commission

33. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks (**not depicted on Site plan**).
34. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
35. 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**).
36. Any accessory buildings shall only be used for subordinate uses. No sales or repairs are permitted from these structures.
37. 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.
38. Repairs and services of vehicles shall be conducted wholly within an enclosed building permanently located on the site (**if applicable**).
39. 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)).
40. Display areas shall incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas.
41. A fifty (50') foot separation measured along the street frontage between any open display sales lot and a Residential district boundary line shall be maintained. This separation shall apply to both sides of a street and to intersecting streets on corner lots.

**EXHIBIT "A"** (cont'd)  
(agency conditions)

Plan Commission (cont'd)

42. 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.
43. The existing business currently encroaches to the north onto the Toledo Edison property. All proposed development must be confined to the subject site.
44. A detailed site, lighting, sign, fencing and four (4) landscaping plans separate from the Building Plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. Greenbelts are required along all street frontages. Greenbelt frontage landscaping shall be a minimum width of fifteen (15') feet; at least one (1) tree for every thirty (30) feet of lot frontage (existing trees may be eligible for credits) and a solid evergreen hedge planting;
  - b. A Type A landscape screen and buffer shall be provided along the western edge of the CR Regional Commercial zoned portion of the site to screen the use for the residential neighbors.
  - c. A perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-way. A solid evergreen hedge planting with a minimum height of eighteen (18") inches (when installed so as to achieve full screening at maturity) shall be provided.
  - d. 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.
  - e. All trees in excess of twelve (12") inches in diameter must be retained to the maximum practical extent.
  - f. Topsoil must be back filled to provide positive drainage of the landscape area;
  - g. Foundation plantings along all portions of the building that is visible from the public right-of-way and landscaping at all major building entrances;

**EXHIBIT "A"** (cont'd)  
(agency conditions)

Plan Commission (cont'd)

- h. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage, **as pertaining to the foundation plantings;**
  - g. 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 the landscape plan);**
  - h. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties).
  - j. The location, lighting and size of any signs, all signage is subject to TMC§1387.
45. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
46. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.
47. 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.
48. 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.

## GENERAL INFORMATION

### Subject

- Request - Vacate a portion of Whiteford-Center Road right of way
- Applicant - Ahmed Ahmed  
4638 Hannaford Drive  
Toledo, OH 43623
- Architect - Architecture by Design  
C/O: Dwight Gilliland  
5622 Mayberry Square  
Sylvania, OH 43560
- Surveyor - Glass City Engineering and Surveying  
C/O: Bryan D. Ellis  
2001 River Road  
Maumee, OH 43537

### Site Description

- Zoning - CR / Regional Commercial
- Area - ±0.18 acres
- Dimensions - Various
- Existing Use - Undeveloped right of way

### Area Description

- North - Multi-Family Dwelling / CR
- South - Single Family Dwellings / RS6
- East - Commercial Building / CR
- West - Single Family Dwelling / RS6

### Parcel History

- SUP-11002-15 - Request for a Special Use Permit for a used auto sales facility, companion case.

## GENERAL INFORMATION (cont'd)

### Applicable Plans and Regulations

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

## STAFF ANALYSIS

The applicant is requesting the vacation of a portion of the Whiteford-Center Road right-of-way. The submitted survey depicts the portion of right-of-way, which is irregularly shaped and is zoned CR Regional Commercial. The current configuration of the right-of-way is the result of the rerouting of Whiteford-Center Road. The applicant owns the abutting site at 6005 Whiteford-Center Road, which is currently occupied by an auto repair shop. The operation of this facility is not fully contained on the owner's property and encroaches onto the northern abutting property that is owned by The Toledo Edison Company. A request for a Special Use Permit (SUP) accompanies this case.

The proposal to vacate the site comes at the request of Excellerate Auto Sales, LLC, a company that intends to operate a used car sales facility at 6009 Whiteford-Center Road. The applicant intends to use the existing  $\pm 2,000$  square foot building located on the site as the business office. Used auto sale 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. The applicant has intentions on acquiring the vacated portion of the right-of-way to combine the  $\pm 0.18$  acres to the adjacent property to the west. The two areas combined will produce a commercially zoned section that is 0.45 acres, which is  $\pm 0.05$  acres short of the minimum requirement.

The Toledo 20/20 Comprehensive Plan targets the surrounding area for CR Regional Commercial land uses. The CR Regional Commercial zoning districts are intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. The proposed vacation is not suitable for the location because it allows for a development that is not compatible with surrounding uses in terms of operating characteristics such as noise, traffic generation, and other impacts associated with the use's operation. Approval of the vacation will allow a parcel to be developed in a manner not consistent with the Toledo 20/20 Comprehensive Plan.

Additionally, the Division of Engineering Services has objected to the Vacation request. Finally, the Vacation of the subject right-of-way is not suitable because it supports a proposed development that cannot meet the criteria of TMC§1104.0300 – *Auto and RV Sales, Used Only*.

Although staff is recommending disapproval, conditions of approval are attached as Exhibit "A".

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of V-108-16, the request to vacate a portion of right of way located along Whiteford-Center Road, to Toledo City Council, for the following three (3) reasons:

1. The Division of Engineering Services is in objection to the Vacation request.
2. The proposed vacation will support a proposed development that cannot meet the criteria of TMC§1104.0300 – *Auto and RV Sales, Used Only*.
3. The Vacation will support a proposed use that is not compatible with surrounding uses;

STREET VACATION  
TOLEDO CITY PLAN COMMISSION  
REF: V-108-16  
DATE: May 12, 2016  
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF  
PLANNING AND ZONING  
DATE: June 15, 2016  
TIME: 4:00 P.M.

GP/nn  
Four (4) sketches follow  
Exhibit A follows

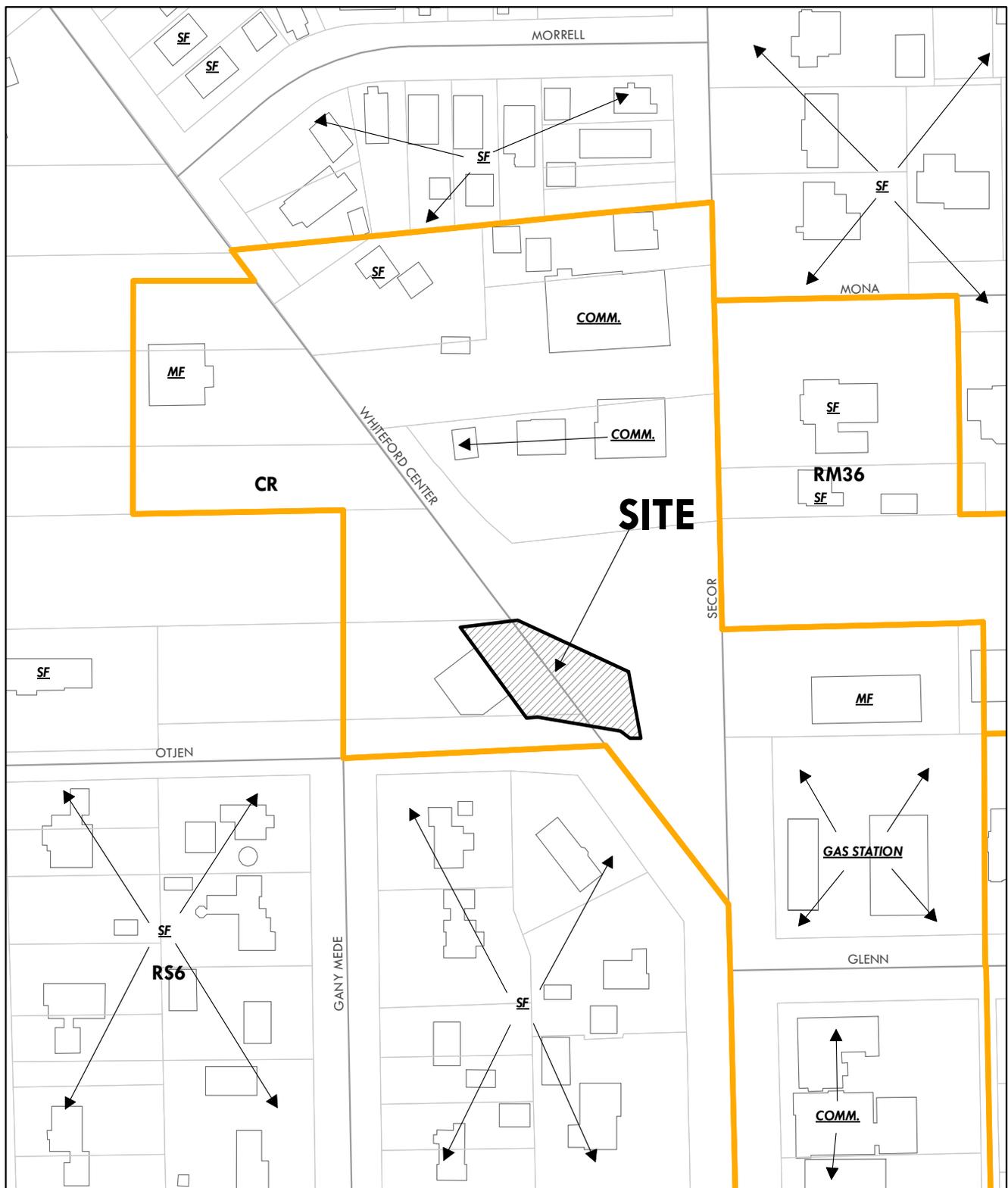
# GENERAL LOCATION

V-108-16  
ID 75



# ZONING AND LAND USE

V-108-15  
ID 75

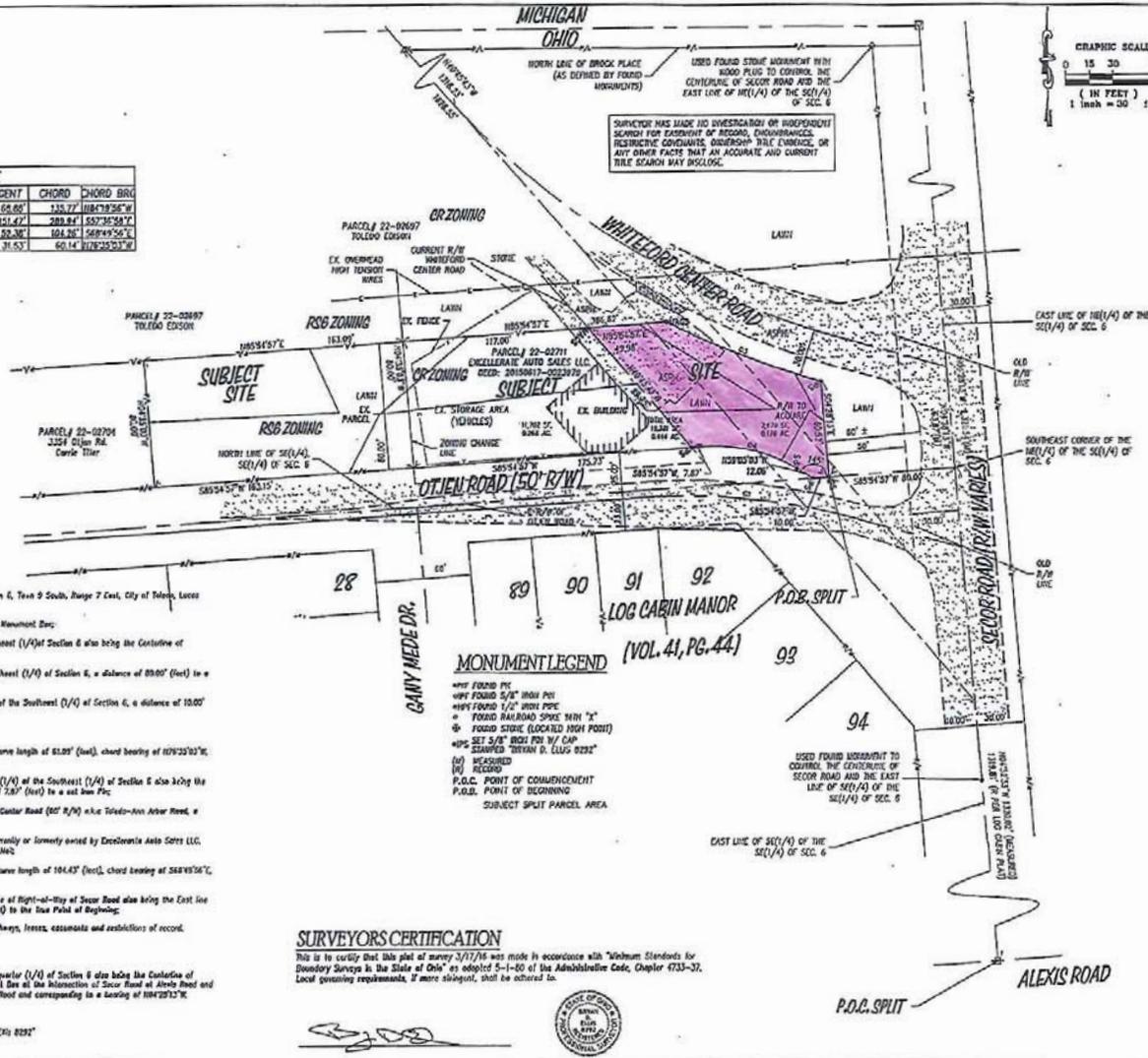


# SURVEY

V-108-16  
ID 75



CURVE TABLE				
CURVE	LENGTH	RADIUS	TANGENT	CHORD CHORD BEG
C1	136.43	450.00	58.68'	135.77' 108°17'35" E
C2	294.16	500.00	151.47'	289.84' S57°35'58" E
C3	104.43	530.00	52.38'	104.26' S69°49'56" E
C4	41.09	100.00	31.53'	60.14' N78°35'23" W



**LEGAL DESCRIPTION FOR SPLIT**

A parcel of land being part of the Northeast (1/4) of the Southeast (1/4) of Section 6, Twp 9 South, Range 7 East, City of Toledo, Lucas County, Ohio, which is more particularly described as follows:

Commencing at the Southeast corner of Section 6 being a found 5/8" Iron Pin in a Monument Box;

Thence N04°22'33" E, on and along the East line of the Southeast (1/4) of the Southeast (1/4) of Section 6 also being the Centerline of Right-of-Way of Secor Road, a record distance of 1329.81' (feet) to a pole;

Thence S25°54'37" W, on and along the South line of the Northeast (1/4) of the Southeast (1/4) of Section 6, a distance of 89.00' (feet) to a set Iron Pin and being the True Point of Beginning for the split parcel;

Thence continuing S85°54'57" W, on and along the South line of the Northeast (1/4) of the Southeast (1/4) of Section 6, a distance of 10.00' (feet) to a set Iron Pin;

Thence N55°05'50" N, a distance of 12.00' (feet) to a set Iron Pin;

Thence on and along a circular curve to the left having a radius of 100.00' (feet), curve length of 61.05' (feet), chord bearing of N79°25'30" E, chord length 60.14' (feet) and tangent length of 31.53' (feet) to a set Iron Pin;

Thence S25°54'37" W, on and along a line parallel to the South line of the Northeast (1/4) of the Southeast (1/4) of Section 6 also being the extension of the Northern Right-of-Way line of Otjen Road (50' R/W), a distance of 7.87' (feet) to a set Iron Pin;

Thence N02°15'43" N, on and along the Southwesterly Right-of-Way line of Whiteford Center Road (60' R/W) a.k.a. Toledo-Avi Arter Road, a distance of 99.75' (feet) to a set flag nail;

Thence N25°43'07" E, on and along the extension of the Northern line of a parcel currently or formerly owned by Excelsiorate Auto Sales LLC, and recorded in deed 20100617-0023975, a distance of 43.85' (feet) to a set flag nail;

Thence on and along a circular curve to the left having a radius of 530.00' (feet), curve length of 104.43' (feet), chord bearing of S88°49'56" E, chord length 104.26' (feet) and tangent length of 52.38' (feet) to a set Iron Pin;

Thence S04°22'33" E, on and along a line parallel and 20' (feet) West of the Centerline of Right-of-Way of Secor Road also being the East line of the Southeast (1/4) of the Southeast (1/4) of Section 6, a distance of 60.14' (feet) to the True Point of Beginning;

Containing an area of 0.175 Ac., 7,679 SF of land more or less and subject to all legal Highways, taxes, easements and restrictions of record.

**NOTES:**

Records used in the above description is based on the East line of the Southeast quarter (1/4) of Section 6 also being the Centerline of Right-of-Way of Secor Road as established between a found Iron Pin in a Monument Box at the intersection of Secor Road and Alexis Road and a found Iron Pin in a Monument Box at the intersection of Cress Street and Secor Road and corresponding to a bearing of N04°22'33" E.

Records are for the express purpose of showing angular measurement only.

All Iron pins set are 5/8" diameter either x 25" long with a cap marked 'Otjen D. City 8292'

This parcel was surveyed by Bryan A. Eds on November, 2015

**SURVEYORS CERTIFICATION**

This is to certify that this plat of survey 3/17/16 was made in accordance with "Minimum Standards for Boundary Surveys in the State of Ohio" as adopted 5-1-80 of the Administrative Code, Chapter 4733-37. Local governing requirements, if more stringent, shall be adhered to.



13 - 6

**GLASS CITY**  
ENGINEERING & SURVEYING LLC  
2000 Woodland Ave., Columbus, Ohio 43267  
(614) 233-5352 Fax (614) 233-9887  
EMAIL: BLACKBIRD@GNSN.COM

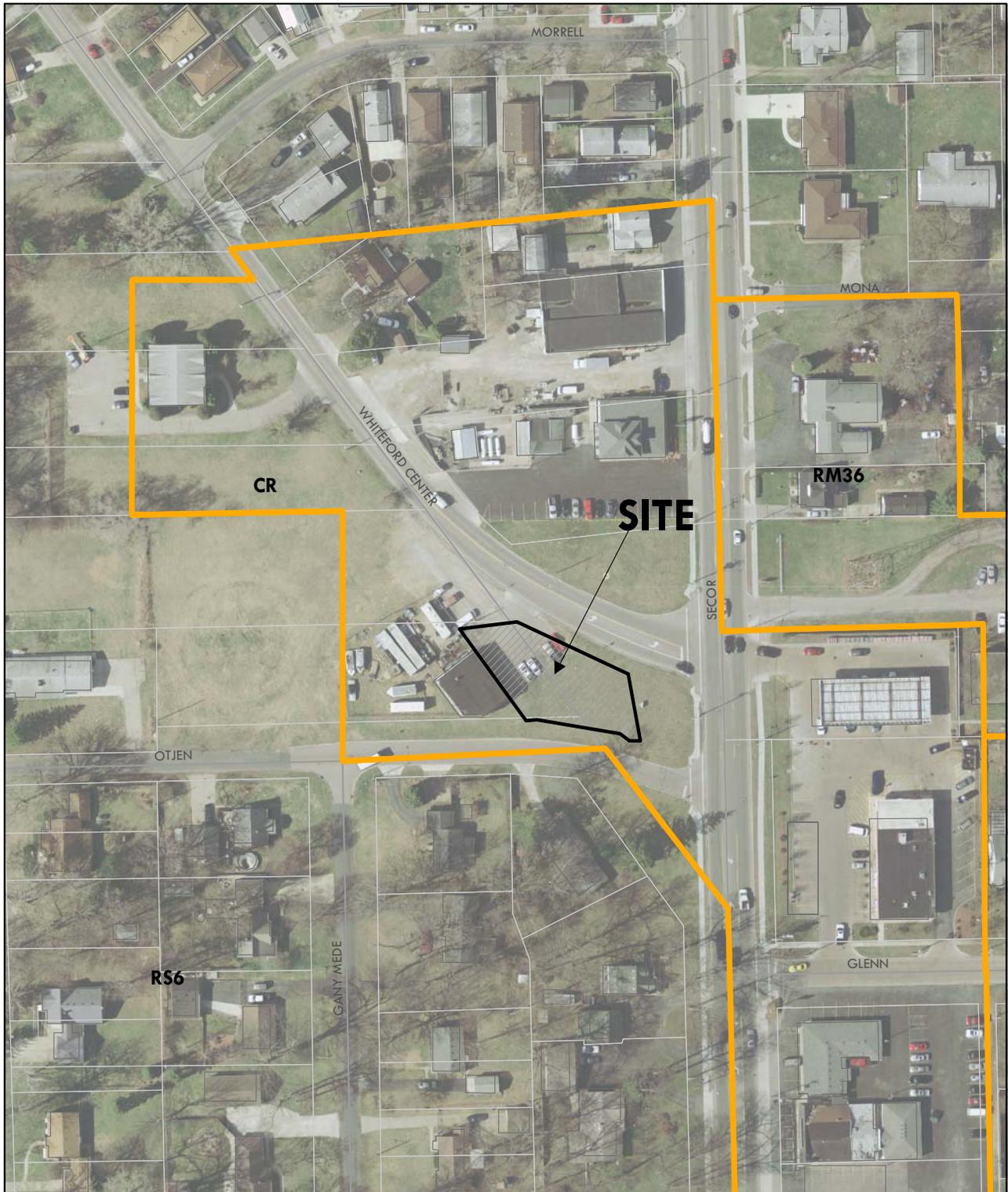
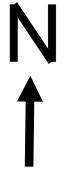
**EXCELSIORATE**  
AUTO SALES LLC  
SPLIT SURVEY  
PART OF THE SEVEN (7) SECTION 6 TOWNSHIP 9 SOUTH RANGE 7 EAST, CITY OF TOLEDO, LUCAS COUNTY, OHIO

BY: BRYAN A. EDS  
DATE: 11-11-15  
SCALE: 1" = 30'  
PROJECT: V-108-16

BDY-1/1

# ZONING AND LAND USE (AERIAL)

V-108-16  
ID 75



**EXHIBIT "A"**  
(agency conditions)

All review agency conditions have not been received. A revised staff report will be issued when conditions are available.

The following four (4) 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. We object to the vacation. Right-of-way is needed to maintain the 8-inch-diameter public waterline in what is currently the right-of-way of Whiteford Center Road.
2. We object to the vacation. Right-of-way is needed to maintain and existing 10-inch and 12-inch storm sewer in what is current the right-of-way of Whiteford Center Road.
3. We object to vacation. Right-of-way is needed to maintain sanitary sewer located in the area.

Division of Transportation

4. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Fire Prevention

Comments not received at time of printing.

Division of Streets, Bridges, and Harbors

No comments or objections to this vacation.

Columbia Gas Company

Comments not received at time of printing.

**EXHIBIT "A"** (cont'd)  
(agency conditions)

AT&T (Ohio)

Comments not received at time of printing.

Toledo Edison Company

Comments not received at time of printing.

Buckeye Cablevision

No comments or objections to this vacation.

TARTA

No comments or objections to this vacation.

Lucas County Solid Waste

Comments not received at time of printing.

Lucas County Tax Map

No comments or objections to this vacation.

Republic Services

Comments not received at time of printing.

Plan Commission

No comments or objections to this vacation.

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REF: M-16-15  
DATE: May 12, 2016

## GENERAL INFORMATION

### Subject

- Request - Text Amendment to require all Major Site Plan Reviews to proceed to City Council for Final Approval
- Applicant - Toledo City Plan Commission

## STAFF ANALYSIS

City Council has requested consideration of a text amendment to require all Major Site Plan Reviews to proceed to City Council for final approval. City Council finds that the review of some site plans by City Council and some by the Plan Commission is confusing to the general public and is an issue worth studying. City Council also requested an analysis of procedures for Site Plan Review in other Ohio communities. M-17-15, a text amendment to require that any modifications to a Site Plan Review appealed to City Council be reviewed and approved by City Council, is a companion case. Notice of this amendment was distributed throughout the development community and a public meeting was held on April 28, 2016.

### Toledo's Regulations

The City of Toledo requires a Site Plan Review for all nonresidential developments, new off-street parking, multi-unit residential developments, or if specifically required in other sections of the Zoning Code. It is divided into two types: Minor and Major. Minor Site Plan Review is handled administratively by staff without a public meeting. This process is for smaller scale developments with less of an impact on a neighborhood. Major Site Plan Review requires review and approval by the Plan Commission at a public hearing. These include developments over 50,000 sq.ft., off street parking areas with 60 or more spaces, multi-family residential containing 40 or more dwelling units or other unique circumstances. If a site plan meets all local requirements or receives necessary variances from the Board of Zoning Appeals it is approved.

The decisions by the staff for a Minor Site Plan or by the Plan Commission for a Major Site Plan can be appealed by the applicant, a legislative body, or the general public. A Minor Site Plan is appealed to the Plan Commission, which can subsequently be appealed to City Council. A Major Site Plan is appealed to City Council. Appeals must include a statement establishing the grounds for appeal, but typically involve a dispute over applying or following all local rules and regulations. For reference, a flow chart of the Major Site Plan Review process is attached to this report as Exhibit "A".

**STAFF ANALYSIS (cont'd)**

Research

The City of Toledo's Site Plan Review requirements and procedures were evaluated through a comparison with other communities in Ohio. Six of the largest cities were selected: Akron, Cincinnati, Cleveland, Columbus, Dayton, and Youngstown. Zoning documents were reviewed and follow up conversations were conducted with Planners in each community.

Analysis of Communities

Staff performed a comparative analysis of site plan review requirements and procedures for the communities surveyed. The results were consolidated and tabulated into an excel spreadsheet, which is attached to this report as Exhibit "B". A number of themes emerged in the review of these communities and they are discussed in more detail below.

A. Site plan review is largely administrative

Four of the seven communities handle review of site plans at the administrative level. Planners indicated that this process is administrative due to the nature of a site plan review. It is a review of compliance with all local regulations. If a plan is in compliance they have no grounds to deny it or ask for additional development criteria, even if the plan is controversial. Similar wording is also founded in Section 1111.0809 of the Toledo Municipal Code. It states that an appeal must be based on an error or an inconsistency. The review of technical rules and regulations is currently handled by Planning staff and the Plan Commission. An additional review to ensure that all local rules and regulations are being followed adds a level of redundancy to the process.

B. An additional review puts Toledo at a disadvantage

Toledo was one of three cities that required Plan Commission review of Major Site Plans. None of the cities surveyed required that these plans be reviewed and approved by City Council. Prior to review by the Plan Commission plans must be circulated to City agencies for review and comment. In order to provide enough time for review, Major Site Plans must be submitted forty five (45) days before a Plan Commission hearing. If Toledo became the first City to review these plans at the Council level, it would add another forty five (45) days to the process to accommodate a City Council hearing and vote. The additional review time would put the City of Toledo at a disadvantage compared with other communities.

**STAFF ANALYSIS (cont'd)**

Analysis of Communities (cont'd)

C. Additional reviews would create uncertainty with developers

There is a level of certainty and comfort for a developer who is considering locations for a project to know that if a project meets all the requirements it can be approved. The role of Planning staff and the Plan Commission is to review plans within the constraints of local laws. However, City Council has broader legislative powers that could be applied when reviewing site plans. The additional uncertainty regarding the site plan review process and what may or may not be approved could encourage developers to seek other locations where the review process is more certain.

D. Appeals allow for corrective recourse from zoning issues

Four of the six communities allow site plans to be appealed to the Board of Zoning Appeals to address issues or relief from development requirements. Only Toledo and Dayton allowed the general public to appeal a decision for a site plan review. This point underscores the general consensus: unlike a Zone Change or Special Use Permit, the goal of a Site Plan Review is to determine if a plan does or does not meet all local development requirements. Plans that meet these requirements should be approved.

E. The current appeals procedure allows for compromise

Toledo was the only community out of the seven analyzed that allows a site plan to be appealed to City Council. Most communities leave this determination up to the courts to decide, but by allowing City Council to hear these appeals Toledo provides an opportunity for a compromise to be reached before proceeding to the courts. This is an advantage to both the developer and City because court cases can be time consuming, costly, and may ultimately end up in mediation. If a political compromise can be reached prior to a court case, this is an advantage to both the developer and the city. That leaves council with a unique opportunity to impact a development. If the process was changed to see all Major Site Plans the only appeal mechanism available would be the court system.

Development Community Feedback

As part of this analysis, the development community was also polled. Preliminary comments received as a result of the email distributed to the development community indicate that the majority are opposed for a number of the reasons outlined in this request. Some also questioned what would be gained by adding the technical review to the City Council for site plans that otherwise meet all local requirements.

## **SUMMARY**

Based on the review and analysis of other large communities and the feedback received from the development community staff has concerns recommending that all Major Site Plan Reviews proceed to City Council. Toledo would be the first large City in Ohio to enact this requirement putting the city at a competitive disadvantage, while lengthening a process for plans in compliance with all rules and regulations, and creating uncertainty within the development community.

Although staff is recommending disapproval, a copy of the language that would be affected is included as Exhibit "C"

## **STAFF RECOMMENDATION**

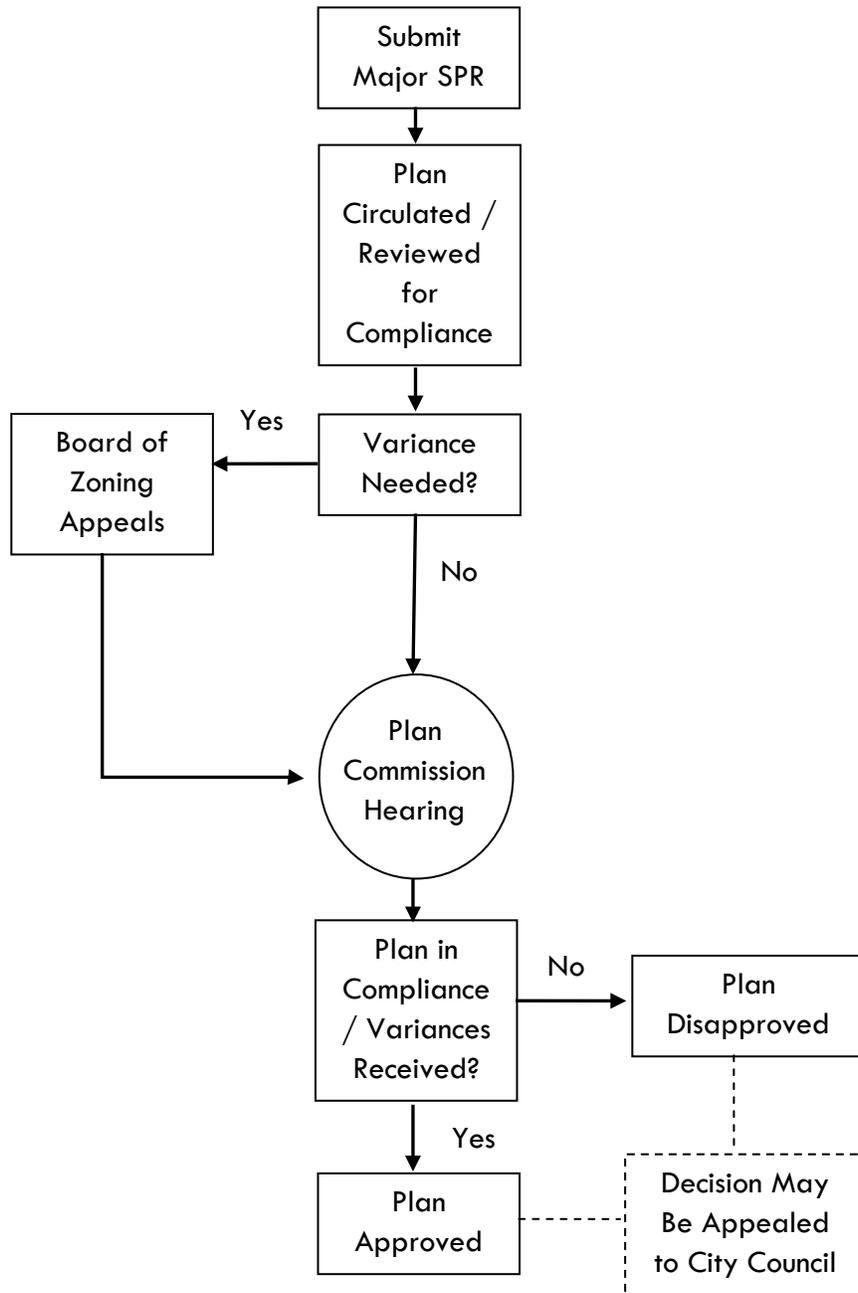
Staff recommends that the Toledo City Planning Commission recommend disapproval of M-16-15, a Text Amendment to Require All Major Site Plan Reviews to Proceed to City Council for Final Approval, to City Council for the following three (3) reasons:

1. Toledo would be the first large city in Ohio to enact this requirement, putting the city at a competitive disadvantage.
2. The amendment would lengthen a process for plans in compliance with all rules and regulations.
3. The amendment would create uncertainty within the development community that could impact the location of future projects in Toledo.

TEXT AMENDMENT  
TOLEDO CITY PLANNING COMMISSION  
REF: M-16-15  
DATE: May 12, 2016  
TIME: 9:00 A.M.

JL  
Exhibit "A", "B", "C" follows

### Site Plan Approval Process



## Comparative Analysis of Site Plan Review Requirements

REQUIREMENTS FOR:	Akron	Cincinnati	Cleveland	Columbus	Dayton	Toledo	Youngstown
<b>REVIEW</b>							
Administrative							
Minor			X		X	X	
Major					X		
All	X	X		X			X
Plan Commission							
Minor							
Major			X			X	
Limited					X		
City Council							
<b>APPEALS</b>							
Board of Zoning Appeals							
Minor					X		
Major					X		
All	X	X		X			X
Plan Commission							
Minor			X			X	
Major							
All							
City Council							
Minor							
Major						X	
All							
Courts	X	X	X	X	X	X	X
<b>APPELLANT</b>							
Applicant	X	X	X	X	X	X	X
General Public					X	X	

**Exhibit "C"**  
*Existing Language*

1111.0807 Review/Action

B. Major Site Plan Review

1. The Planning Director will review each complete application for Major Site Plan Review and, within 90 days, recommend that the Plan Commission take one of the following actions:
  - a. approve the application;
  - b. identify those revisions or modifications that would allow approval of the application;
  - c. approve the application with conditions; or
  - d. disapprove the application.
  
2. The Plan Commission must hold a public hearing on the Major Site Plan Review application and take one of the following actions:
  - a. approve the application;
  - b. identify those revisions or modifications that would allow approval of the application;
  - c. approve the application with conditions; or
  - d. disapprove the application.

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**GENERAL INFORMATION**

Subject

- Request - Text Amendment to Require that any New Plan or Revision to a Major Site Plan that was Appealed to City Council be Reheard by City Council.
- Applicant - Toledo City Plan Commission

**STAFF ANALYSIS**

City Council has requested consideration of a text amendment to require that any new plan or revision to a Major Site Plan that was appealed to Toledo City Council be reheard by both the Zoning and Planning Committee and the full City Council for approval. City Council believes that it is in the interest of the public to require this change. M-16-15, a text amendment to require all Major Site Plan Reviews to proceed to City Council for final approval, is a companion case. Notice of this amendment was distributed throughout the development community and a public meeting was held on April 28, 2016.

Toledo's Regulations

The City of Toledo requires a Site Plan Review for all nonresidential developments, new off-street parking, multi-unit residential developments, or if specifically required in other sections of the Zoning Code. It is divided into two types: Minor and Major. Minor Site Plan Review is handled administratively by staff without a public meeting. This process is for smaller scale developments with less of an impact on a neighborhood. Major Site Plan Review requires review and approval by the Plan Commission at a public hearing. These include developments over 50,000 sq.ft., off street parking areas with 60 or more spaces, multi-family residential containing 40 or more dwelling units or other unique circumstances. If a site plan meets all local requirements or receives necessary variances from the Board of Zoning Appeals it is approved.

The decisions by the staff for a Minor Site Plan or by the Plan Commission for a Major Site Plan can be appealed by the applicant, a legislative body, or the general public. A Minor Site Plan is appealed to the Plan Commission, which can subsequently be appealed to City Council. A Major Site Plan is appealed to City Council. Appeals must include a statement establishing the grounds for appeal, but typically involve a dispute over applying or following all local rules and regulations. For reference, a flow chart of the Major Site Plan Review process is attached to this report as Exhibit "A".

**STAFF ANALYSIS (cont'd)**

Research

The City of Toledo's Site Plan Review requirements and procedures were evaluated through a comparison with other communities in Ohio. Six of the largest cities were selected: Akron, Cincinnati, Cleveland, Columbus, Dayton, and Youngstown. Zoning documents were reviewed and follow up conversations were conducted with Planners in each community.

Analysis of Communities

Staff performed a comparative analysis of site plan review requirements and procedures for the communities surveyed. The results were consolidated and tabulated into an excel spreadsheet, which is attached to this report as Exhibit "B". A number of themes emerged in the review of these communities and they are discussed in more detail below.

A. Site plan review is largely administrative

Four of the seven communities handle review of site plans at the administrative level. Planners indicated that this process is administrative due to the nature of a site plan review. It is a review of compliance with all local regulations. If a plan is in compliance they have no grounds to deny it or ask for additional development criteria, even if the plan is controversial. Similar wording is also founded in Section 1111.0809 of the Toledo Municipal Code. It states that an appeal must be based on an error or an inconsistency. The review of technical rules and regulations is currently handled by Planning staff and the Plan Commission. An additional review to ensure that all local rules and regulations are being followed adds a level of redundancy to the process.

B. An additional review puts Toledo at a disadvantage

Toledo was one of three cities that required Plan Commission review of Major Site Plans. None of the cities surveyed required that these plans be reviewed and approved by City Council. Prior to review by the Plan Commission plans must be circulated to City agencies for review and comment. In order to provide enough time for review, Major Site Plans must be submitted forty five (45) days before a Plan Commission hearing. If Toledo became the first City to review these plans at the Council level, it would add another forty five (45) days to the process to accommodate a City Council hearing and vote. The additional review time would put the City of Toledo at a disadvantage compared with other communities.

**STAFF ANALYSIS (cont'd)**

*Analysis of Communities (cont'd)*

C. Additional reviews would create uncertainty with developers

There is a level of certainty and comfort for a developer who is considering locations for a project to know that if a project meets all the requirements it can be approved. The role of Planning staff and the Plan Commission is to review plans within the constraints of local laws. However, City Council has broader legislative powers that could be applied when reviewing site plans. The additional uncertainty regarding the site plan review process and what may or may not be approved could encourage developers to seek other locations where the review process is more certain.

D. Appeals allow for corrective recourse from zoning issues

Four of the six communities allow site plans to be appealed to the Board of Zoning Appeals to address issues or relief from development requirements. Only Toledo and Dayton allowed the general public to appeal a decision for a site plan review. This point underscores the general consensus: unlike a Zone Change or Special Use Permit, the goal of a Site Plan Review is to determine if a plan does or does not meet all local development requirements. Plans that meet these requirements should be approved.

E. The current appeals procedure allows for compromise

Toledo was the only community out of the seven analyzed that allows a site plan to be appealed to City Council. Most communities leave this determination up to the courts to decide, but by allowing City Council to hear these appeals Toledo provides an opportunity for a compromise to be reached before proceeding to the courts. This is an advantage to both the developer and City because court cases can be time consuming, costly, and may ultimately end up in mediation. If a political compromise can be reached prior to a court case, this is an advantage to both the developer and the city. That leaves council with a unique opportunity to impact a development. If the process was changed to see all Major Site Plans the only appeal mechanism available would be the court system.

*Development Community Feedback*

As part of this analysis, the development community was also polled. Preliminary comments received as a result of the email distributed to the development community indicate that the majority are opposed for a number of the reasons outlined in this request – including the additional review time for plans that otherwise meet all local requirements. They also expressed concerns regarding the requirement that everything be reviewed and the impact that it would have on very minor changes.

## SUMMARY

Based on the review and analysis of other large communities and the feedback received from the development community staff has concerns recommending that any new plans or revisions to an appealed Major Site Plan return to City Council for final approval. The review of all changes would add an unnecessary burden on developers for a number of minor modifications that would not be controversial. The requirement would increase the timeline for a development project that meets all local requirements. The amendment would create uncertainty within the development community about the outcome of a site plan review based on a previous project, while undermining the advantageous role of City Council as an arbitrator in the appeals process.

Although staff is recommending disapproval, a copy of the language that would be affected is included as Exhibit "C".

Should the text amendment be approved, staff recommends clarifying portions of the language regarding the criteria for reviewing changes to a plan and the review process. It is not clear from the referral if the intent is to review every change or only the larger changes. Would a minor change such as the removal of one parking space require full review by City Council? It is also not clear from the referral if the intent is that City Council has sole review of any changes to an appealed plan or if changes would follow the normal review process (i.e. staff review or Plan Commission review) and then be sent to City Council for final approval.

## STAFF RECOMMENDATION

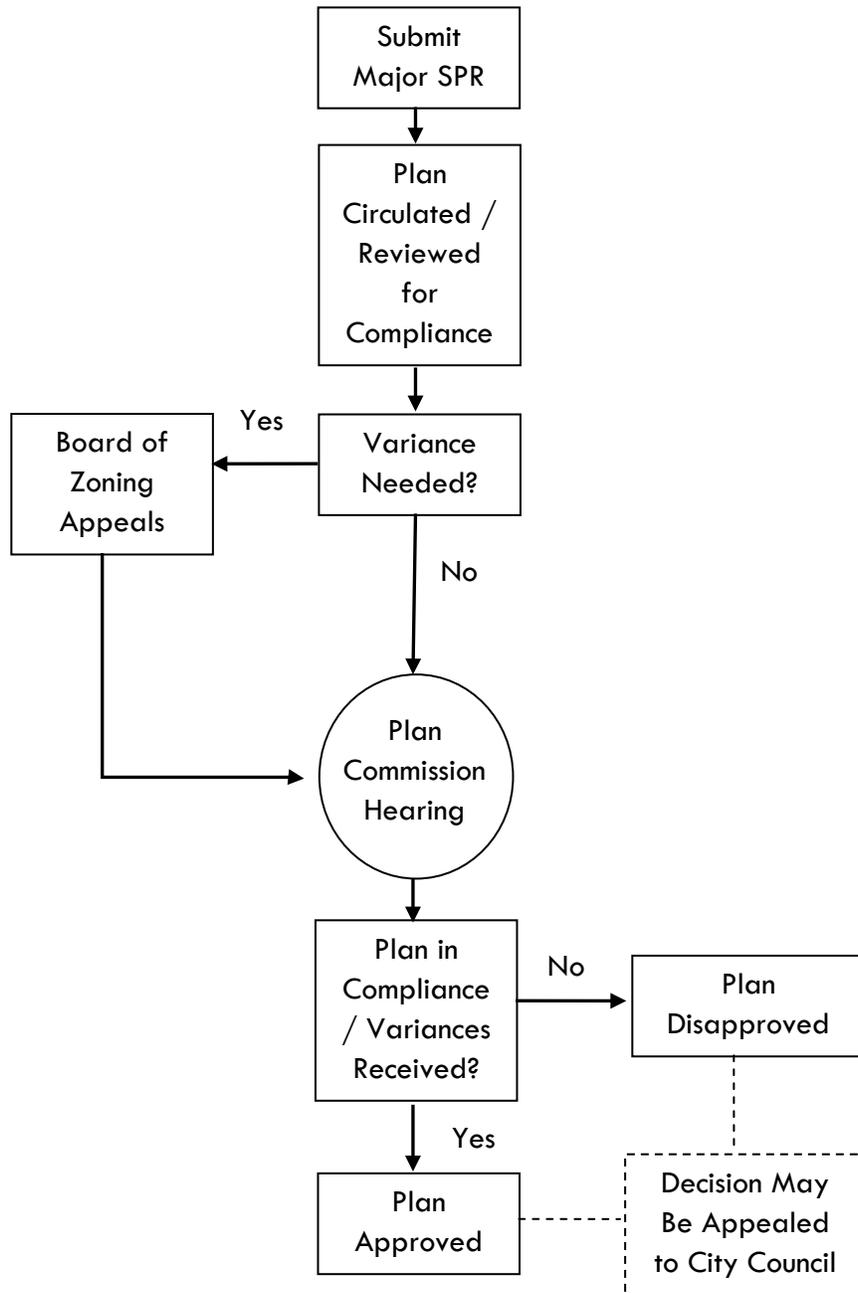
Staff recommends that the Toledo City Planning Commission recommend disapproval of M-17-15, a Text Amendment to require that any new plan or revision to a Major Site Plan that was appealed to City Council be reheard by City Council for final approval, to City Council for the following three (3) reasons:

1. The review of all changes would add an unnecessary burden on developers for a number of minor modifications that would not be controversial.
2. The amendment would increase the timeline for a development project that meets all local rules and regulations.
3. The amendment would create uncertainty within the development community about the outcome of a site plan based on a previous project.

TEXT AMENDMENT  
TOLEDO CITY PLANNING COMMISSION  
REF: M-17-15  
DATE: May 12, 2016  
TIME: 9:00 A.M.

JL  
Exhibit "A", "B", "C" follows

### Site Plan Approval Process



M-16-15 & M-17-15

EXHIBIT "B"

## Comparative Analysis of Site Plan Review Requirements

REQUIREMENTS FOR:	Akron	Cincinnati	Cleveland	Columbus	Dayton	Toledo	Youngstown
<b>REVIEW</b>							
Administrative							
Minor			X		X	X	
Major					X		
All	X	X		X			X
Plan Commission							
Minor							
Major			X			X	
Limited					X		
City Council							
<b>APPEALS</b>							
Board of Zoning Appeals							
Minor					X		
Major					X		
All	X	X		X			X
Plan Commission							
Minor			X			X	
Major							
All							
City Council							
Minor							
Major						X	
All							
Courts	X	X	X	X	X	X	X
<b>APPELLANT</b>							
Applicant	X	X	X	X	X	X	X
General Public					X	X	

14 - 6, 15 - 6

**Exhibit “C”**  
*Existing Language*

1111.0810 Appeal of Site Plan Decisions

- A. Appeals of the Planning Director’s decision on a Minor Site Plan Review application may be taken to the Plan Commission by filing a notice of appeal with the Planning Director. Appeals must be filed within 10 days of the Planning Director’s decision. Public notice of appeals shall be provided by posted and mailed notice in accordance with Sec. 1111.0300.
  
- B. Appeals of the Plan Commission’s decision, in the case of Major Site Plan Review applications or Minor Site Plan Review applications appealed to the Plan Commission, may be appealed to the City Council by filing a notice of appeal to the Planning Director and the Clerk of City Council. Appeals must be filed within 10 days of the Plan Commission’s decision.

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**GENERAL INFORMATION**

Subject

- Request - Text Amendment to Remove the Free Air, Water, and Restroom Requirement for Gas Stations.
- Applicant - Toledo City Plan Commission

**STAFF ANALYSIS**

City Council requests consideration of a text amendment to remove the free air, water, and restroom requirement for gas stations. Council feels that this requirement was designed during a time when gas stations also provided vehicle repairs and services and had the necessary equipment available. Council believes that this is no longer true for a modern gas station and has requested a review of this requirement. Notice of this amendment was sent to gas station owners and interested community groups.

To complete this review, staff analyzed data and reports from the Toledo Plan Commission over the past forty five years, researched the policies of other communities in Ohio and broadly surveyed policies at the national level.

History

Gas stations have been reviewed as a Special Use Permit since 1970. Records indicate that one of the driving factors was the growing number of abandoned gas stations through the City and the desire to control the location of these uses more closely. The review criteria that was approved by City Council focused specifically on: structures, curb cuts, signage, lighting, architecture, circulation, business activities inside and outside, and hours of operation. Review criteria did not include air, water, and restroom facilities.

The first references to air, water, and restrooms came in the form of a conditional of approval for the Special Use Permit requiring that existing air and water facilities be maintained. This condition appeared as early as 1973. By 1978, the wording of the condition of approval changed for newer facilities. It included a requirement to provide these services, but did not indicate the cost. References requiring free air, water, and restroom facilities appeared around 1987.

In 2001 staff received a referral from Council to amend the Zoning Code requirements for Gasoline Sales and Convenience Stores. One of the changes considered was the addition of free air, water, and restrooms as a code requirement rather than a condition attached to a Special Use Permit approval. The proposed change met significant resistance from gas station operators and vendors. The case was ultimately withdrawn because a major update to the Zoning Code was completed and approved by City Council in 2004. It is not clear if similar controversy remained throughout that process, but the language requiring free air, water, and restrooms for all gas stations was included as part of the 2004 update.

**STAFF ANALYSIS (cont'd)**

*Analysis of Communities*

Staff performed a comparative analysis of gas station requirements for larger cities within Ohio. The list of cities surveyed included: Akron, Cincinnati, Cleveland, Columbus, Dayton, and Youngstown. A number of communities include specific standards for gas stations, but none require free air, water, and restrooms for gas stations – although the idea was received positively in some of the communities.

A broader survey at the national level revealed two states that include requirements for free air and water, but not restrooms. The state of Connecticut passed legislation in 1979 requiring that all gas stations provide an air compressor free for public use during hours of operation. More recently the state of California passed a law in 1999 requiring that all gas stations provide free air and water after a purchase at the location.

*Gasoline Stations*

The 1970s saw a dramatic shift in the gas station business model from full service stations to self service stations. This was driven by political and market driven events. The scaled down operations of self service facilities resulted in gasoline savings for the consumer. The transition occurred quickly. In 1970 self service stations accounted for marginal percentage of industry sales. By 1984 self service stations dominated the market. This transition to self-service stations appears to coincide with the growing inclusion of requirements for air, water, restrooms, and even public telephones at gas stations in Toledo.

In fact, a case can be made that the evolution of the free air, water, and restroom requirement that is seen by the late 1980s is directly related to the transition from full service to self service gas stations rather than a reflection of a static Citywide policy. The requirement appears to reflect an intentional desire by the City to preserve these elements as a matter of the general welfare and safety of the public. Additionally, the decision by City Council to include this provision as a requirement in the 2004 update of the Zoning Code runs counter to the idea that the policy was designed primarily for older full service stations, considering that the transition from full service to self service gas stations had largely occurred years earlier.

Regardless of intentions, ensuring that owners and operators of gas stations within City limits comply with the requirement for free air, water, and restrooms remains a challenge. Many gas stations refuse to provide these services without compensation, even if presented with local City ordinances. Staff has personally witnessed this as well as heard accounts from the general public. In order to ensure that this is an effective policy, the requirements must be constantly enforced, especially as gas stations change ownership or add new employees. The benefit of this policy for the safety and general welfare of the public remains a noble goal, but will remain constrained without a substantial commitment to enforcement and compliance.

***SUMMARY***

Based on the research and analysis conducted for this text amendment a case can be made that the evolution of the free air, water, and restroom policy was in direct response to the transition to self services facilities and the loss of these amenities for the public and less of a policy for older full service stations. The inclusion of this requirement as a condition of approval for gas station Special Use Permits over the past forty five years reflects a consistent policy within the City that should not be abandoned lightly, even if compliance remains a challenge.

Although staff is recommending disapproval, a copy of the language that would be affected is included as Exhibit "A".

**STAFF RECOMMENDATION**

Staff recommends that the Toledo City Planning Commission recommend disapproval of the Text Amendment to remove the free air, water, and restroom requirement for gas stations, to City Council for the following two (2) reasons:

1. A case can be made that the free air, water, and restroom policy was in direct response to the transition to self service facilities rather than a policy for older full service stations.
2. The inclusion of this requirement over the past forty five years reflects a consistent policy within the City that should not be abandoned lightly, even if compliance remains a challenge.

TEXT AMENDMENT  
TOLEDO CITY PLANNING COMMISSION  
REF: M-12-15  
DATE: May 12, 2016  
TIME: 9:00 A.M.

JL  
Exhibit "A"

**Exhibit "A"**  
*Existing Language*

1104.0903 General Requirements

- A. Canopies shall be set back a minimum of 10 feet from the property line, and shall be designed to be consistent with the building materials and colors of the principal building. Support columns shall be brick, brick base, or other durable materials compatible with the principal building. The Planning Director may require a peaked roof to complement the principal building.
- B. Pump islands shall be set back a minimum of 15 feet from the property line.
- C. Non-petroleum displays must be within 25 feet of the building but not within 25 feet of any right-of-way. The maximum height of such displays shall not exceed 5 feet.
- D. Free air (with the capability of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.

## 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  
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TOLEDO-LUCAS COUNTY  
HEALTH DEPT.  
LANA GLORE, ENV. HEALTH SERV.  
635 N. ERIE STREET ROOM 352  
TOLEDO, OH 43604  
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A T & T  
ATTN: DESIGN MANAGER  
130 N. ERIE, ROOM 714  
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BUCKEYE CABLESYSTEM, INC.  
GARY KASUBSKI  
4818 ANGOLA ROAD  
TOLEDO, OH 43615  
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300 W. GYPSY LANE  
BOWLING GREEN, OH 43402  
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OHIO GAS  
MIKE CREAGER  
13630 AIRPORT HWY.  
SWANTON, OH 43558  
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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  
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NAPOLEON, OH 43502

