

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: November 4, 2021 REF: SUP-9007-21

TO:

President Matt Cherry and Members of Council, City of Toledo

FROM:

Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT:

Review & possible revocation of SUP-11002-19 (Ord. 33-21) for gas station at 1201

(1203) Dorr Street.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, November 4, 2021 at 2:00 P.M.

#### **GENERAL INFORMATION**

## Subject

Request - Review & possible revocation of SUP-11002-19

(Ord. 33-21) for gas station

Location

1201 (1203) Dorr Street

Owner

Raaid Alketeeb 1203 Dorr Street

Toledo, OH 43607

Owner

Hamad Investment Group #2

P.O. Box 613

Dearborn, MI 48121

Engineer

John A. Weithman

P.O. Box 216

Genoa OH 43430

#### Site Description

Zoning

- CR / Regional Commercial

Area

 $\pm 0.37$  acres

Frontage

±123' along Dorr Street

nage

±107' along Hoag Street

Existing Use

Gas Station / Convenience Store

Proposed Use

Gas Station / Convenience Store

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## GENERAL INFORMATION (cont'd)

## Area Description

North - Open Space, parking lot, apartments / POS, IL &

RM36

South - Parking, warehousing / CR

East - Apartments, single family / RM36 & RS9

West - Gravel area, vacant lot / IL

Parcel History

SUP-136-80 - Special Use Permit for Gas Service Station

remodeling and canopy. PC recommended approval 06/05/1980. CC approved 07/09/1980. Ord. 505-80

passed 07/15/1980.

SUP-26-87 - Special Use Permit amendment for walk-in cooler

to rear of building. PC recommended approval 04/09/1987. CC approved 04/29/1987. Ord. 347-87

passed 05/05/1987.

SUP-11002-19 - Amendment to Special Use Permit for gas station,

originally approved via Ord. 505-80 and 347-87. PC recommended approval 12/03/2020. CC moved forward with no recommendation 01/06/2021. Ord.

33-21 approved 02/02/2021.

### **Applicable Regulations**

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

#### STAFF ANALYSIS

The request is a revocation of a Special Use Permit (SUP) for a gas station at 1201 (1203) Dorr Street approved by Toledo City Council on February 2, 2021 via Ord. 33-21. The Special Use Permit is being reviewed because the site is not in compliance with the regulations of the Toledo Municipal Code or the conditions of approval of Ord. 33-21.

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## STAFF ANALYSIS (cont'd)

The request was for a SUP amendment to facilitate the development of a forty-eight (48) square foot expansion of a gas station and convenience store at 1201 (1203) Dorr Street. The ±0.37 acre site is Zoned CR-Regional Commercial, and received an initial SUP in 1980 via Ord. 505-80 for the use. Since the initial SUP was approved, two (2) amendments were approved to add a walk-in cooler (SUP-26-87) and to construct an addition (SUP-11002-19). The latter was filed after receiving a Stop Work Order from the Division of Building Inspection for beginning construction without appropriate permitting.

The site is not in compliance with the Toledo Municipal Code as the site causes negative secondary effects for the surrounding neighborhood. Listed as a condition of approval in Ord. 33-21 is the following:

• 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

Negative secondary effects are described in *TMC§1104.0600* – *Convenience Stores*. The SUP granted be amended or revoked by action of City Council in consultation with the Plan Commission if the convenience store is determined to have significant negative secondary effects that have not been sufficiently alleviated. Negative secondary effects are defined as:

- A. Litter, broken bottles and paper discards that diminish the aesthetics of the immediate area.
- B. Noise, disruption from the carryout to the quiet enjoyment of adjoining residential districts, and public and civic uses.
- C. Traffic, traffic noise and congestion.
- D. Pedestrian congestion which can intimidate individual patrons and disrupt neighborhood civility.

Since February 2, 2021 (the date when Ord. 33-21 was approved), the site has had three (3) complaints filed with the Division of Code Enforcement, forty-one (41) criminal reports filed with Toledo City Police, and twenty-seven (27) complaints made to Toledo City Council. Code Enforcement issues include not having the dumpster fenced and the need for repairs to the building and to the fencing on site. Police reports vary greatly, with the top five (5) offenses being warrant service, criminal trespassing, disorderly conduct, obstructing official business, and aggravated menacing. The nature of the City Council complaints includes unwanted entry, harassment, and disorderly conduct.

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## STAFF ANALYSIS (cont'd)

The site does not meet the stated purpose of the Toledo Zoning Code, which is to protect the health, safety, and general welfare of the citizens of Toledo, as is evident from the reported nuisance, criminal, and Code Enforcement issues. Additionally, the site is not in compliance with Ord. 33-21 for a Special Use Permit.

#### PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends revocation of SUP-11002-19 (Ord. 33-21) for a gas station at 1201 (1203) Dorr Street to the Toledo City Council, for the following two (2) reasons:

- 1. The use as it is operated does not meet the stated purpose of the Zoning Code ((TMC§1111.0706(A)); and,
- 2. The site does not comply with all applicable provisions of the Zoning Code (TMC§1111.0706(B))

Respectfully Submitted,

Hom C Julk

Thomas C. Gibbons

Secretary

DR

Three (3) sketches follow

Cc: Raaid Alketeeb, 1201 Dorr Street, Toledo OH 43607

Hamad Investment Group #2, P.O. Box 613, Dearborn MI 48121 Hamad Investment Group, 7933 Neckel Street, Dearborn MI 48126

John A. Weithman, P.O. Box 216, Genoa OH 43430

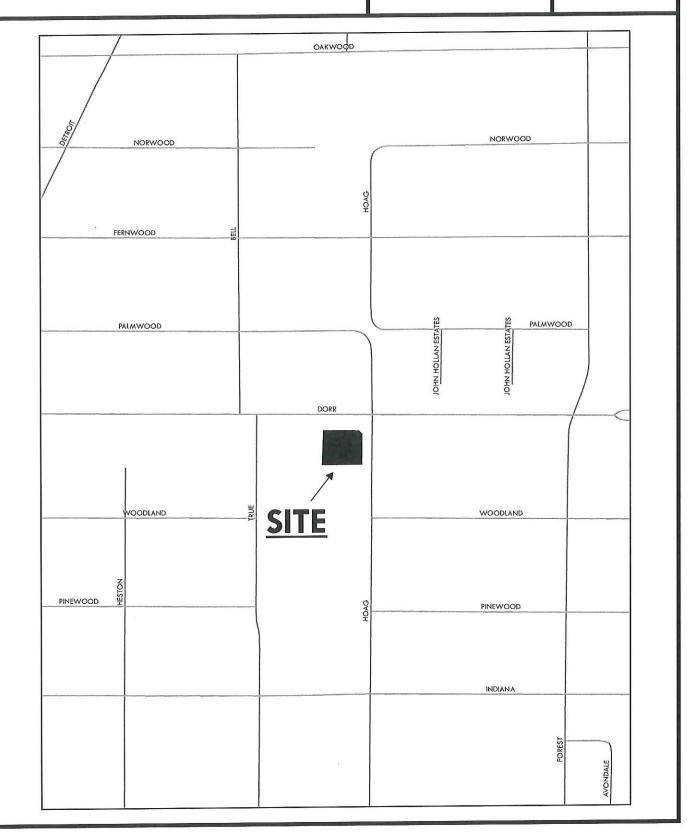
Lisa Cottrell, Administrator

Dana Reising, Planner

# **GENERAL LOCATION**

SUP-9007-21

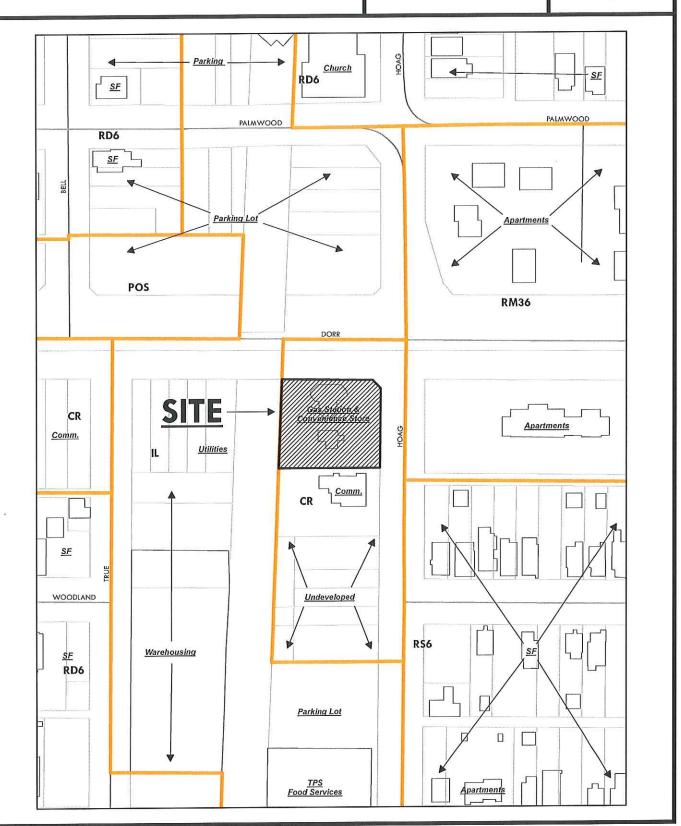
N ↑

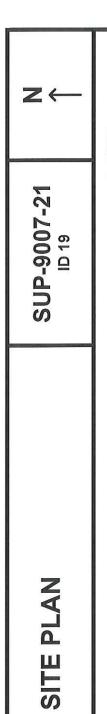


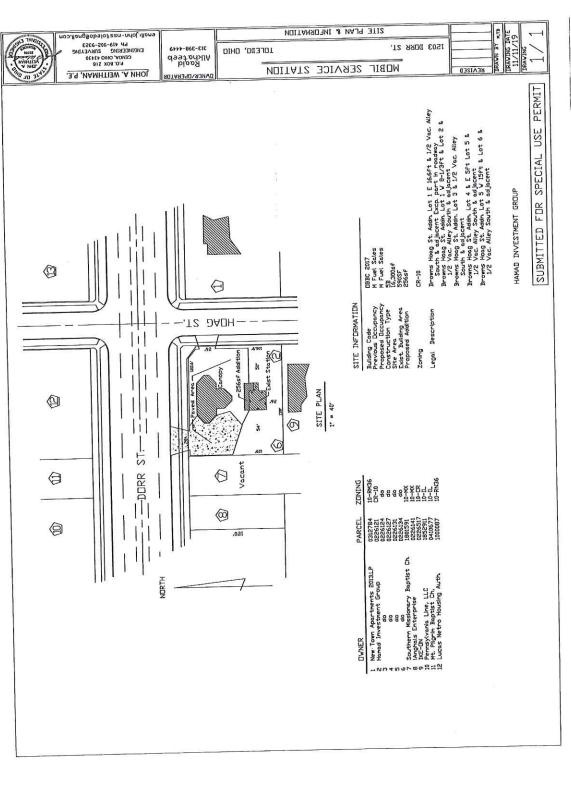
## **ZONING & LAND USE**

SUP-9007-21

N ↑







## Reising, Dana

From:

Thieman, Jeffrey Lt.

Sent:

Friday, October 8, 2021 11:21 AM

To:

Reising, Dana

Subject:

FW: Crime Reports for 1201 Dorr Street (Mobil Gas Station)

Attachments:

1201 Dorr Data.xlsx

From: Solarek, Stephanie

Sent: Friday, October 8, 2021 10:22 AM

To: Thieman, Jeffrey Lt.

Subject: RE: Crime Reports for 1201 Dorr Street (Mobil Gas Station)

See attached spreadsheet reflecting incidents reported since February 2, 2021. Note that many incidents have multiple offenses reported for that date.

Officer Stephanie Solarek
Toledo Police Department
Criminal Intelligence Section
525 N. Erie St.
Toledo, OH 43604
(419) 245-1700
Stephanie.Solarek@toledo.oh.gov
www.toledopolice.com



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From: Reising, Dana < Dana. Reising@toledo.oh.gov>

Sent: Thursday, October 7, 2021 4:22 PM

To: Thieman, Jeffrey Lt. < Jeffrey. Thieman@toledo.oh.gov > Subject: Crime Reports for 1201 Dorr Street (Mobil Gas Station)

Lt. Thieman,

I am a City Planner in the Toledo Plan Commissions office, and I am working on a report to City Council about the gas station (Mobil gas station) at 1201 Dorr Street. The owner was granted a Special Use Permit from City Council on February 2<sup>nd</sup> of this year, and they have not followed the conditions outlined in the Ordinance granting the Special Use Permit. The District Councilmember has request a revocation of their Special Use Permit.

Before the revocation goes to Council for vote, I am gathering information about the site. Do you know if there have been any crimes reported at this site since February 2<sup>nd</sup> of this year? If so, could you provide a brief description of the crime(s) along with the dates in which they occurred?

Thank you!

**Dana Reising**City Planner

Toledo-Lucas County Plan Commissions One Government Center, Suite 1620

Toledo, OH 43604 Office: 419-245-1200 Direct: 419-936-2128

BEAT Offense 710 Possesion of a Controlled Substance 710 Warrant Service 710 Criminal Trespass 710 Obstructing Official Business 710 Aggravated Robbery 710 Warrant Service	710 710 710 710 710 710 710 710 710 710		710 710 710 710 710 710 710 710 710 710	710 710 710 710 710 710 710	710 710 710 710 710 710	<ul> <li>7.10 Aggravated Menacing</li> <li>7.10 Aggravated Robbery</li> <li>7.10 Theft</li> <li>7.10 Traffic Offense</li> <li>7.10 Warrant Service</li> </ul>
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## Reising, Dana

From:

Cordell, Christy

Sent:

Friday, October 15, 2021 1:34 PM

To:

Reising, Dana

Subject:

RE: Code Enforcement Complaints for 1201 Dorr Street

#### Hello Dana,

We do have current zoning orders for the dumpster is not being fenced in and 30-day orders for repairs needed to the building and fencing...

Current and able to be filed on in housing court for non complaince...

I could go out on Monday and take current pictures so the property can be filed on. And possibly send new 72-hour orders for junk and debris if there is some which often there is.

As far as complaints specifically... looks like there has been three to code enforcement but nothing I can really send to you there in our system.

Let me know if I can get you any other information

thanks Christy

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message ------

From: "Reising, Dana"

Date: 10/15/21 11:03 AM (GMT-05:00)

To: "Cordell, Christy"

Subject: Code Enforcement Complaints for 1201 Dorr Street

#### Good Morning Officer Cordell,

I was wondering if you could send me any complaints sent to Code Enforcement concerning the gas station at 1201 Dorr Street. Councilmember McPherson has requested that their Special Use Permit be revoked. I am working on the staff report for the revocation and looking for any information to justify it. Their SUP was granted in February 2<sup>nd</sup> of this year, so any info on complaints since that date would be helpful.

Thank you and have a nice weekend!

## **Dana Reising**

City Planner

Toledo-Lucas County Plan Commissions One Government Center, Suite 1620

Toledo, OH 43604 Office: 419-245-1200 Direct: 419-936-2128

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## Reising, Dana

From:

Gibbons, Julie

Sent:

Monday, October 18, 2021 4:05 PM

To:

Reising, Dana

Subject:

FW: Message from "RNP0026733B4500"

Attachments:

20211018153009259.pdf

----Original Message----

From: citycouncil@noreply.toledo.oh.gov <citycouncil@noreply.toledo.oh.gov>

Sent: Monday, October 18, 2021 3:30 PM

To: Daniels, Byron <Byron.Daniels@toledo.oh.gov>; Gibbons, Julie <Julie.Gibbons@toledo.oh.gov>

Subject: Message from "RNP0026733B4500"

This E-mail was sent from "RNP0026733B4500" (MPC4501A/LD645CA).

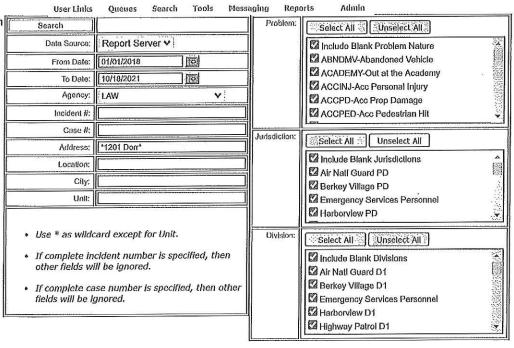
Scan Date: 10.18.2021 15:30:09 (-0400)

Queries to: citycouncil@noreply.toledo.oh.gov

## **CAD Browser Enterprise**

Log Diff.

Incidents Search (Advanced)



Incident	Case Numbers	Units	Priority	Problem	Agency	Address	City	Response Date
TOP21038790			P6	THEFT-Theft All Property	LAW	1201 Dorr St	TOLEDO	3/6/2021 2:19:41 AM
TOP21104526			P6	ADDINFO-Person wants to give i	LAW	1201 Dorr St	TOLEDO	6/13/2021 6:25:24 PM
TOP21163426			P2	CKSAFETY-I-Ck Safety Person w	LAW	1201 Dorr St	TOLEDO	9/7/2021 10:55:29 AM
TOP21163431			P2	OD-Overdose	LAW	1201 Dorr St	TOLEDO	9/7/2021 11:04:52 AM
TOP21167337		720W, 721	P2	UNWANTED-Unwanted Entry or Pre	LAW	1201 Dorr St	TOLEDO	9/13/2021 2:48:34 AM
TOP21172240		710	P2	HARASS-Harrassment/Non-Specifi	LAW	1201 Dorr St	TOLEDO	9/20/2021 2:50:44 AM
TOP21172753		710	P2	MENACE-Threatened Physical Inj	LAW	1201 Dorr St	TOLEDO	9/20/2021 11:33:57 PM
TOP21172801		720W, 721	P2	UNWANTED-Unwanted Entry or Pre	LAW	1201 Dorr St	TOLEDO	9/21/2021 1:30:47 AM
TOP21172839		705, 710, 711	P1	ACCINJ-Acc Personal Injury	LAW	1201 Dorr St	TOLEDO	9/21/2021 3:49:17 AM
TOP21172864		611	P3	SUSPER-Susp person - Oulside	LAW	1201 Dorr St	TOLEDO	9/21/2021 6:04:50 AM
TOP21173696		521, 705, 831	P1	WEAPONS-Weapon ViolPer wl Gunl	LAW	1201 Dorr St	TOLEDO	9/22/2021 11:58:00 AM
TOP21174075	8	720W	P2	HARASS-Harrassment/Non-Specifi	LAW	1201 Dorr St	TOLEDO	9/22/2021 11:39:11 PM
TOP21174582		711W	P2	DISORDER-Disorderly Conduct	LAW	1201 Dorr St	TOLEDO	9/23/2021 8:04:44 PM
TOP21175191		621W	P2	HARASS-Harrassment/Non-Specifi	LAW	1201 Dorr St	TOLEDO	9/24/2021 7:14:47 PM
TOP21175385		711	P2	UNWANTED-Unwanted Entry or Pre	LAW	1201 Don St	TOLEDO	9/25/2021 1:15:18 AM
TOP21176043		711	P2	UNWANTED-Unwanted Entry or Pre	LAW	1201 Dorr St	TOLEDO	9/26/2021 1:19:26 AM
TOP21176620		611	P5	UNWANTED-Unwanted Entry or Pre	LAW	1201 Dorr St	TOLEDO	9/27/2021 12:23:57 AM
TOP21177552		710	P2	HARASS-Harrassment/Non-Specifi	LAW	1201 Dom St	TOLEDO	9/28/2021 11:00:36 AM
TOP21178010		611	P2	MENACE-Threatened Physical Inj	LAW	1201 Dom St	TOLEDO	9/29/2021 1:03:32 AM
TOP21179339		621	P2	ASLT-Assault Attack	LAW	1201 DORR ST	TOLEDO	10/1/2021 4:54:20 AM
TOP21179341		621	P2	DISORDER-Disorderly Conduct	LAW	1201 Dorr St	TOLEDO	10/1/2021 4:56:45 AM
TOP21180607			P1	ACCPED-Acc Pedestrian Hit	LAW	1201 Dorr St	TOLEDO	10/2/2021 9:18:53 PM
TOP21182610		711	P2	UNWANTED-Unwanted Entry or Pre	LAW	1201 Don St	TÓLEDO	10/6/2021 12:07:38 AM
TOP21183274		621W	P2	88-Subject Stop	LAW	1201 DORR ST	TOLEDO	10/6/2021 9:34:54 PM
TOP21186629		711	P2	DISORDER-Disorderly Conduct	LAW	1201 Dorr St	TOLEDO	10/11/2021 6:19:07 AM
TOP21190710		710	P2	CKSAFETY-Ck Safely Person	LAW	1201 Dorr St	TOLEDO	10/16/2021 5:00:59 AM
TOP21191495		611, 620,	P2	FIGHT-Physical Fight In Progre	LAW	1201 Dorr St	TOLEDO	10/17/2021 6:03:55 AM