

GENERAL INFORMATION

Subject

- Request - Removal of Lot 1 of the Tibaron Plat 1 from the Community Unit Plan originally approved by Ord. 373-76 and as amended.

- Location - 1322 Bernath Parkway

- Applicant + Design Professional - Matt Davis
CESO, Inc.
2800 Corporate Exchange Drive, STE 400
Columbus, OH 43231

- Developer - 7-Eleven, Inc.
3200 Hackberry Road
Irving, TX 75063

- Owner - Akaashaman, LLC
3550 Mowry Ave, STE 301
Freemont, CA 94538

Site Description

- Zoning - RM12 / Multi-Dwelling Residential (CN Pending)
- Area - ±2.44 acres
- Frontage - ±389.21' along Bernath Parkway
±277.76' along Airport Highway
±225' along Tibaron Lane
- Existing Use - Vacant restaurant
- Proposed Use - Gas Station with Convenience Store

Area Description

- North - RM12, POS / Condominiums, Apartments, Open Space
- South - CN, RD6 / Offices, Shopping Center, Condominiums, Apartments
- East - CR, CN, CO / Bank, Restaurants, Offices, Retail
- West - RM12, POS, CR / Condominiums, Apartments, Open Space, Retail

GENERAL INFORMATION (cont'd)Parcel History

- Z-39-76 - Request for Zone Change from R-A to R-2A. Plan Commission approved on 5/13/76, City Council approved on 5/25/76 by Ord. 362-76.
- Z-40-76 - Request for Community Unit Plan for 55-acre TIBARON site. Plan Commission approved on 05/13/76, City Council approved on 5/25/76 by Ord. 363-76.
- S-12-76 - Request for preliminary drawing review for TIBARON plat. Plan Commission approved on 5/13/76.
- S-34-76 - Request for preliminary drawing review for Tibaron plat, Plan Commission approved on 06/30/77.
- Final Tibaron Plat 1 approved by Plan Commission on 10/6/77.
- Z-269-76 - Request for amendment to Community Unit Plan, originally granted by Ord. 363-76. Plan Commission approved on 10/28/76, City Council approved on 11/23/76 by Ord. 870-76.
- Request for amendment to Community Unit Plan, originally granted by Ord. 363-76 and amended by Ord. 870-76. Plan Commission approved on 6/30/77, City Council approved on 7/19/77 by Ord. 509-77.
- CUP-4-78 - Request for amendment to Community Unit Plan, originally granted by Ord. 363-76 and amended by Ord. 870-76 and Ord. 509-77. Plan Commission approved 6/29/78, City Council approved on 7/17/78 by Ord. 476-78.
- CUP-85-79 - Request for amendment to Community Unit Plan, originally granted by Ord. 363-76 and amended by Ord. 870-76, Ord. 509-77, and Ord. 476-78. Plan Commission approved on 5/3/79, City Council approved on 6/12/79 by Ord. 372-79.

GENERAL INFORMATION (cont'd)Parcel History (cont'd)

- CUP-4-78
- Request for amendment to Community Unit Plan, originally granted by Ord. 363-76, as amended, to modify condition number four (4) of Ord. 363-76 as pertaining to the commercial center development. Plan Commission recommended to reduce the number of units required to be built prior to the construction of the commercial center on 10/4/79. City Council voted to remove the condition requiring completion of 400 residential units prior to the construction of the commercial development on 11/20/79 by Ord. 741-79.
 - Request for amendment to the Tibaron Community Unit Plan, originally granted by Ord. 363-76, as amended, pertaining to the development of the commercial center intended to serve the CUP. Plan Commission approved on 7/24/80.
 - Request for minor change to Community Unit Plan, originally granted by Ord. 363-76, as amended, to adjust the driveway on Tibaron Lane. Plan Commission approved on 6/4/81, City Council approved on 6/23/81 by Ord. 384-81.
- CUP-40-76
- Request for minor change to Community Unit Plan, originally granted by Ord. 363-76, as amended, for expansion of the restaurant by less than 1,000 ft located on Lot 1 of Tibaron Plat 1. Plan Commission approved on 7/11/1991, City Council approved on 7/30/91 by Ord. 607-91.
- Z-5062-94
- Request for Zone Change from R-2A (Restricted Multi-Family) to C-3 (Commercial) at 1334 Bernath Parkway to allow for a pole sign. Plan Commission on 10/6/94 recommended to disapprove the Zone Change request and instead approve an amendment to the Tibaron CUP to permit a pole sign. City Council accepted the recommendation to deny the Zone Change and approved an amendment to the CUP granted by Ord. 363-76, as amended, to permit a pole sign on 10/25/94 by Ord. 609-94.

GENERAL INFORMATION (cont'd)Parcel History (cont'd)

SUP25-0049	-	Special Use Permit for Gasoline Fuel Sales and Service at 1322 Bernath Parkway (<i>companion case</i>).
Z25-0038	-	Zone Change from RM12 (Multi-Dwelling Residential) to CN (Neighborhood Commercial) at 1322 Bernath Parkway (<i>companion case</i>).

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting to remove Lot 1 of the Tibaron Plat 1 from a Community Unit Plan originally approved by Ord. 363-76 on May 25th, 1976 and as amended. The ±2.44-acre site is occupied by a vacant restaurant and currently zoned RM12 (Multi-Dwelling Residential). A Zone Change to CN (Neighborhood Commercial) and Special Use Permit for Gasoline Fuel Sales and Services are proposed at the subject site and being concurrently reviewed under cases Z25-0038 and SUP25-0049. Surrounding land uses of the site include condominiums, apartments, and open space to the north across Tibaron Lane, south of the site across Airport Highway are offices, shopping center, apartments, and condominiums, to the east across Bernath Parkway are a bank, restaurants, auto repair, offices and retail; and to the west are apartments, condominiums, open space, and retail.

Lot 1 of the Tibaron Plat 1 was developed as the commercial center for the Tibaron Community Unit Plan (CUP). The CUP originally approved a single restaurant structure and multi-tenant building. Through various amendments the multi-tenant building was removed and the restaurant expanded in size. Any change to the subject site requires an amendment to the CUP. Pursuant to TMC§1103.1004 an existing Community Unit Plan approved prior to June 6, 2004 may be amended under the provisions of TMC§1103.1000 – *PUD, Planned Unit Development Overlay District*. A PUD is intended to provide design guidelines and specific regulations for a coordinated development resulting in a greater benefit to the City than under conventional zoning district regulations.

The request to remove the subject site from the Community Unit Plan is because the site serves beyond the geographical community in which it had originally intended and is a separate development from the residential component approved by the original CUP. The existing CUP ordinance creates an undue burden for any adjustments to the site. Modifications of the subject site may undergo applicable site plan reviews and receive Special Use Permits, when necessary, rather than requiring the forementioned along with an amendment to the Community Unit Plan and applying the new standards of a Planned Unit Development. Current regulations of the Toledo Municipal 2004 Zoning Code provide an adequate means to review the site's design, use, and compatibility with adjacent land uses.

Forward Toledo Comprehensive Land Use Plan

The Plan's Goal to Improve Decision-Making under the theme of Build is to promote efficient and effective land-use planning that is proactive instead of reactive. When there are opportunities to review and streamline existing processes the City benefits, and in turn promotes new developments. By removing the subject site from the existing CUP, review processes become more streamlined and less redundant. An additional strategy of this goal is to support reuse of sites within neighborhoods that provide accessible and walkable jobs. This strategy also aligns with the Plan's Goals of Business Creation, Walkable Neighborhoods, and Strengthening Neighborhoods.

Staff recommends approval to remove Lot 1 of the Tibaron Plat 1 from a Community Unit Plan originally approved by Ord. 363-76, because the site has historically operated as a separate commercial development, the removal will allow for future streamlined review process of the site, and the proposal is also consistent with the Forward Toledo Comprehensive Land Use Plan and the stated purpose of the Zoning Code.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of PUD26-0005, a request to remove Lot 1 of the Tibaron Plat 1 from a Community Unit Plan approved by Ord. 363-76 as amended, at 1322 Bernath Parkway to Toledo City Council for the following **reason**:

1. The removal from the Community Unit Plan is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (**TMC§1111.0606(A)**).

PLANNED UNIT DEVELOPMENT
TOLEDO CITY PLAN COMMISSION
REF: PUD26-0005
DATE: March 12, 2026
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: April 15, 2026
TIME: 4:00 P.M.

AV
Two (2) sketches follow

GENERAL LOCATION

PUD26-0005
ID 139



