

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: August 13, 2021

REF: SUP-5002-21

TO: President Matt Cherry and Members of Council, City of Toledo

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

SUBJECT: Special Use Permit for a gas station with convenience store

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 12, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a gas station with convenience store.
Location	-	2441 S Reynolds Road
Applicant	-	Iven Sharrak 670 North Pontiac Trail Walled Lake, MI 48390
Property Owner	-	Farzade of Toledo, Inc 2441 S. Reynolds Road Toledo, OH 43614
Architect	-	Scott Heacock 1303 Sabra Rd Toledo, OH 43612

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± ± 0.55 acres
Effective Frontage	-	±170' along S Reynolds Rd ±170' along Heatherdowns Blvd
Existing Use	-	Vacant Gas Station with Convenience Store
Proposed Use	-	Gas Station with Convenience Store

GENERAL INFORMATION (cont'd)

Area Description

- | | | |
|-------|---|--|
| North | - | Restaurant, apartment complex / CR |
| South | - | Big box stores / CR |
| East | - | Commercial strip mall, parking lots / CR |
| West | - | Waffle House, commercial auto repair/ CR |

Parcel History

- | | | |
|-------------|---|---|
| Z-32-75 | - | Special Use Permit for modernization of existing service station with canopy (Ord. 58-76 approved 1/21/76) |
| SUP 322-75 | - | Special Use Permit to raze and rebuild an existing service station (Ord. 58-76 approved 1/27/76) |
| Z-115-76 | - | Special use Permit for illuminated canopy fascia and a two-pole sign (Ord. 612-78 approved 8/29/78) |
| SUP-103-87 | - | Special Use Permit to construct new kiosk, pumps and fuel islands (PC approved 3/21/91, Ord. 619-87 approved 9/4/90) |
| SUP-103-87 | - | Amendment to Special Use Permit for canopy modification (Ord. 896-90 approved 4/23/91) |
| SUP-8004-13 | - | Special Use Permit to request to raze and rebuild an existing gas station. (PC approved 9/12/13, Ord. 496-13, 10/29/13) |
| SUP-4008-14 | - | Special Use Permit for landscape waivers (P.C. approved 6/12/14, Ord. 323-14, 7/29/14) |

Applicable Regulations

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

STAFF ANALYSIS

The applicant, Iven Sharrak, is requesting a Special Use Permit for a gas station and convenience store. The ± 0.55acre site, located at the corner of S. Reynolds Rd and Heatherdowns Blvd, has historically hosted a gas station and convenience store, and was most recently approved as such in 2014. However, the site sat vacant for more than a year and the Special Use Permit became void. The property is surrounded by a restaurant and apartment complex to the north, a Waffle House and auto repair stores to the west, big box retail center to the south, and a retail strip mall and parking lot to the east. The applicant intends to demolish the existing building, reconfigure ingress and egress points, and build a new 3,392 square foot convenience store. The pump locations and canopy are remaining the same. A Special Use Permit must be approved before construction can begin.

Gasoline and Fuel Sales Regulations

TMC§1104.0900 – *Gasoline and Fuel Sales* outlines site design criteria for Gas Stations and included are criteria governing site layout, location, and general requirements. The design criteria require that pump islands be set back fifteen-feet (15') from the property line, canopies a minimum of ten-feet (10'), and non-petroleum displays a minimum of twenty-five-feet (25'). Additionally, it aligns with design consistency with the surrounding neighborhood. The presented site plan complies with these requirements.

Convenience Stores Regulations

TMC§1104.0600 *Convenience Stores* outlines criteria for Convenience Stores. Included are Hours of Operation, Negative Secondary Effects, and Spacing Requirements. Hours of Operation are limited from 5:30 am to 1 am. This site is not compliant with spacing requirements, as there is a Speedway gas station and convenience store within the 2,000-foot radius.

According to **TMC§1104.0602**, Negative Secondary Effects of Convenience Stores include litter that diminishes the aesthetics of the area, noise disruption, traffic, and pedestrian congestion which can intimidate individual patrons and disrupt neighborhood activity. Increased security and decorative fencing may alleviate these negative secondary effects. However, if concerns regarding litter or poor security on the site exist in the future, the Special Use Permit may be considered for revocation per TMC§1104.0602.

Parking and Circulation

Pursuant to **TMC§1107.0304** – *Parking, Loading, and Access*: Gasoline and Fuel sales are required to have one (1) parking space per pump, plus one (1) parking space per three hundred (300) square feet of building area. The plan shows three (3) pump stations with six (6) at-pump parking spaces indicated. The proposed building is ±3,392 square feet, requiring an additional eleven (11) parking spaces not at the pump, inclusive of one (1) van-accessible space for persons with disabilities. The site plan provides eleven (11) parking spaces, one of which is van accessible and is compliant with parking requirements. The site plan indicates a total of two (2) curbs cuts.

Staff identified that required stacking is indicated on the revised site plan. Per **TMC§1107.1601 - Minimum Number of Spaces**: One (1) stacking space, at least ten-feet (10') by twenty-feet (20') wide is required per pump island. Per **TMC§1107.1911 – Dimensions**: a twenty-five-foot (25') drive aisle is required. This is indicated in the revised site plan.

Bicycle parking is required pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). A minimum of one (1) bicycle space shall be provided per ten (10) automobile parking spaces. The presented parking configuration has eleven (11) parking spaces. The presented site plan includes the minimum one (1) bicycle parking rack and is in compliance with minimum requirements.

Landscaping

Per **TMC§1108.0202**, the frontage greenbelt shall contain one (1) tree for every thirty (30) feet of frontage. A strict enforcement of TMC§1108.0202 would require five (5) trees on the S Reynolds Road frontage, and five (5) trees on the Heatherdowns Road frontage. The site plan indicates four (4) new trees on S Reynolds Road, and four (4) new trees added to Heatherdowns Blvd frontages. This is a new building so the revised site plan does not meet these requirements and this is listed as a condition.

Per **TMC§1108.0204 Parking Lot Landscaping** applies to all off-street parking lots containing five or more off-street parking spaces for any use. The total interior landscaping required in parking lots is 20 square feet per parking and stacking space. Based on the indicated parking spaces abutting the convenience store, the parking at six (6) pumps, and stacking, there should be 460 square feet of landscaping and is listed as a condition.

Per **TMC§1108.0205 Interior Site Landscaping**, for every 1,000 square feet of building coverage, one 2- inch caliper tree and foundation plantings shall be provided. The inclusion of three (3) caliper trees and foundation plantings along all portions of the building that are visible from the public right of way and building entrances will bring the site into compliance and is listed as a condition.

Perimeter parking lot landscaping applies to access drives, driveways, aisles, and loading areas, and shall be provided around the entire perimeter of the site. Due to siting the building on the eastern property line, as presented, the perimeter landscaping is not compliant.

Building Design

As required by **TMC§1109.0500 – Building Façade Materials and Color**, indicated materials used for the western elevation facing S Reynolds Road are 18% architectural metal, 35% glass, 14% stone # 1, and 3.1% stone #2 which is compliant. The wall facing Heatherdowns Blvd is composed of 96 square feet of stone #2 with the majority of the wall constructed with painted concrete masonry units (CMU). The north and east walls are entirely CMU. As stated in **TMC§1109.0502**, all building material standards apply to all facades that are visible from the right of way, is not compliant and is listed as a condition.

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial. Regional Commercial land use designation is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses.

PLAN COMMISSION RECOMMENDATION

The Staff recommended that the Toledo City Plan Commission disapprove SUP-5002-21, the request for a Special Use Permit for a gas station and convenience store, to Toledo City Council for the following reason:

1. The proposed use does not meet the stated purpose of the Zoning Code [TMC§1104.0603 Spacing Requirements]

However, the Toledo City Plan Commission recommends to City Council to waive TMC§1104.0603 Spacing Requirements for a convenience store, and to approve a Special Use Permit for gas station with convenience store located at 2441 S Reynolds Road subject to the following **forty-two (42) 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.

Division of Engineering Services

1. 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

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

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, 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" 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/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.

Division of Engineering Services (cont'd)

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. If existing water service lines are not to be reused, they will be abandoned by the City of Toledo at the developer's expense.
7. If new water service taps are required, they will be installed by City of Toledo at the developer's expense.
8. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Water Distribution for review and approval.
9. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
10. 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 @ 800-414-4990. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for this site.
11. In the event of site plan approval as-is without stormwater planning shown, future site plan changes made during the process of stormwater plan finalization shall be done with the Plan Commission included. Stormwater approval will be dependent on their approval of site plan changes.
12. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.) Stormwater detention and a stormwater pollution prevention plan (SWP3) are required regardless of pre- and post- construction land use, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, which is available at <https://cdn.toledo.oh.gov/uploads/documents/Public-Utilities/Engineering-Services/2014-infrastructure-requirements.pdf>
13. Submittals needed to initiate stormwater review are:
 - a. Engineering drawings and calculations compliant with previous comment.

Division of Engineering Services (cont'd)

- b. Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's.
 - c. A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.
14. No record for the existing storm sewer system is on file with the City. Per the City's MS4 permit all storm sewers must be mapped. Locate all existing storm sewers. Surrounding sewer mapping and a city technician can be available on request to assist.
15. Following the review process, the following will be needed for final stormwater approval:
 - a. Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
 - b. Completed form for responsible parties for SWP3 implementation.
 - c. Covenant for the approved O&M plan.
 - d. NOI, depending on final area of earth disturbance.
16. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <https://toledo.oh.gov/business/environment/storm-water-program>
17. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
18. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
19. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developers cost.
20. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.

Division of Environmental Services

21. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
 - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
 - b. Construction BMPs shall be in place prior to the start of construction activities.

Division of Environmental Services (cont'd)

- c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
22. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
23. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
24. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
25. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Sewer & Drainage

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

Division of Transportation

28. Transportation does not object to the approval of the revised site plan.

Plan Commission

29. Stacking spaces must be a minimum of 10' by 20' in size and a minimum quantity of one per gasoline pump island per **TMC§1107.1601: acceptable as depicted on revised site plan.**
30. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulation's approval of the Department of Public Utilities **TMC§1107.1906; acceptable as depicted on revised site plan.**

Plan Commission (cont'd)

31. Bicycle parking slots shall be provided pursuant to *Off-Street Parking Schedule "A"* **TMC§1107.0300**. *Off-Street Parking Schedule "A"* requires one (1) bicycle parking slot per ten (10) parking spaces; **acceptable as depicted on revised site plan.**
32. Designated pedestrian crossings at least 5 feet wide must be provided to ensure pedestrian safety. Per **TMC§1107.1602.B** pedestrian walkways that cross vehicle stacking lanes must be clearly marked through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt: **not acceptable as depicted on site plan.**
33. Per **TMC§1107.1911 A** aisle width for all new or altered off-street parking areas must be 25' minimum for 90-degree angled parking spaces; **acceptable between building and pumps as depicted on revised site plan.**
34. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in **TMC§1361.10(b) (10)** of the Building Code; **location and pad are acceptable as depicted on revised site plan. However, enclosure materials and landscaping must be indicated.**
35. Per **TMC§1109.0204(A)**, at least one (1) main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route; **acceptable as depicted on revised site plan. Pedestrian access has been provided for the proposed building from Heatherdowns Blvd.**
36. The building design shall meet the requirements of **TMC§1109.0502** *Building Façade Materials and Color Requirements*. Building material standards apply to all façades that are visible from the right-of-way. Percentages apply to each façade individually. Under the building material matrix up to 20% of each elevation may be comprised of stucco, wood, architectural concrete masonry units, fiber cement board, EIFS, ceramic, vinyl or composite siding or glass block; **acceptable as presented on the west and north elevations only. Both the east and south elevations are visible from the right-of-way and must be constructed with 80% predominant building material to be compliant.**
37. The 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. **Façade building materials and colors shall be indicated on revised building elevations.**

Plan Commission (cont'd)

38. Per TMC 1103.0708 One high profile sign may be installed as an alternative and substitute fascia or wall sign for business establishments. A high-profile sign shall not exceed twelve (12) feet in height above the grade elevation of the nearest right-of-way; **not acceptable as presented. The existing sign post must be brought into compliance.**
39. A detailed site, lighting, 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 fifteen-foot (15') greenbelt is required along S Reynolds Road and Heatherdowns Blvd frontages and shall include one (1) tree for every thirty (30') of lot frontage; **not acceptable as depicted.**
 - b. Interior parking lot landscaping required in parking lots is 20 square feet per parking and stacking space. Based on the indicated parking spaces abutting the convenience store, the parking at six (6) pumps, and stacking, there should be 460 square feet of landscaping; **not acceptable as depicted.**
 - c. The following shall be provided for interior site landscaping: one (1) two-inch (2") caliper tree for every 1000 square feet of building coverage (footprint); foundation plantings along all portions of the building that are visible from the public rights-of-way and at all major building entrances. Landscape plan depicts no 2" caliper trees or foundation plantings needed to meet interior site landscaping requirements; **not acceptable as depicted.**
 - d. Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line; **not acceptable as depicted on revised plan.**
 - e. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage.
 - f. 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.
 - g. The location, height, and materials for any fencing to be installed and maintained **(including the proposed dumpster screenings.)**

TO: President Cherry and Members of Council
August 13, 2021
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Plan Commission (cont'd)

40. 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.
41. 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.
42. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

Respectfully Submitted,



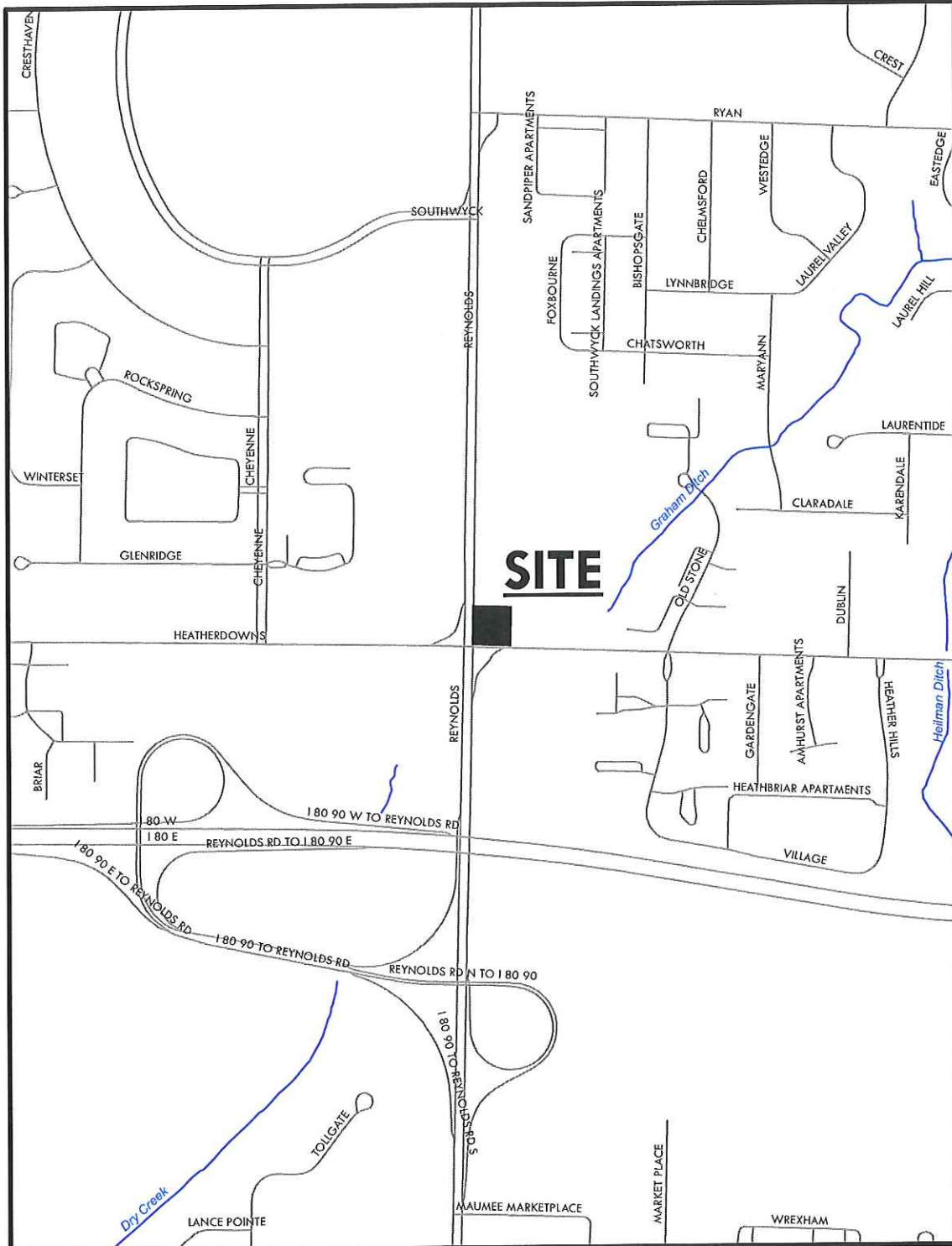
Thomas C. Gibbons
Secretary

NH
Three (3) sketches follow

Cc: Iven Sharrak, Applicant 670 North Pontiac Trail, Walled Lake, MI 48390
Scott Heacock, Architect, 1303 Sabra Rd, Toledo, OH 43612
Lisa Cottrell, Administrator
Nancy Hirsch, Planner

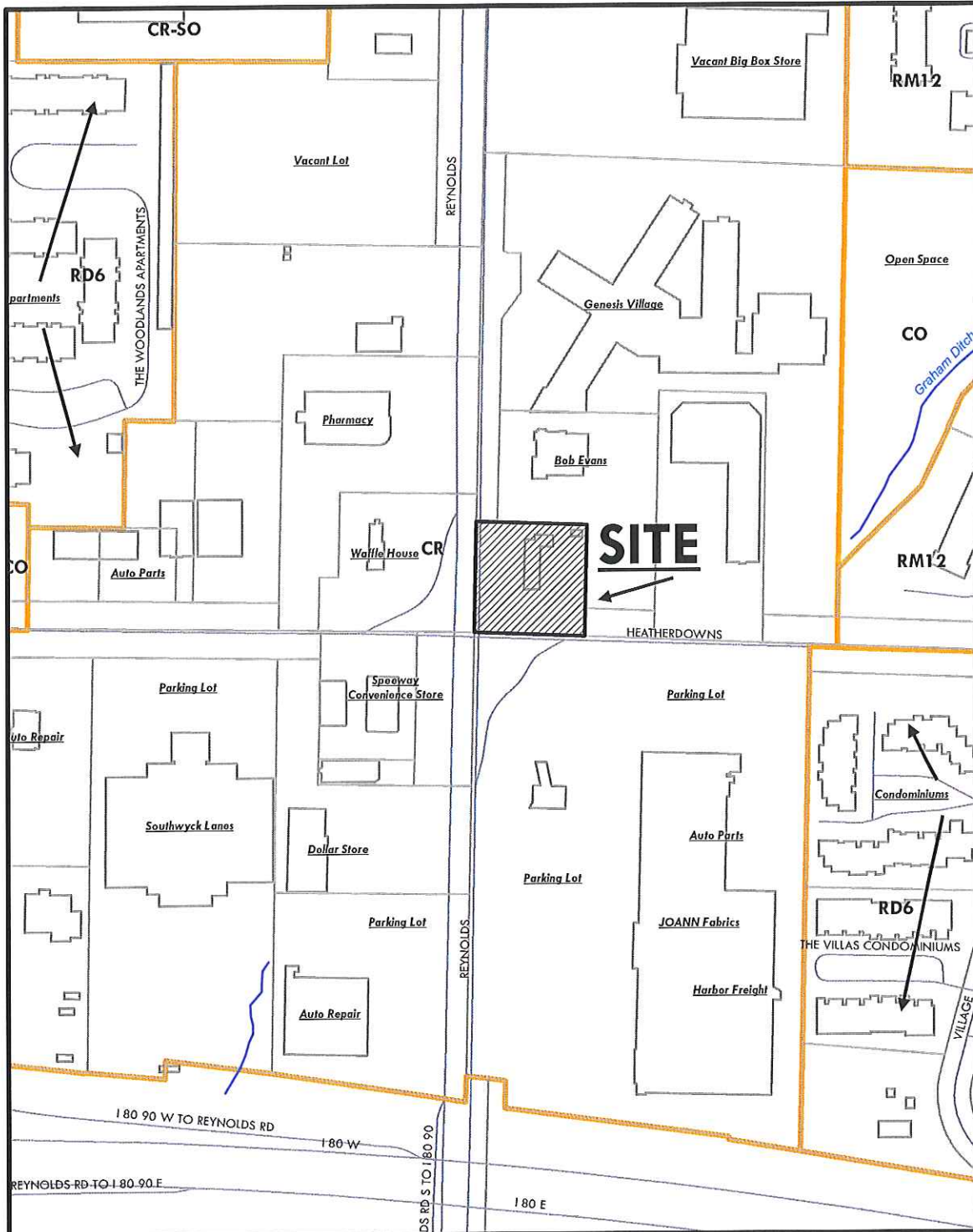
GENERAL LOCATION

SUP-5002-21



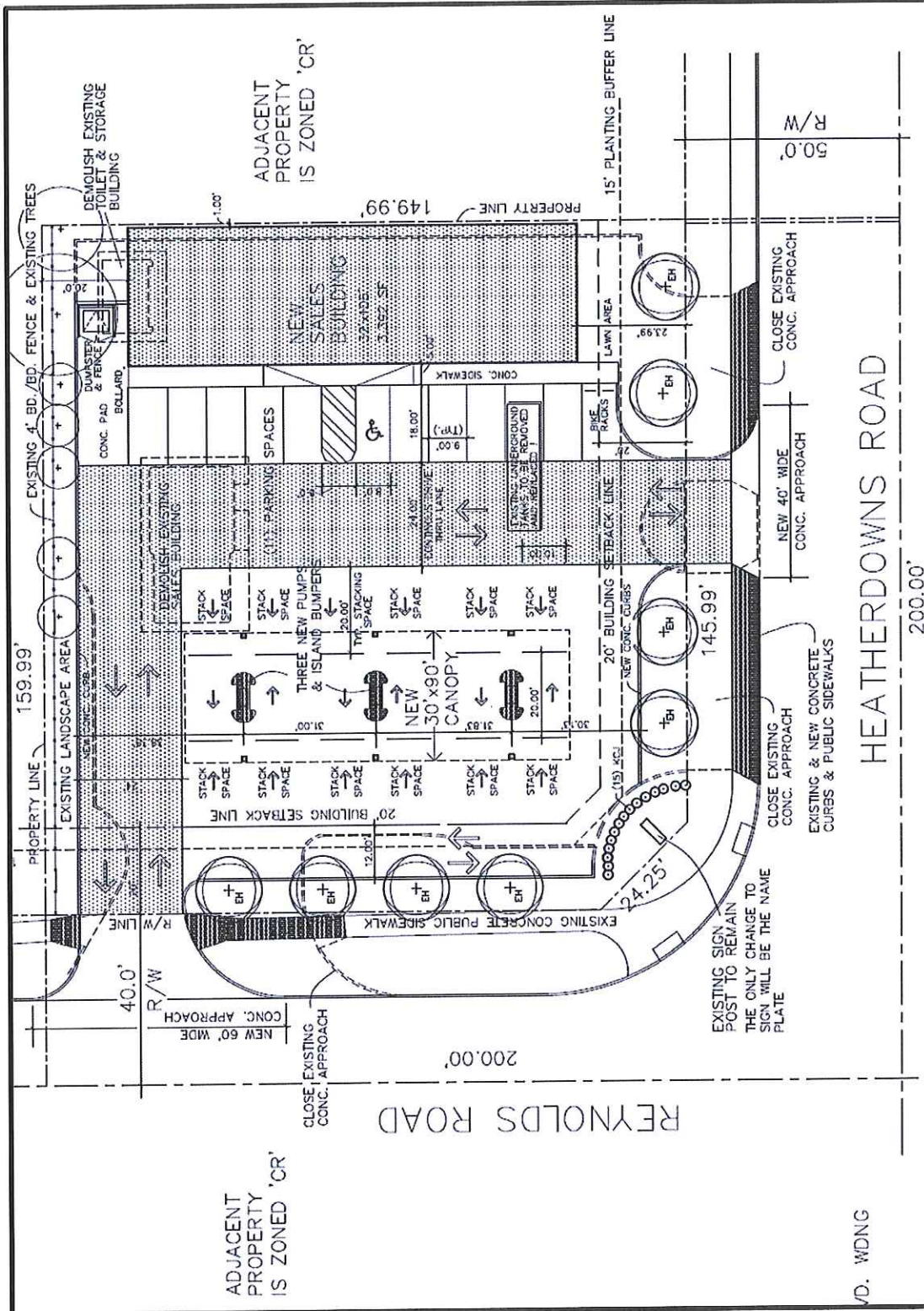
ZONING & LAND USE

SUP-5002-21



Revised Site Plan

SUP-5002-21



ADJACENT PROPERTY IS ZONED 'CR'

ADJACENT PROPERTY IS ZONED 'CR'

J.D. WDNG

HEATHERDOWNS ROAD

REYNOLDS ROAD

R/W 50.0'

200.00'

159.99'

149.99'

145.99'

40.0' R/W

NEW 60' WIDE CONC. APPROACH

CLOSE EXISTING CONC. APPROACH

EXISTING SIGN POST TO REMAIN THE ONLY CHANGE TO SIGN WILL BE THE NAME PLATE

CLOSE EXISTING CONC. APPROACH EXISTING & NEW CONCRETE CURBS & PUBLIC SIDEWALKS

NEW 40' WIDE CONC. APPROACH

CLOSE EXISTING CONC. APPROACH

15' PLANTING BUFFER LINE

CONC. SIDEWALK

LAWN AREA

23.99'

18.00' (TR.)

9.00'

EXISTING SIDEWALK

20' BUILDING SETBACK LINE

NEW CONC. CURBS

12.00'

12.00'

12.00'

12.00'

12.00'

12.00'

12.00'

12.00'

12.00'

12.00'

12.00'



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: July 30, 2021

REF: SUP-5002-21

PLANNER: Hirsch

Iven Sharrak
Reynolds Road Properties, LLC
670 N Pontiac Trail, MI 48390

Scott Heacock, Architect
1303 Sabra Road
Toledo, OH 43612

PUBLIC HEARING DATE

Thursday, August 12, 2021

Please be advised that your request for a **Special Use Permit for a Gas Station and Convenience Store at 2441 S Reynolds Rd** has been scheduled for public hearing before the Toledo City Plan Commission. This hearing will be held in the **City Council Chambers, One Government Center**, Jackson and Erie Streets, Toledo, Ohio on **Thursday, August 12, 2021 at 2:00 p.m.**

The purpose of the public hearing is to enable the Plan Commissions to consider your request in an open and public forum. This allows you and the surrounding property owners an opportunity to offer any and all opinions and comments regarding the request.

You or your representative should make every attempt to attend this hearing in order to respond to any questions or concerns which may arise. In the event you are unable to attend the public hearing, it is suggested that you notify the Plan Commission staff at 419-245-1200 prior to the meeting.

Please Note: **Failure to attend or be represented could result in the Plan Commission deferring action on your request.**

TOLEDO CITY PLAN COMMISSION

EXHIBIT 1: Current Site at 2441 S Reynolds Rd

SUP-5002-21

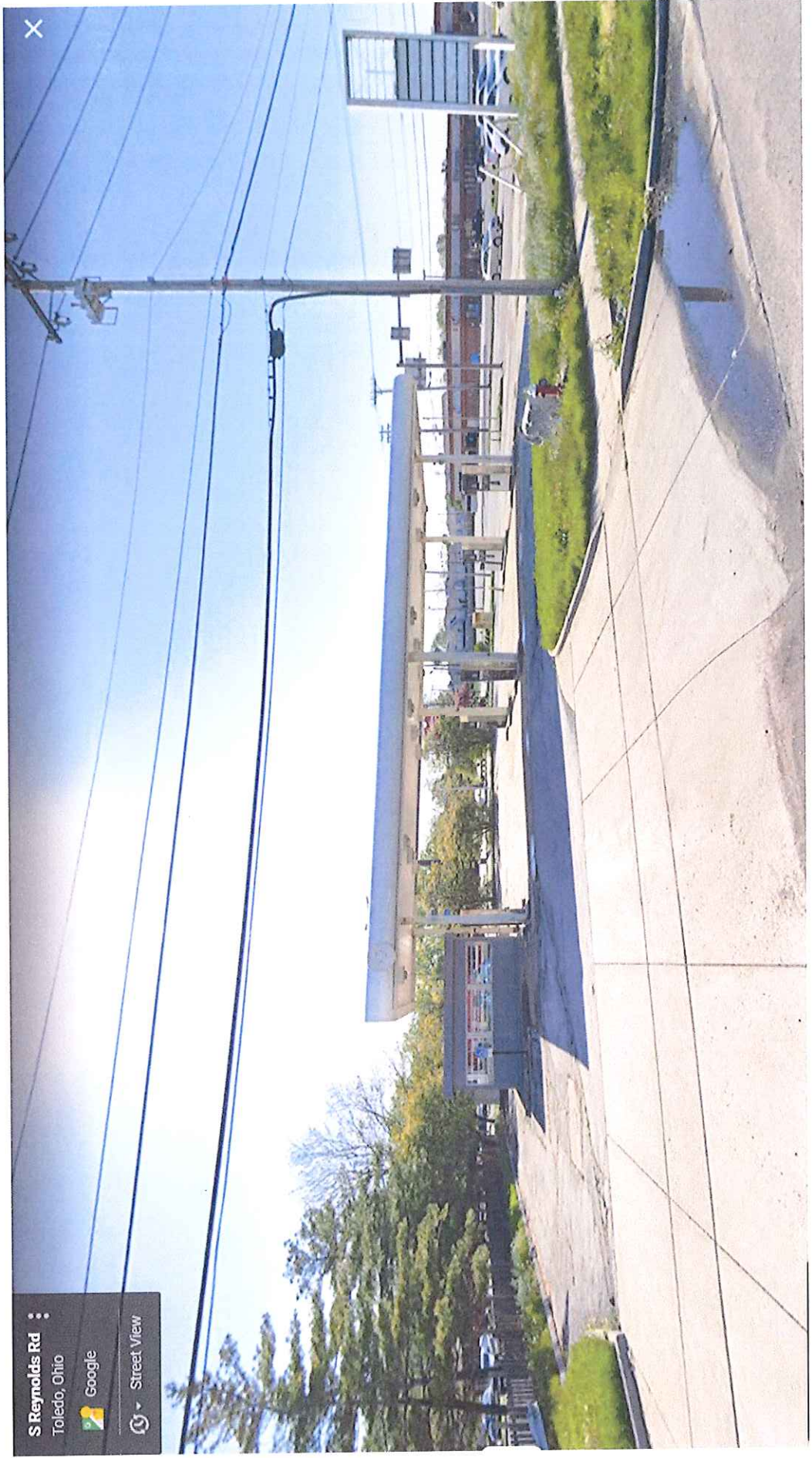


EXHIBIT 2: Walled Lake Gas Station

SUP-5002-21

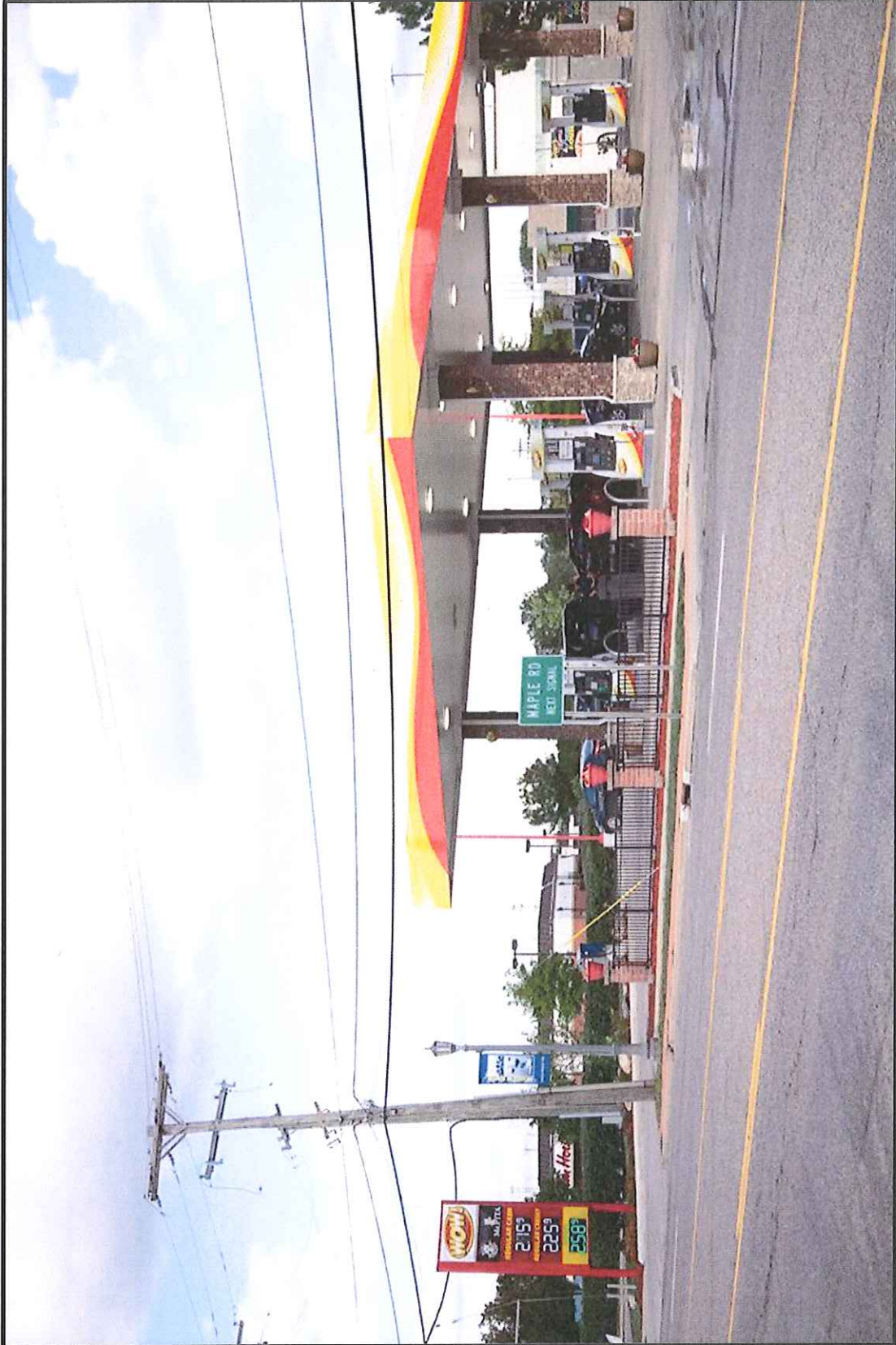


EXHIBIT 3: Walled Lake Convenience Store

SUP-5002-21



EXHIBIT 4: Clarkston MI Store

SUP-5002-21



EXHIBIT 5: Brownsville MI Store

SUP-5002-21

