

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: July 14, 2021

REF: SUP-4001-21

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

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

SUBJECT: Amendment to a Special Use Permit Originally Granted by Ordinance 503-80 and 977-00, for Gas Station Modifications at 750 E. Central Ave.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 10, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Amendment to Special Use Permit, originally granted by Ord. 503-80 and 977-00, for an existing gas station with convenience store.
Location	-	750 E. Central
Applicant	-	Muhammad Abdelhoq & Robbie Abdelhoq 4620 Cranbrook Dr. Toledo, OH 43615
Architect	-	Larry Miller 2716 N Holland-Sylvania Rd. Toledo, OH 43613

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.45 acres
Frontage	-	±168' along Stickney Ave ±120' along Central Ave
Existing Use	-	Gas Station with Convenience Store
Proposed Use	-	Gas Station with Convenience Store

GENERAL INFORMATION (cont'd)

Area Description

North	-	Woodward High School / CR, RD6
South	-	Single-Family Homes / CR, RD6
East	-	Vacant Car Wash, Single-Family Homes / CR, RD6
West	-	Vacant Commercial, Single-Family Homes/ RD6

Parcel History

SUP-134-80	-	Special Use Permit for a Gas Station, (PC Approval 5/13/80, CC Approval ORD-503-80).
SUP-147-84	-	Special Use Permit for Gasoline Sales and Convenience Store, (PC Approval 9/14/2000, CC Approval ORD-977-00)

Applicable Regulations

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

STAFF ANALYSIS

The applicants, Muhammad and Robbie Abdelhoq, are requesting an amendment to a Special Use Permit. The ± 0.45 acre site, located at the corner of Stickney Ave and Central Ave, has historically hosted a gas station and convenience store, and was most recently approved as such in 2000. The property is surrounded by a high school to the north, a vacant car wash to the east, single-family homes to the south, and a vacant commercial building and single-family homes to the west. The applicants intend to expand the footprint of the primary building, reconfigure ingress and egress points, and utilize a recently acquired contiguous parcel to the south to add employee and customer parking. An amendment to the 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 urges design consistency with the surrounding neighborhood. The presented site plan complies with these requirements.

STAFF ANALYSIS (cont'd)

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 and spacing requirements are not being considered because the site has existed since before spacing requirements were added via Ord. 568-09 in 2009.

Convenience Stores Regulations (cont'd)

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. The plan shows four (4) pump stations each with at-pump parking in compliance with the parking code. The proposed expanded building is ±2,100 square feet, requiring an additional seven (7) parking spaces not at the pump, including one (1) accessible space for persons with disabilities. The site plan provides seven (7) parking spaces, one of which is accessible. The current site has a total of four (4) curbs cuts. The site plan reduces this number to two (2) and eliminates the curb cuts closest to the intersection of Stickney Ave and Central Ave. Access to employee parking is only through the alley on the west side of the property.

The Division of Transportation has objected to approval of the amendment to the Special Use Permit, citing traffic flow concerns. Required stacking is not shown on the 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 and is not shown in the site plan, nor are pass-around aisles in the event of pump stacking.

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 seven (7) parking spaces. The presented site plan includes two (2) bicycle parking spots and is in compliance with minimum requirements.

STAFF ANALYSIS (Cont'd)

Landscaping

Per **TMC 1114.0502(A) – Non-conformities**, the site is existing and only required to move closer into conformance with the landscape requirements of the 2004 Zoning Code. 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 four (4) trees on the Central Avenue frontage, and five (5) trees on the Stickney Avenue frontage. The site plan indicates two (2) existing trees on Central Avenue, two (2) existing trees on Stickney Avenue, and two (2) new trees added to Stickney Avenue. Due to limitations of the space, the additional two (2) trees bring the site closer to compliance. A landscaping plan indicating screening pursuant to TMC§1108.0202 is required to reduce the amount of light from headlights into the right-of-way. Perimeter parking lot landscaping applies to access drives, driveways, aisles, and loading areas, and shall be provided around the entire perimeter of the site. An existing raised planter at the northern corner of the site contributes positively to the character of the intersection. Dumpster screening is also required, and is acceptable as depicted in the site plan.

The abutting property to the west of the site is zoned RD6, Duplex Residential. Typically these conditions would require a Type A landscape buffer as indicated in **Table 1108.0203 – Screening Requirement Matrix**. Due to the existing conditions of the site, the Director of the Plan Commission has allowed instead for a solid wood or vinyl privacy fence along the western property. The existing fencing on the site shall need to be extended and repaired to meet this requirement. Additionally, decorative wrought iron, black heavy gauge aluminum tube fencing, or stone fencing to match the existing planter, shall be installed in the landscape areas abutting Central Ave and Stickney Ave.

Building Design

At time of print, the Plan Commission has not received building elevations. If this case is approved, building elevations will be required to follow all design and architectural standards required by **TMC§1109 - Design Standards**.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Single Family Residential. Single Family Residential land use designation is intended to provide areas for single unit developments on individual lots, as well as associated accessory uses such as schools, libraries, and churches. Because of the history of the site, as well as existing Regional Commercial zoning, the continued use of the site as a gas station is acceptable.

While the use is consistent with the zoning code, staff recommends disapproval of this Amendment to a Special Use Permit due to the objection set forth by the Division of Transportation.

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STAFF ANALYSIS (Cont'd)

Toledo 20/20 Comprehensive Plan (cont'd)

Staff is recommending disapproval of this Amendment to a Special Use Permit. However, review agencies conditions are attached as EXHIBIT "A" for informational purposes.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP-4001-21, Amendment to Special Use Permit, originally granted by Ord. 503-80 and 977-00, for a gas station with a convenience store for the following two (2) reasons:

1. The proposed use does not meet the stated purpose of this Zoning Code [TMC§1107.0706(A)]
2. The Division of Transportation is in Objection to this amendment request.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

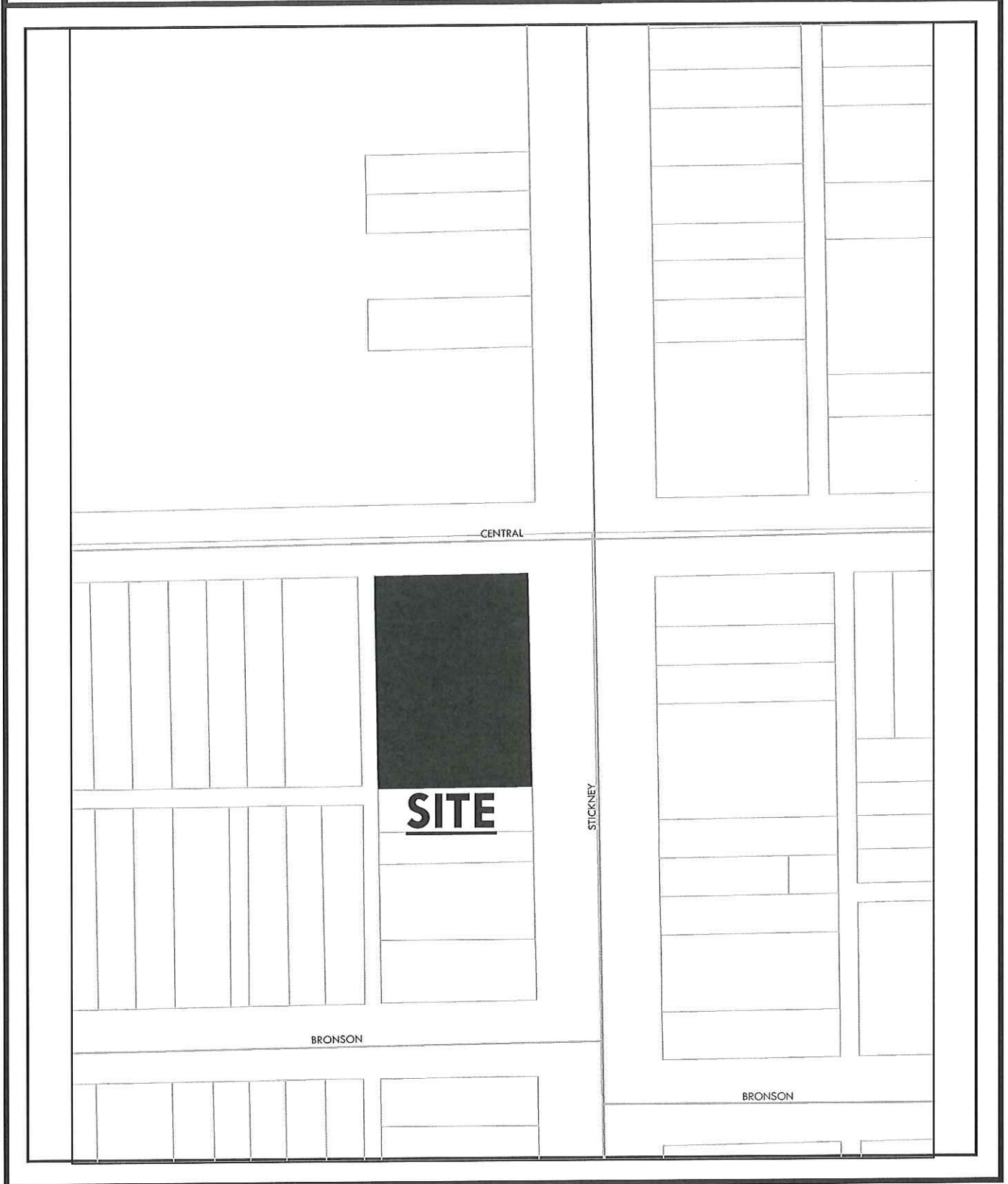
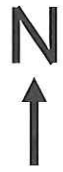
JGL

Three (3) sketches follow

Cc: Muhammad Abdelhoq & Robbie Abdelhoq, 4620 Cranbrook Dr. Toledo, OH 43615
Larry Miller 2716 N Holland-Sylvania Rd. Toledo, OH 43613
Lisa Cottrell, Administrator
Jonny Latsko, Planner

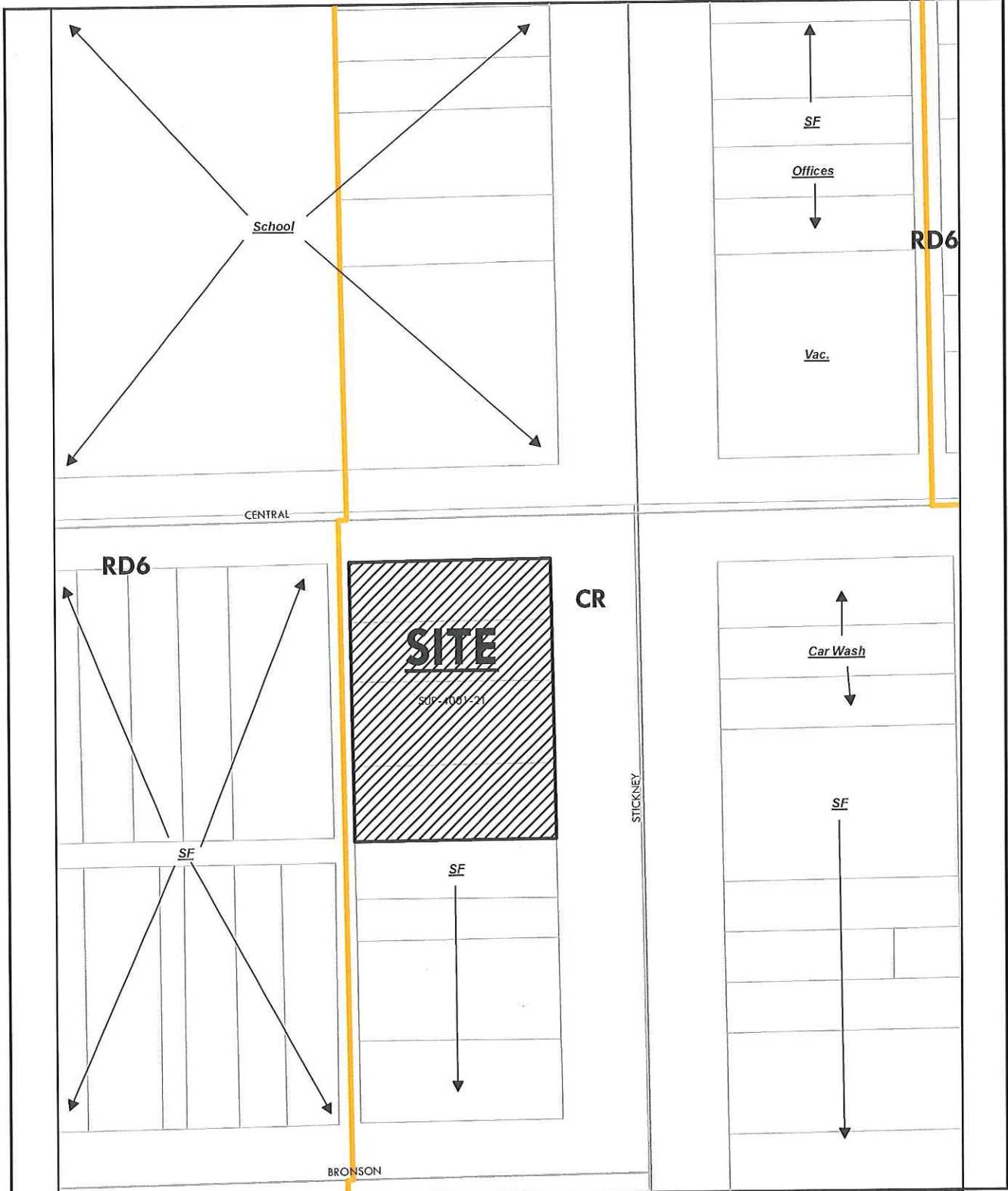
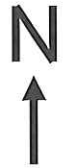
General Location

SUP-4001-2



Zoning & Land Use

SUP-4001-2



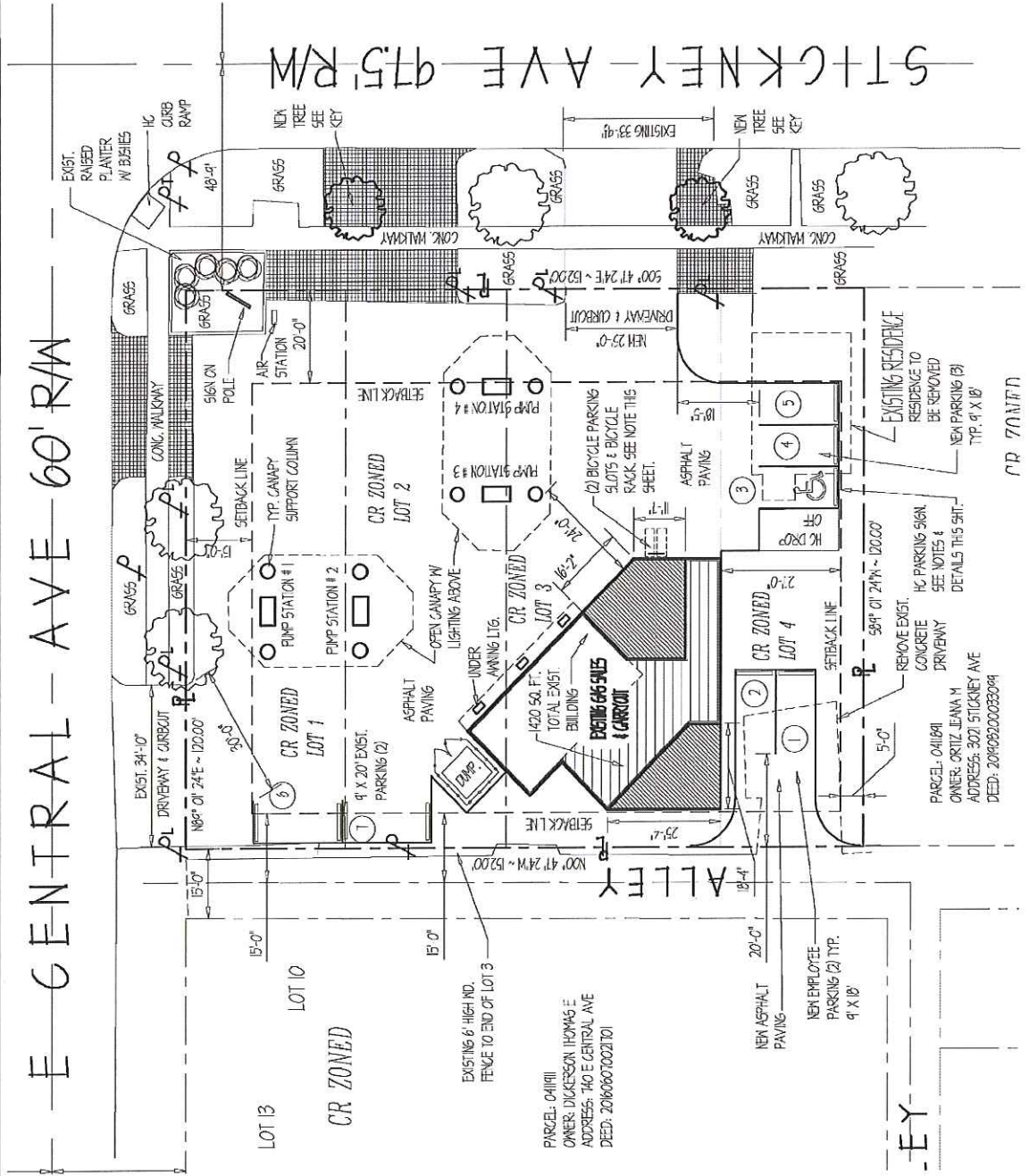


SUP-4001-21

SITE PLAN

E CENTRAL AVE 60' R/W

STICKNEY AVE 97.5' R/W



EXISTING RESIDENCE
RESIDENCE TO
BE REMOVED
NEW PARKING (2)
TYP. 9' X 18'

REMOVE EXIST.
CONCRETE
DRIVEWAY
DETAILS THIS SHIT.
SEE NOTES 4

NEW PARKING 5/16A
DETAILS THIS SHIT.
SEE NOTES 4

CP 7/11/17

PARCEL: 041181
OWNER: DICKERSON THOMAS E
ADDRESS: 740 E CENTRAL AVE
DEED: 20160607002101

PARCEL: 041181
OWNER: ORTIZ JENNA M
ADDRESS: 3021 STICKNEY AVE
DEED: 201609200033094

Exhibit "A"

REVIEW AGENCY CONDITIONS

The following thirty-three (33) 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.
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.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
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 @ 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 (419-936-2839) to verify the backflow prevention requirements for this site.

Division of Environmental Services

8. 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.
 - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
9. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
10. 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.
11. 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
12. 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

13. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
14. 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

15. All vehicle stacking must be shown for gas pumps and is required to meet TMC 1107
16. A 25' drive aisle is required for two-way traffic per TMC 1107. (That requirement is with the vehicle stacking at gas pumps).
17. The parallel parking shown will not permit for a 25' drive aisle with gas pump stacking requirements per TMC 1107.
18. A pass around aisle is required around vehicle stacking at gas pumps and must meet TMC 1107.
19. A parking spot is required for the air station and must adhere to TMC 1107.

Plan Commission

20. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
21. Applicant shall submit elevations of the building expansion. Elevations shall be required to follow all standards outline in TMC§1109.
22. Litter receptacles, for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910. Shall be shown on a revised site plan.
23. 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. Plan Commission supports the use of a decorative fence or wall in lieu of the required fifteen (15) feet wide frontage greenbelt. Decorative black wrought iron or black heavy gauge aluminum tube fencing or stone to match the existing planter shall be installed in the landscape areas abutting Central Ave and Stickney ave. Fencing shall be at least four (4) feet in height. Continuous shrubs shall be placed around the perimeter of the parking lot. **Not acceptable as depicted.**
 - b. A frontage greenbelt is required and shall include one (1) tree for every thirty (30) feet of frontage. Because the site is existing and being brought closer to compliance, Plan Commission staff is requiring four (4) canopy trees within the frontage greenbelt along Stickney Ave. The two (2) trees shown along Central Avenue are acceptable as presented. (TMC§1108.0202) **Acceptable as depicted.**
 - c. In lieu of a Type "A" buffer, a continuous solid privacy fence, made of wood or vinyl, shall be installed along the property lines to screen abutting residential properties. Existing fencing along the western property line shall be repaired and extended to meet this requirement. **Not Acceptable as depicted.**

Plan Commission (cont'd)

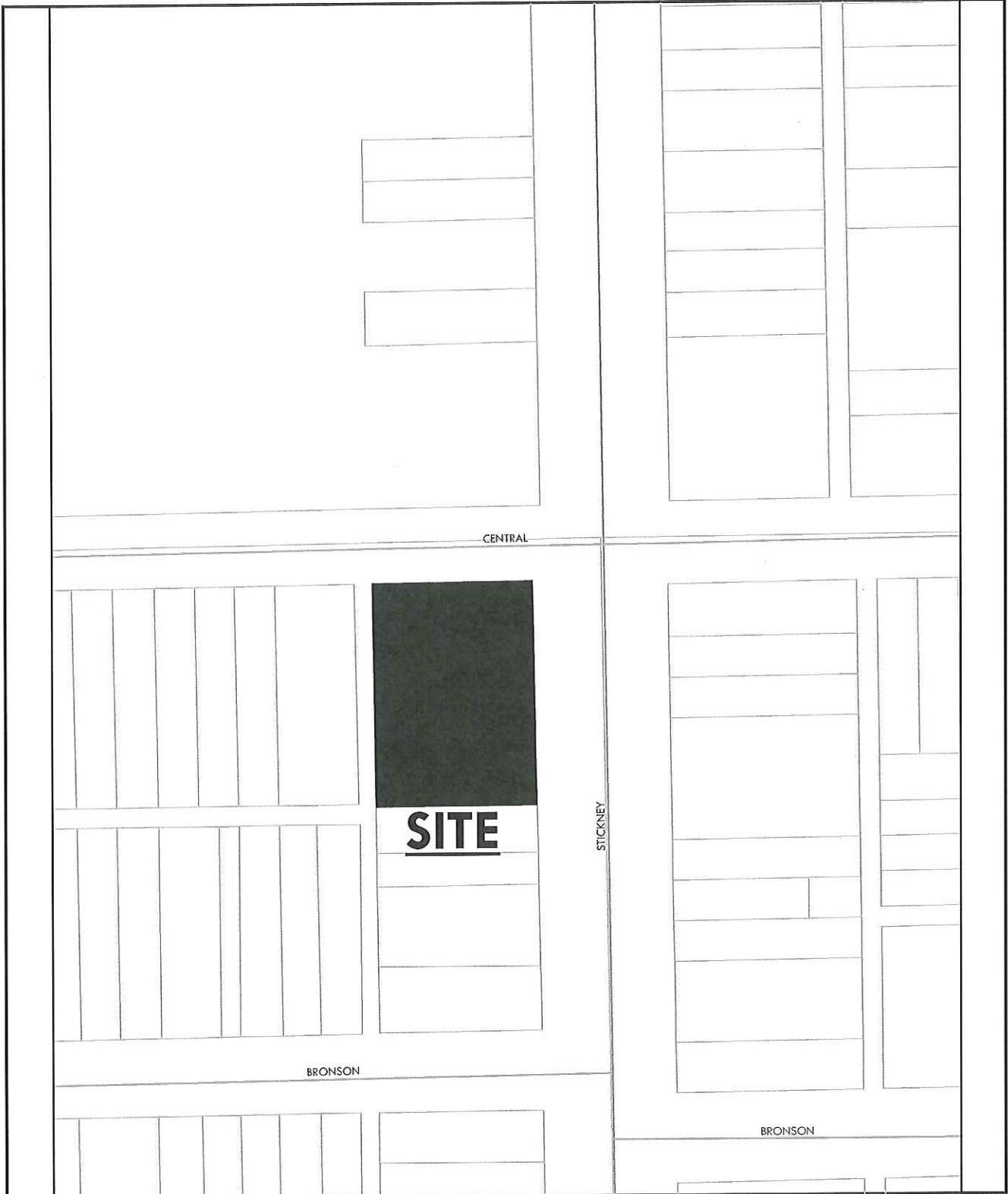
- d. Dumpster screening shall be provided and shall include a solid masonry wall made of brick to match the building, or a combination of wood or wood-like fencing and solid evergreen landscaping. (TMC§1108.0203.G) **Acceptable as depicted.**
 - e. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches and evergreen trees must be a minimum of 5'.
 - f. Per TMC§1108.0204(B)(6), 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, unless approved as part of the stormwater treatment facility. Shall be depicted on a landscape plan.
 - g. Landscaping shall be installed and maintained indefinitely.
24. Window signage is limited to 25% of the total window area, per the Sign Code (TMC§1391.02.R).
25. Plan Commission shares concerns addressed by Transportation that traffic flow may be insufficient.
26. Pump islands shall be set back a minimum of fifteen (15) feet from the property line (TMC§1104.0903). **Acceptable as depicted.**
27. Non-petroleum displays must be within twenty-five (25) feet of the building but not within twenty-five (25) feet of any right-of-way. The maximum height of these displays shall not exceed five (5) feet.
28. Free air (with the capacity of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
29. Hours of operation are limited to 5:30 am to 1 am, per TMC§1104.0601.
30. 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.
31. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
32. 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.

Plan Commission (cont'd)

33. 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.

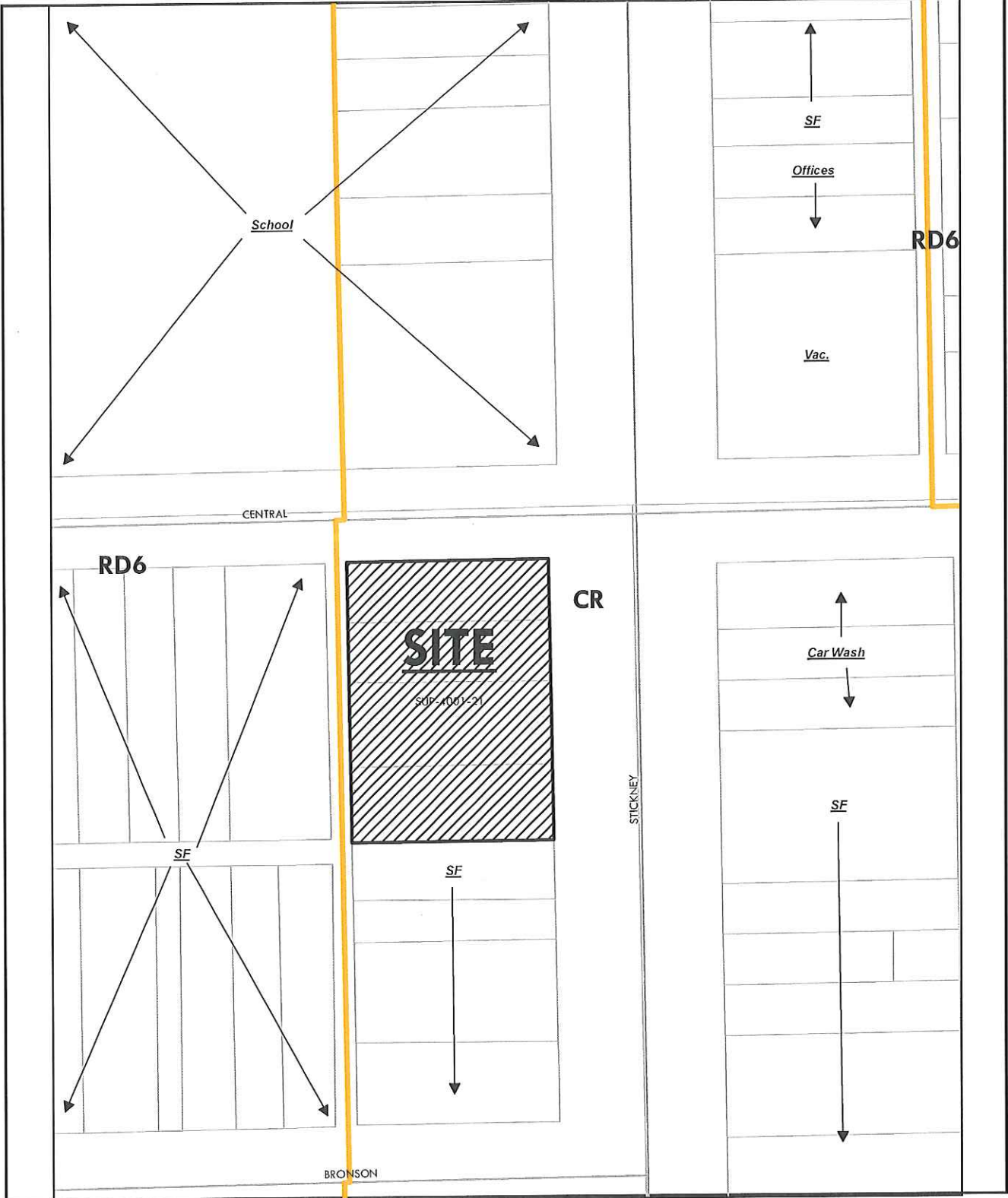
General Location

SUP-4001-2



Zoning & Land Use

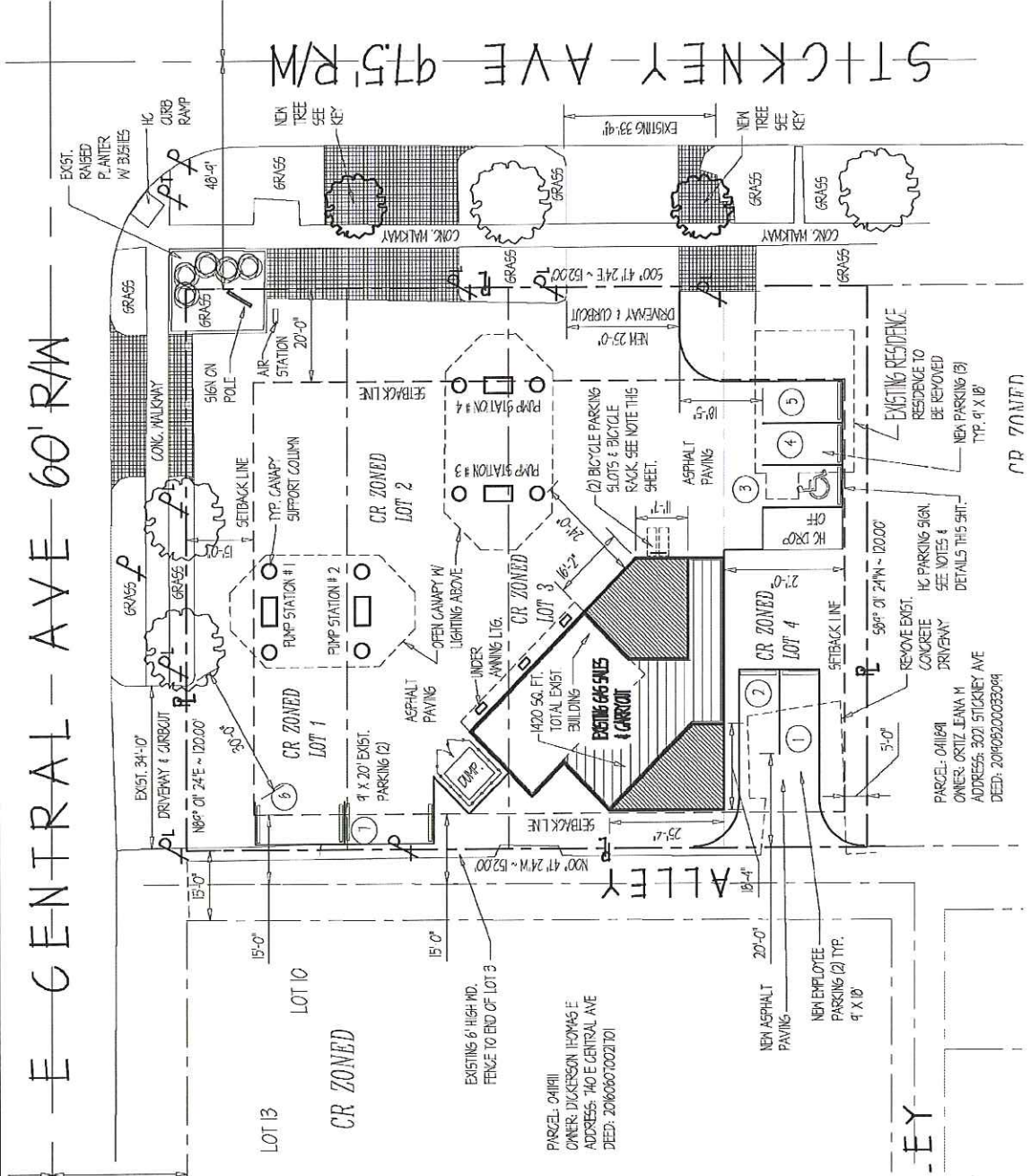
SUP-4001-2





SITE PLAN

SUP-4001-21



PARCEL: 041184
 OWNER: ORTIZ, JENNA M
 ADDRESS: 307 STICKNEY AVE
 DEED: 201405200032044

CR ZONED