



# TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

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THOMAS C. GIBBONS, DIRECTOR



DATE: December 12, 2017

REF: SUP-10005-17

TO: President Steven Steel and Members of Council, City of Toledo

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

SUBJECT: Request for a Special Use Permit to add drive-through to existing gas station & convenience store at 5821 North Detroit Avenue.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 7, 2017 at 2:00 P.M.

## GENERAL INFORMATION

### Subject

Request	-	Special Use Permit to add drive-through to existing gas station & convenience store
Location	-	5821 North Detroit Avenue
Applicant	-	Jim Sutphin Barney's Real Estate Investments, LLC 134 W. South Boundary, Suite AA Perrysburg, OH 43551
Architect	-	William Stonehouse 32316 Grand River Avenue, Suite 200 Farmington, MI 48336

### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.54 acres
Frontage	-	± 320' along North Detroit Avenue ± 220' along Alexis Road
Existing Use	-	Gas station & convenience store
Proposed Use	-	Gas station & convenience store with drive-through
Parking Required	-	23 spaces
Parking Provided	-	19 spaces + 12 pump spaces

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	Drive-through convenience store / CR-SO
South	-	Alexis Road, fleet storage parking lot / IG
East	-	Detroit Avenue, A & D Auto Parts and Repair / IG
West	-	Night club / CR

Parcel History

T-35-93	-	Lot Split Parcel 22-00221 from Parcel 22-00222, subject to access easement from Skyview Drive through Parcel 22-00222 (P.C. approved on 4/13/1993).
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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 add a drive-through to the existing gas station & convenience store at 5821 North Detroit Avenue. The site was developed in 1990 as a gas station prior to when the current Zoning Code was adopted. At the time, a convenience store was not regulated by specific use regulations. The current case is an attempt to bring the site into compliance with the most recent Zoning Code. The ±1.54 acre parcel is rhomboidal in shape and zoned CR Regional Commercial. Surrounding land uses include a drive-through convenience store to the north, A&D Auto Parts and Repair to the east across Detroit Avenue, fleet storage parking across Alexis Road to the south at the old raceway park site, and a night club to the west abutting the subject site.

The applicant is requesting a Special Use Permit to add a drive-through to the existing gas station/convenience store which is located on the north side of the parcel, facing Alexis Road. The site is accessed via two (2) curb cuts from Detroit Avenue and Alexis Road with a shared access easement through the property to the west from Skyview Drive. The existing ±3,192 square foot building will not be altered or modified, except for the addition of a drive-through window. Additional modifications on site include a new drive-through aisle surrounding the building, concrete bollards, parking lot striping, and the relocation of the existing dumpster with a new enclosure.

## STAFF ANALYSIS (cont'd)

### Use Regulations

A drive-through convenience store with fuel sales is required to meet the use regulations of TMC§1104.0600, TMC§1104.0800, and TMC§1104.0900. The hours of operation of a drive-through convenience store with fuel sales 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. Particular attention will be given to facilities located adjacent to any residential district, school, place of religious assembly, park or playground. The proposed development conforms to the applicable use regulations. Additionally, all convenience stores in the City of Toledo are subject to spacing requirements of TMC§1104.0603. However, since the convenience store was operating prior to when spacing requirements were adopted in the Zoning Code, the applicable use regulation does not impact the development.

### Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access – Schedule A*, a convenience store with fuel sales is required to have one (1) parking space per pump (count as if parked at pump) plus one (1) parking space per 300 square feet of building area. The submitted plan indicates that a 3,192 square foot building and twelve (12) pumps currently exist on site; therefore twenty-three (23) parking spaces are required for the site. The site plan indicates that nineteen (19) parking spaces are available with one (1) at each of the twelve (12) fuel pumps, resulting in a total of thirty-one (31) parking spaces on site.

Per TMC§1107.1601, the minimum number of off-street stacking spaces required for a similar type of use, measured from the window to the right-of-way or property line, is four (4) stacking spaces. The submitted site plan depicts an area available for six (6) off-street stacking spaces. The Division of Transportation did not object to the proposed configuration of the drive-through stacking spaces, therefore, the site plan is in conformance with this regulation.

In addition to the minimum number of required off-street parking, the minimum number of accessible parking spaces that must be provided on the site is one (1) van-accessible space. Accessible spaces should be located closest to the door in order to provide more appropriate access for persons with disabilities. The site plan submitted depicts the minimum number of accessible spaces required.

Furthermore, bicycle parking is also required for the convenience store. Per TMC§1107.0300 – *Off-Street Parking Schedule "A"*, a minimum number of one (1) bicycle slot shall be provided per ten (10) automobile parking spaces. The minimum number of bicycle parking required on site is two (2) spaces, measured at least two-feet (2') by six-feet (6') per slot. If approved, a revised site plan shall be submitted depicting the location and minimum number of bicycle parking spaces and is listed as a condition of approval.

**STAFF ANALYSIS (cont'd)**

Landscaping

The site was established before the 2004 zoning code update and therefore not required to fully comply with the landscape requirements. Per TMC§1114.0502, the site is required to be brought closer into compliance with the 2004 zoning code. A fifteen-foot (15') greenbelt is required for the site along the Detroit Avenue and Alexis Road frontages. The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. Trees are not required to be evenly spaced and may be clustered. With ±540' of frontage, a total of eighteen (18) trees are required in the existing frontage greenbelt. Additionally, since the parking lot is visible from the right-of-way, the frontage greenbelt shall include a solid hedge or shrub row in order to screen the parking lot and ensure that headlights do not project onto the public street.

The site plan submitted depicts existing landscaping and the frontage greenbelt but does not identify the size/type of plant species. Any of the existing landscaping affected by the proposed drive-through aisle shall be depicted on the completed landscaping plan. Additionally, the site plan depicts a frontage greenbelt with only one (1) tree and does not meet the minimum requirements. A completed landscaping plan shall be submitted with an additional seventeen (17) trees and a solid shrub row in the frontage greenbelt and is listed as a condition of approval.

Dumpster receptacles are required to be screened and shall be separated from the main circulation and parking areas. Proper screening for the dumpsters shall be provided as outlined in TMC§1108.0203(G). The submitted site plan depicts the dumpster location within a solid six-foot (6') split face block enclosure and therefore compliant with the applicable zoning regulations.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial land uses. The intent of the Regional Commercial designation is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. Based on the nature of the proposed use and its location, the proposal meets the purpose and all applicable standards of the zoning code. Staff recommends approval of the Special Use Permit for this location because the request complies with all applicable provisions of the zoning code as outlined in TMC§1111.0706. Finally, the request is compatible with the adjacent commercial land uses along Alexis Road and consistent with the Toledo 20/20 Comprehensive Plan.

## PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-10005-17, a request for Special Use Permit to add drive-through to existing gas station & convenience store at 5821 North Detroit Avenue, to Toledo City Council for the following three (3) reasons:

1. The proposed use meets the stated purpose of this Zoning Code (TMC§1111.0706(A) *Review & Decision-Making Criteria*);
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B) *Review & Decision-Making Criteria*); and
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C) *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of SUP-10005-17, a request for Special Use Permit to add drive-through to existing gas station & convenience store at 5821 North Detroit Avenue, to the Toledo City Council subject to the following **thirty-two (32)** 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. 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, ph. 419-245-1344

Water: Andrea Kroma, ph. 419-936-2163

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

Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. 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.
3. 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.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

4. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with a minimum of 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 and/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.
5. 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.

6. 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 (419-245-1395) to verify the backflow prevention requirements for this site.
7. 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 standards.
8. 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 stormwater 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, Stormwater Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Sewer & Drainage Services

9. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
10. 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

11. Site shall comply with local Fire Prevention Bureau regulations.

Division of Environmental Services

12. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
13. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
14. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
15. 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 existing structural and non-structural Best Management Practices.
16. 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 Asbestos and Anti-Noise Laws.

Division of Transportation

No objections.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission

17. 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; **not acceptable on submitted site plan. A minimum of two (2) bicycle parking spaces shall be provided on-site.**
18. Canopy shall be set back a minimum of ten-feet (10') from the property line (**acceptable as existing on site**), and shall be designed to be consistent with the building materials and colors of the principal building. **If the existing canopy is renovated or rebuilt, the support columns shall be brick, brick base, or other durable materials compatible with the principal building and shall be approved by the Plan Commission.**
19. Flat lens lighting shall be used for all outside lighting, including canopies.
20. Pump islands shall be set back a minimum of fifteen feet (15') from the property line; **acceptable as existing on site.**
21. Free air (with the capability of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
22. 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; **acceptable as noted on site plan.**
23. 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)).
24. 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.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission

25. 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.
26. No new free-standing signs greater than forty-two inches from grade are permitted – proposed signage must meet the requirements of low-profile signs per *Toledo Municipal Code Title Nine – Sign Code*.
27. 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 Detroit Avenue and Alexis Road with one (1) tree for every thirty-foot (30') of frontage. Calculations conclude that a total of seventeen (17) are required in the frontage greenbelt. A continuous hedge or shrub row, a minimum height of eighteen-inches (18") and maximum of forty-two inches (42"), shall be installed in the frontage greenbelt in order to screen the parking lot and headlights from public view. **Not acceptable as depicted on site plan. Shall be depicted on a completed landscaping plan.**
  - b. Topsoil must be back filled to provide positive drainage of the landscape area.
  - c. 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; **not acceptable as noted on site plan. River Rock is not an approved ground cover material and shall be noted on a completed landscaping plan.**
  - d. 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. **Not acceptable as depicted on site plan. Shall be noted on completed landscaping plan.**

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- e. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.
  - f. The location, height and materials for any fencing to be installed and maintained; and
  - g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
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 and maintained indefinitely.**
29. 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.
30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
31. 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.
32. 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,

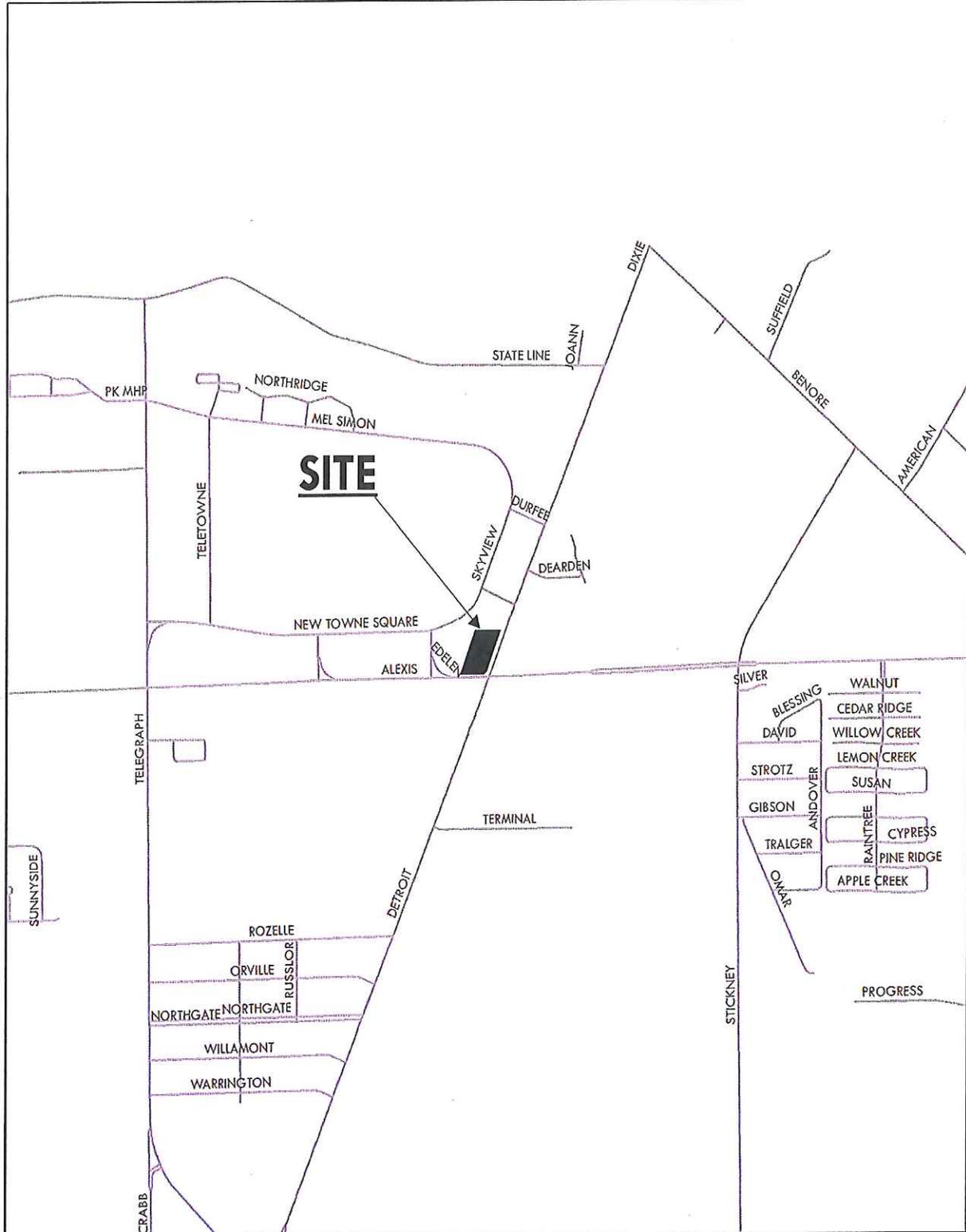


Thomas C. Gibbons  
Secretary

Three (3) sketches follow  
CC: Lisa Cottrell, Administrator  
Ryne Sundvold, Planner

# GENERAL LOCATION

SUP-10005-17  
ID 70



# ZONING & LAND USE

SUP-10005-17  
ID 70

