



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: April 8, 2021

REF: SUP-2002-21

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 and amendment to Ord. 183.03 Convenience Store

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 8, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Amendment to Special Use Permit, originally approved by Ord. 183-03, for a convenience store.
Location	-	1119 W Alexis Road
Applicant	-	Kinjal Patel 1121 West Alexis Road Toledo, OH 43612
Architect	-	Architecture by Design 5622 Mayberry Square Sylvania, OH 43560

Site Description

Zoning	-	CR / Regional Commercial
Area	-	±0.408 acres
Frontage	-	±100' along West Alexis Road
Existing Use	-	Convenience Store

Area Description

North	-	Lowe's retail parking lots / CR
South	-	Restaurant parking lot / CR
East	-	Auto parts retail / CR
West	-	Fast food restaurants / CR

GENERAL INFORMATION (cont'd)

Parcel History

- | | | |
|--------------|---|--|
| M-30-59 | - | Interim zoning bounded by Alexis, Lewis, Laskey & Rowland, P.C. approved on 10/19/61. |
| Z-257-69 | - | South side of Alexis, 605' West of Lewis rezoned from M-2 to C-3, P. C. approved 10/30/69. |
| SUP-11004-02 | - | Request for Special Use Permit for convenience store approved by the P.C. on 1/09/03, C.C. on 2/13/03 by Ord 183-03. |

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting an amendment to a Special Use Permit granted via Ord. 183-03 for a convenience store located at 1119 West Alexis Road. This amendment will affect the addition of 325 square feet of floor space on the north, frontage facing side of the building to allow refrigeration unit installations, façade renovations and improvements to parking and landscaping. This type of use is categorized as Food and Beverage Sales. Said use is defined as the retail sale of food and beverages for home consumption. There are two (2) types of Food and Beverage Retail Sales uses: convenience stores, with a floor area of less than 5,000 square feet; and large stores with a floor area of 5,000 square feet or more (TMC§1116.0217).

Surrounding land uses include a home improvement center and parking lots to the north, an auto parts commercial business to the east, the Golden Corral Buffet parking to the south, and an auto repair business and fast food restaurants to the west.

The convenience store is located in a one-unit building adjoining an auto repair business. The structure consists of 1,595 square feet with an addition of 325 square feet for a total 1, 920 square feet. The site is zoned CR, Regional Commercial, and a convenience store is a permitted use in this zoning district, subject to approval of a Special Use Permit. The letter of intent states that the convenience store will add improvements to the existing building through façade renovations with improvements to the parking and landscaping on site.

STAFF ANALYSIS (cont'd)

TMC§1104.0603 – Spacing Requirements state that a convenience store shall not be located within a 2,000-foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit. Additionally, a convenience store shall not be located within a 1,000-foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the use of activities of minors. This site is existing with an approved special use permit with no spacing violations.

Parking and Circulation

The structure expansion will not affect the available parking. The addition of a landscaped path along the eastern boundary from the street to the convenience store will provide safe movement of pedestrians.

Landscaping

This site requires a fifteen-foot (15') greenbelt along street frontage. The applicant is requesting a seven-foot (7') reduction of the required fifteen-foot (15') greenbelt along W. Alexis Road. Staff is supportive of the greenbelt reduction since it already provides a consistent greenbelt width along street frontage.

The site plan submitted depicts twelve (12) shrubs in the frontage greenbelt with decorative wrought iron or aluminum tube fencing on West Alexis Road. Additionally, per TMC§1108.0204.9, a minimum ten-foot (10') perimeter landscaping buffer is required at any location where the parking lot abuts a property line. The landscaping plan submitted depicts an appropriate 12' buffer, one (1) understory tree and six (6) shrubs along the eastern boundary. This satisfies the minimum requirement.

Dumpster receptacles are required to be screened and shall be separated from the main circulation and parking areas. As stated in TMC§1108.0203 (G)(5) - *Dumpster/Trash Receptacle Screening*, a dumpster may not be located in any required setbacks or landscape buffers.

Building Design

TMC§1109.0204. A. requires that at least one (1) main entrance of any commercial 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. Connecting walkways may cross parking aisles or driveways if distinguished from driving surfaces using durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt to enhance pedestrian safety and comfort. A revised site plan shall be submitted depicting a connecting walkway to the street sidewalk and is listed as a condition of approval.

STAFF ANALYSIS (cont'd)

Building Materials

Based on the overall layout of the site, two (2) sides of the buildings shall be subject to the façade material standards as listed in TMC§1109.0502 Requirements Matrix. For façades visible from the public right-of-way, predominant exterior materials must comprise at least eighty percent (80%) of the total wall area of the façade. Exterior building materials include brick, architectural metal, wood, stone, glass, stucco, and materials with a brick-like appearance or similar material. Under the building material matrix for accent building materials, 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. As presented on the elevations, fiber cement board accounts for approximately 38% of the façades on the west and north facing elevations on West Alexis Road. Per TMC§1114. 0502.C, *Appearance Upgrade for Non-Conforming Development – Exterior Changes*, the proposed façade materials are compliant.

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. Currently façade colors have not been determined and will be required subject to the approval of the Planning Director.

20/20 Comp Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial land uses. The intent of the CR Regional Commercial designation is to accommodate auto-oriented commercial development in areas already built in this manner. Development is intended to accommodate community and regional-oriented commercial uses. The proposed development conforms to this land use designation.

Staff recommends approval of the proposed amendment to Ord. 183-03 a Special Use Permit for a convenience store because the proposed modifications conform to the intent of this land use designation and is compatible with adjacent uses in terms of scale, site design, and operating characteristics. Additionally, it conforms to the *20/20 Plan* and all other applicable plans and provisions of this Zoning Code.

PLAN COMMISSION RECOMMENDATION

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-2002-21, a request for an amendment to Ord. 183-03, a Special Use Permit for a convenience store located at 1119 West Alexis Road, to the Toledo City Council, for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code **TMC§1111.0706. A.**
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics **TMC§1111.0706. C.**

PLAN COMMISSION RECOMMENDATION (cont'd)

The Toledo City Plan Commission recommends approval of SUP-2002-21, a request for an amendment to Ord. 183-03, a Special Use Permit for a convenience store, located at 1119 W Alexis Road, to the Toledo City Council, subject to the following **twenty-four (24)** 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.
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.

Division of Environmental Services

5. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

- 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.
6. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
7. 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.
8. 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
9. 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.

Division of Fire

10. No comments or concerns.

Sewer & Drainage

11. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
12. 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

13. If one is not already established, a cross access agreement is required with the adjacent property owners per TMC 1107.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission

14. 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 site plan.**
15. 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 site plan.**
16. 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; **acceptable as depicted on revised site plan.**
17. 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; **Not acceptable as depicted on site plan. Pedestrian access shall be provided for the proposed building and depicted on revised site plan.**
18. 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; As presented on the elevations, fiber cement board accounts for approximately 38% of the façades facing West Alexis Road; **Acceptable as indicated on building elevations submitted.**
19. 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.**
20. 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:

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- a. A fifteen-foot (15') greenbelt is required along West Alexis Road frontage and shall include one (1) tree for every thirty (30') of lot frontage. **The proposed landscape plan depicts eight-feet (8') along West Alexis Road with wrought iron or aluminum tubing fencing; Staff supports this waiver for the 8' setback.**
 - b. Interior parking lot landscaping requires two (2) canopy trees and six (6) shrubs for each ten (10) parking spaces within the parking lot. Landscape plan depicts two (2) understory trees and eight (8) shrubs. Provided the site constraints; **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 needed to meet interior site landscaping requirements but does include two (2) understory trees and nine (9) foundation plantings; **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. With the expansion of the existing buffer from the street to the business frontage; **Acceptable as depicted on revised landscaping 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.**
21. 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.
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PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

23. 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.

24. 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

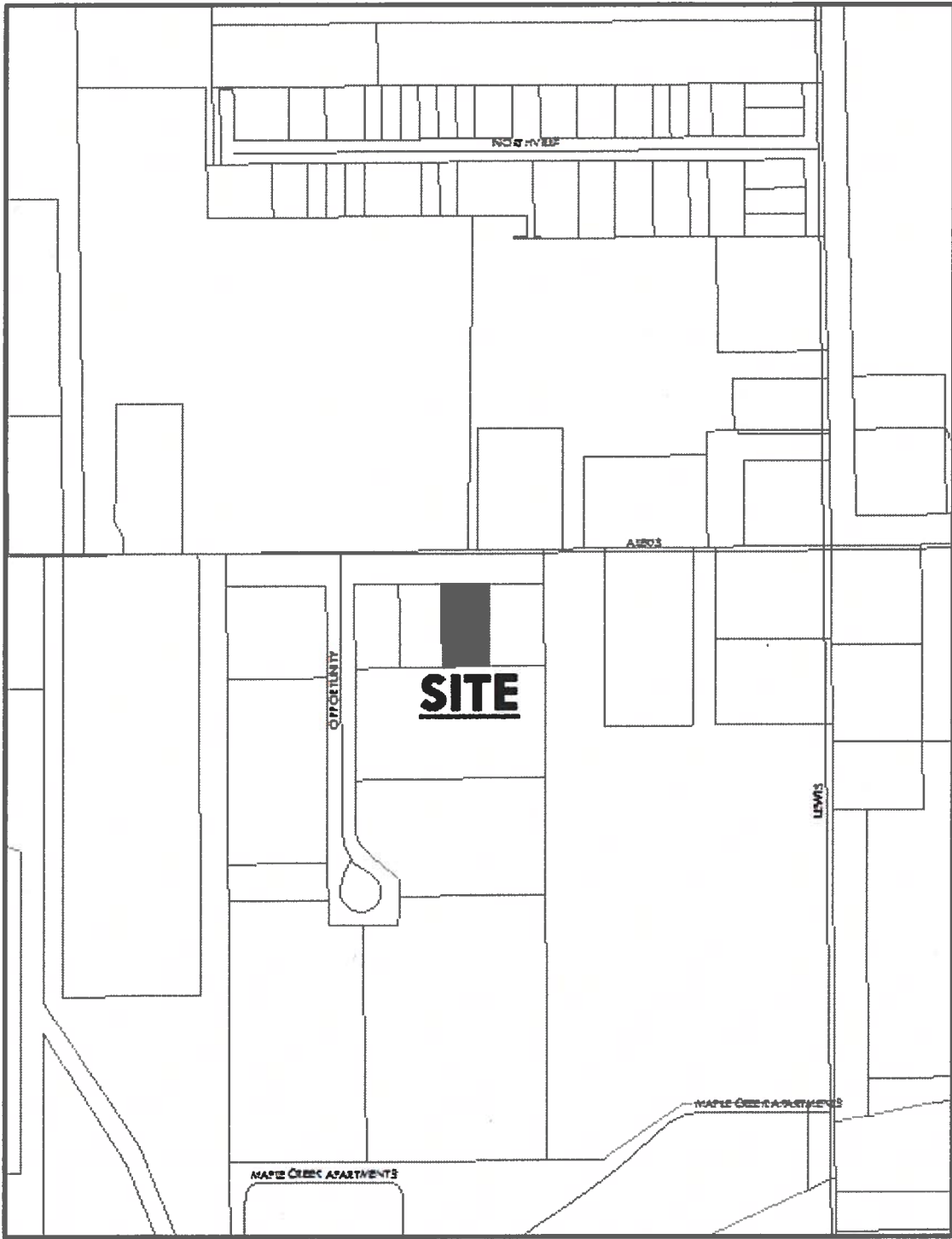
NH

Three (3) sketches follow

Cc: Kinjal Patel, Applicant
Lisa Cottrell, Administrator
Nancy Hirsch, Planner

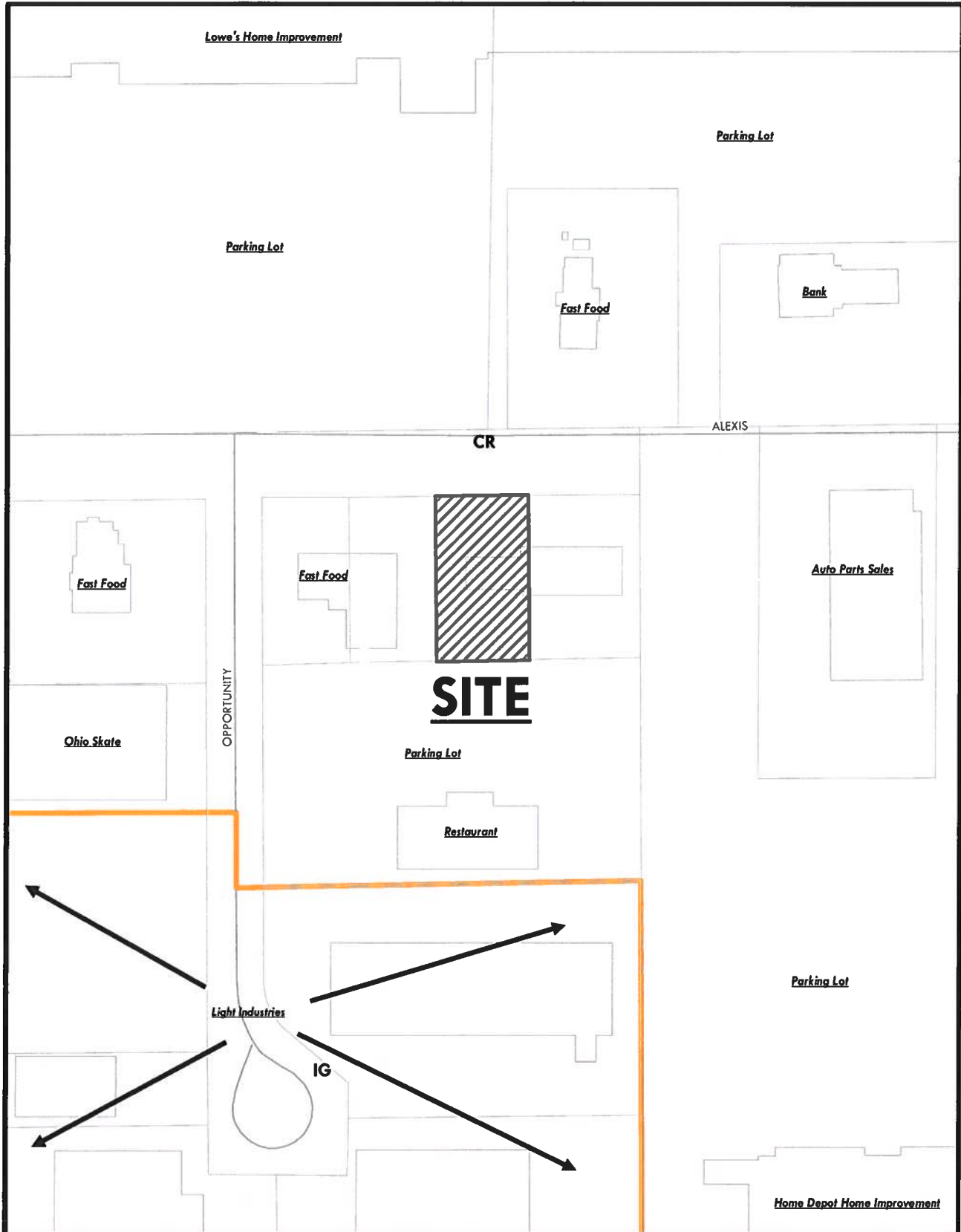
General Location

SUP-2002-21



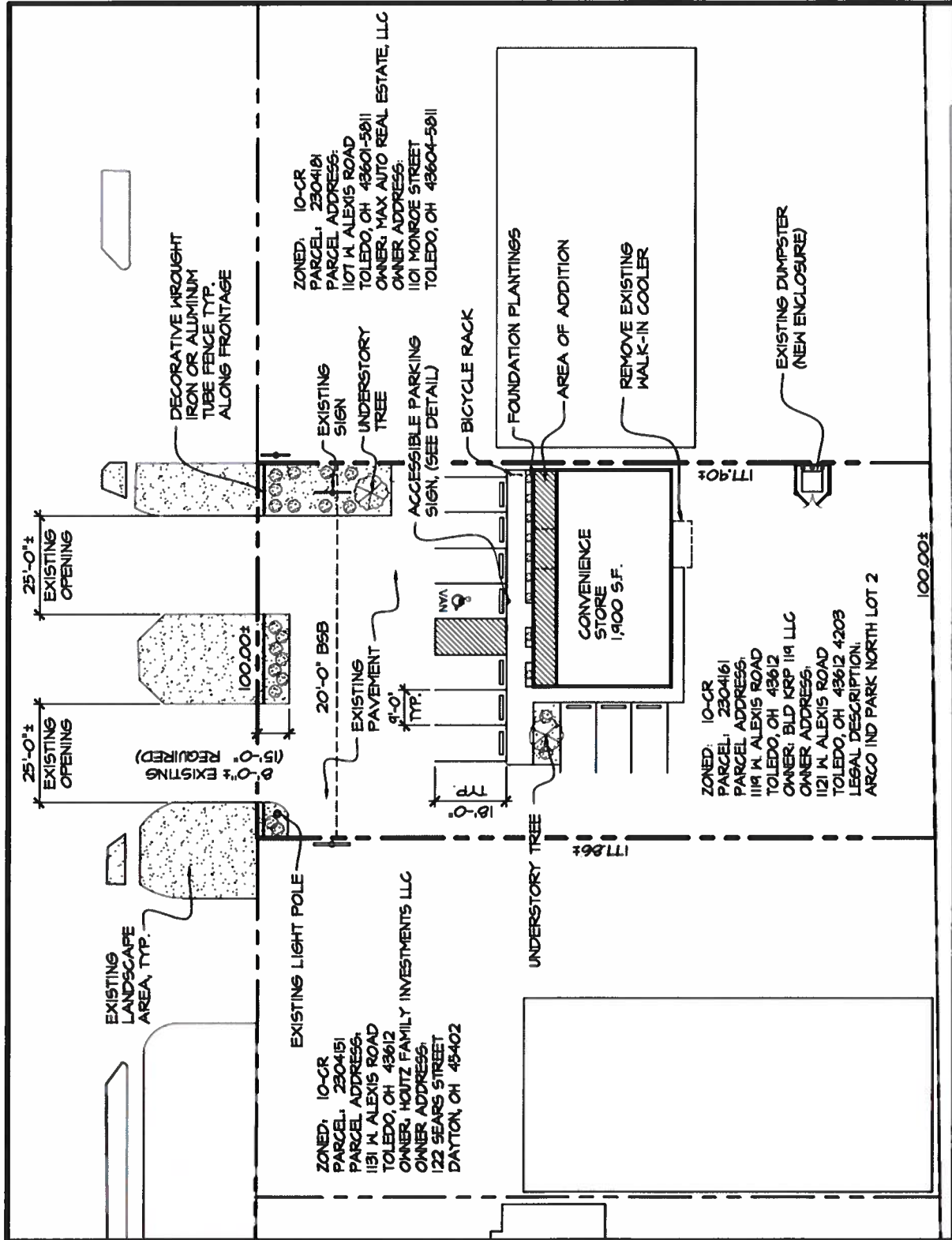
Zoning & Land Use

SUP-2002-21



Site Plan

SUP-2002-21





TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: March 26, 2021
REF: SUP-2002-21
PLANNER: Hirsch

NOTICE OF PUBLIC HEARING

on

Date: Thursday, April 8, 2021

Request: Special Use Permit Amendment: Convenience Store Modifications

Location: 1119 W Alexis Road

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the **project applicant** as well as owners of property within and contiguous to and directly across the street from subject parcel (or parcels at the addresses of such owners appearing on the County Auditor's current tax list). Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at **2:00 p.m.** on **Thursday, April 8, 2021** as a Zoom meeting. You may attend this hearing by clicking on the following link at the time of the hearing. You will then be added as an "attendee" and will have opportunity to communicate via a "question and answer" tab. We will receive your comments/questions, and a facilitator will communicate them to the Commission Members. **If you are the project applicant, please make every effort to attend the hearing.**

Zoom Link:

Join from PC, Mac, Linux, iOS or Android:

<https://toledo-oh-gov.zoom.us/j/81164053427?pwd=QWc2U0NUd0YxUzZxUUdSUEJoVit1Zz09>

Passcode: 082513

Or Telephone:

Dial:

USA 602 333 2017 US Toll

USA 888 204 5987 US Toll-free

Conference code: 291916

You may also call the office of the Toledo City Plan Commission at 419-245-1200 or email any comments that you have to the planner at nancy.hirsch@toledo.oh.gov. We will ensure that your comments are incorporated as part of the public record.

TOLEDO CITY PLAN COMMISSION

CITY OF TOLEDO, OHIO

Clerk of Council
One Government Center
Toledo, Ohio 43604

Julie Gibbons
Assistant Clerk of Council

Telephone
419-245-1060

Date: March 26, 2021
Ref: SUP-2002-21

NOTICE OF PUBLIC HEARING

Wednesday, May 12, 2021

The Zoning and Planning Committee of Council, at a Zoom meeting to be held on Wednesday, May 12, 2021 at 4:00 p.m., will consider the following request:

Special Use Permit for an amendment to Ord 183.03 Convenience Store Modifications

When: May 12, 2021 04:00 PM Eastern Time (US and Canada)
Topic: Toledo City Council Zoning & Planning Committee Meeting

Please click the link below to join the webinar:

<https://toledo-oh-gov.zoom.us/j/85492711938?pwd=YktHNHpkUIZxVmZLOTloVTNMS28xZz09>
Passcode: 227350

Or Telephone:

Dial:
USA 602 333 2017
USA 8882045987 (US Toll Free)
Conference code: 623767

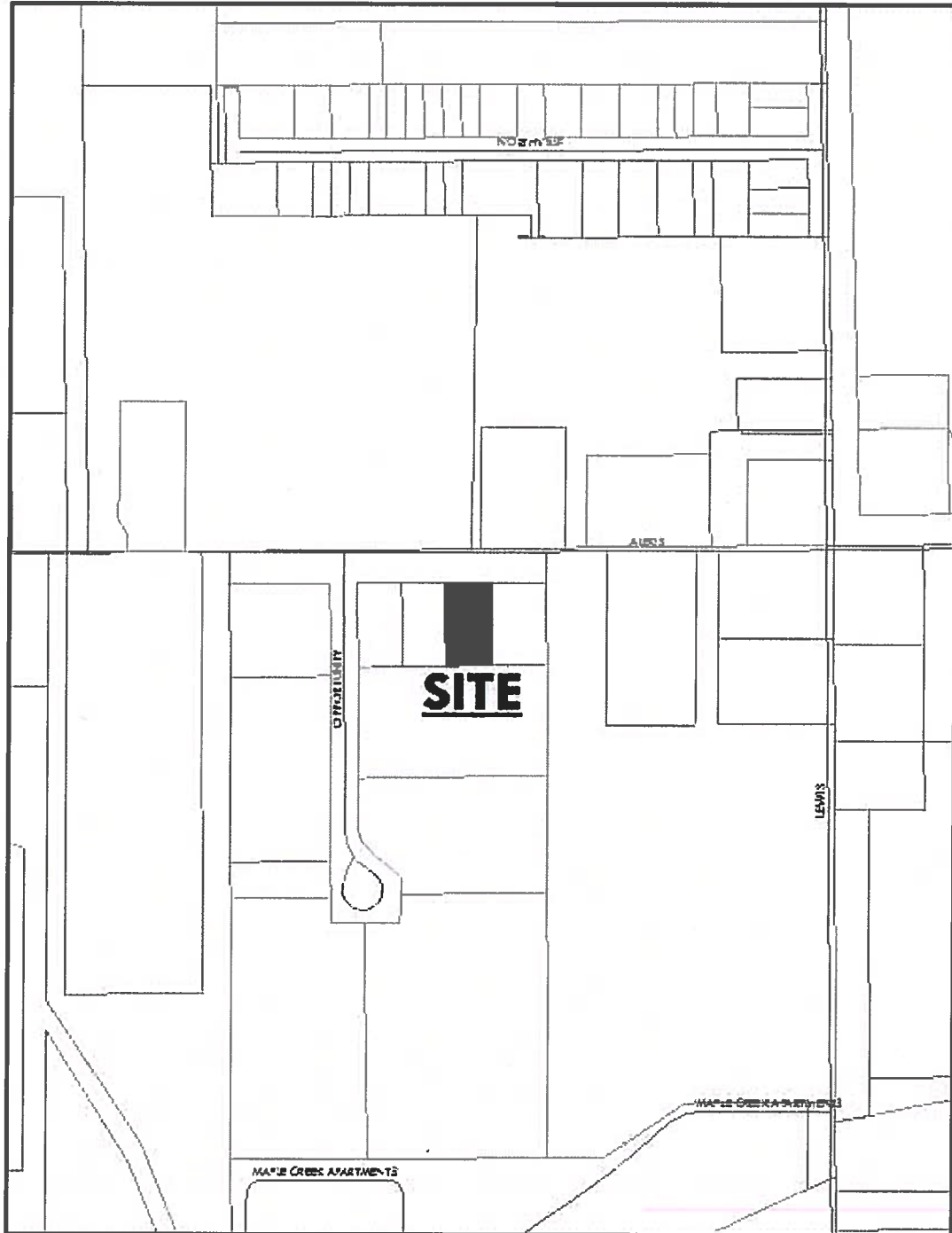
Julie Gibbons
Assistant Clerk of Council

****Failure of applicant to appear may result in a deferral or denial of your request.**

NOTICE PUBLISHED IN TOLEDO CITY JOURNAL

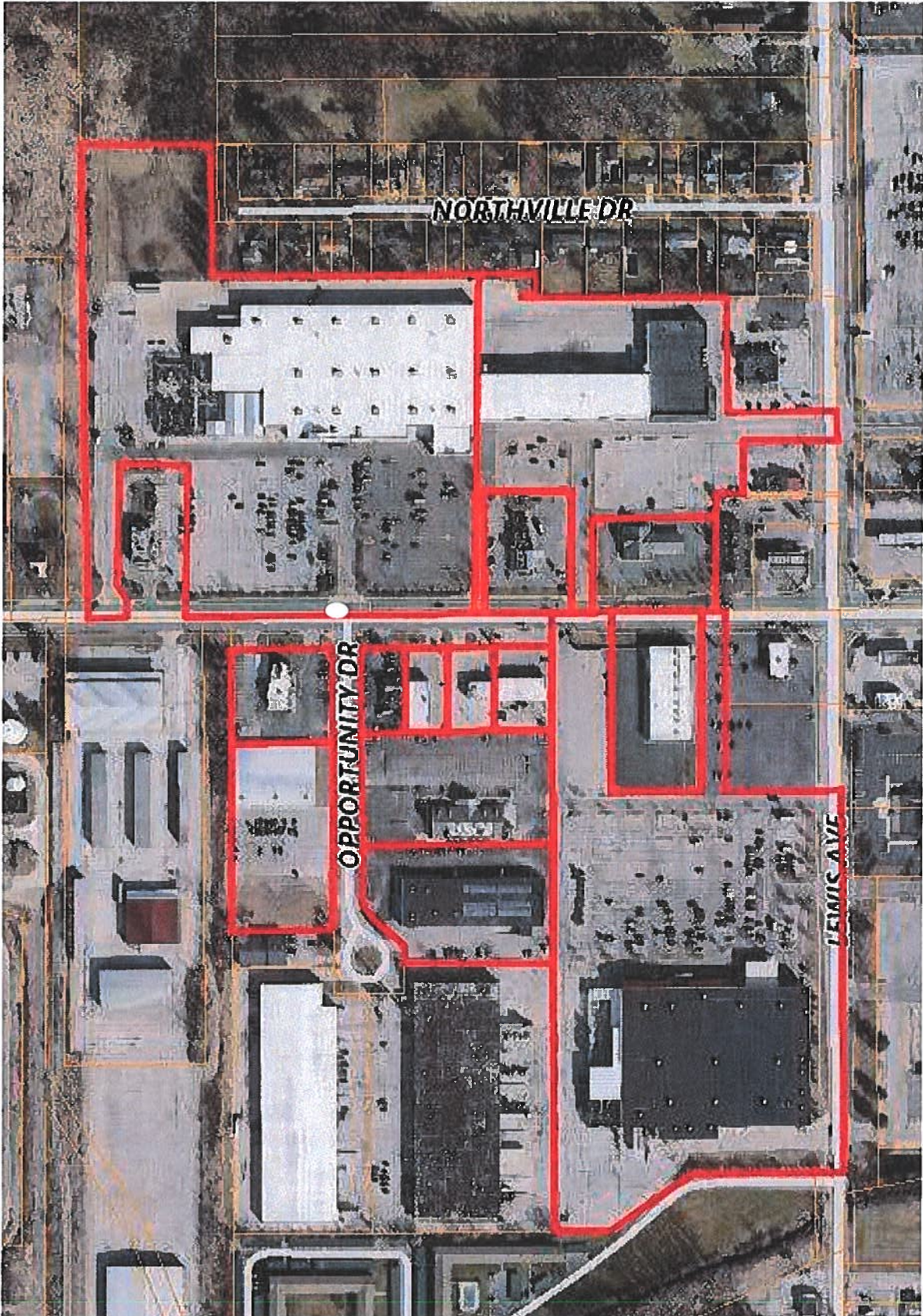
General Location

SUP-2002-21



MAILING MAP

SUP-2002-21



PUBLIC HEARING

CASE NO. SUP-2002-21

REQUEST: Special Use Permit amendment for Ord. 183.03 Convenience Store modifications
at 1119 W Alexis Rd. Toledo

APPLICANT NAME: Kinjal Patel

ADDRESS: 1121 W Alexis Rd, Toledo

DATE: April 8, 2021

TIME: 2:00 p.m.

Contact Person: Nancy Hirsch

Contact Person Phone Number: 419-936-2585

PLACE: Council Chamber, 1st Floor, One Government Center
Jackson & Erie Streets, Toledo, OH

For Further Information, Contact
The Toledo-Lucas County Plan Commissions

PHONE: (419) 245-1200

FAX: (419) 936-3730

TMC 1111.0304

CITY OF TOLEDO

SIGN POSTING REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedure established by the City Zoning Code (TMC 1111.0304) are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of the public rights-of-way (if the way has been in use) also require signs.

The applicant is responsible for posting the required sign(s) and ensuring that the signs remain posted throughout the 15-day period prior to public hearing. **Failure to maintain the signs during this entire period may be cause for deferral or denial of the application.** Upon notification, the sign(s) is to be picked up at the Toledo-Lucas County Plan Commission office between the hours of 8:00 a.m. and 4:45 p.m.

1. LOCATION

- A. The sign shall be conspicuously located. **It shall be located within twenty feet of the public sidewalk** (or edge of public street). Plan Commission staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be two to seven feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign in order to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then in addition to a sign placed on the property a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. Sign(s) shall be mounted on a post, stake or building at the site.

4. PERIOD OF POSTING

- A. Signs must be posted from (dates) 03.23.21 to 05.21.21.

5. REMOVAL

- A. The sign shall not be removed before the final hearing on the request.
- B. The sign shall be removed between seven (7) and ten (10) days after the final hearing.

I hereby acknowledge that I have read the above Sign Posting Requirements and discussed them with the Plan Commission staff. I understand all the requirements and agree to comply with each of them. I acknowledge receiving a copy of these Sign Posting Requirements.

(Applicant or Agent)

(Print Name or Organization)

(Telephone No.)

I issued 1 signs for this application 03.04.21
(Date)

Nancy Hirsch
(Staff Member)

Location of sign(s) 1119 W Alexis Road
Toledo

CASE NUMBER SUP-2002-21

owner

MOURATIDIS VASILIOS
MAX AUTO REAL ESTATE LLC
HOUTZ FAMILY INVESTMENTS LLC
MTR PROPERTIES, LLC
SRK ALEXIS LEWIS ASSOCIATES LLC
JAMR 5 LLC
SRK ALEXIS LEWIS ASSOCIATES LLC
COLE GC TOLEDO OH LLC
YAMBOR MARGARET A LLC
SRK ALEXIS LEWIS ASSOCIATES LLC
AGREE TOLEDO OH LLC
HRP ASSOCIATES
ALEXIS/LEWIS INVESTORS LTD
S G MORRIS CO LLC

mailing address 1

1135 W ALEXIS RD
1101 MONROE ST
122 SEARS ST
3 GLENLAKE PKWY 5TH FLOOR
4053 MAPLE RD C/O BENCHMARK DEVELOPMENT
3028 W 25TH ST
4053 MAPLE RD C/O BENCHMARK DEVELOPMENT
PO BOX 360369, DEPT 100
5735 OPPORTUNITY DR
4053 MAPLE RD STE 200
70 E LONG LAKE RD
1121 W ALEXIS RD
P O BOX 105842
1 APPLIED PLAZA MS74

mailing address 2

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ATLANTA GA 30328
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CLEVELAND OH 44113 5306
AMHERST NY 14226
HOUSTON TX 77056
TOLEDO OH 43612 2902
AMHERST NY 14226
BLOOMFIELD HILLS MI 48304
TOLEDO OH 43612 4203
ATLANTA GA 30348
CLEVELAND OH 44115