

REF: Z25-0038
DATE: April 9, 2026

GENERAL INFORMATION

Subject

Request	-	Zone Change from RM12 (Multi-Dwelling Residential) to CN (Neighborhood Commercial)
Location	-	1322 Bernath Parkway
Applicant + Design Professional	-	Matt Davis CESO, Inc. 2800 Corporate Exchange Drive, STE 400 Columbus, OH 43231
Developer	-	7-Eleven, Inc. 3200 Hackberry Road Irving, TX 75063
Owner	-	Akaashaman, LLC 3550 Mowry Ave, STE 301 Freemont, CA 94538

Site Description

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

Area Description

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

GENERAL INFORMATION (cont'd)Parcel History

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

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

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| CUP-4-78 | <ul style="list-style-type: none"> - Request for amendment to Community Unit Plan, originally granted by Ord. 363-76, as amended, to modify condition number four (4) of Ord. 363-76 as pertaining to the commercial center development. Plan Commission recommended to reduce the number of units required to be built prior to the construction of the commercial center on 10/4/79. City Council voted to remove the condition requiring completion of 400 residential units prior to the construction of the commercial development on 11/20/79 by Ord. 741-79.
 - Request for amendment to the Tibaron Community Unit Plan, originally granted by Ord. 363-76, as amended, pertaining to the development of the commercial center intended to serve the CUP. Plan Commission approved on 7/24/80.
 - Request for minor change to Community Unit Plan, originally granted by Ord. 363-76, as amended, to adjust the driveway on Tibaron Lane. Plan Commission approved on 6/4/81, City Council approved on 6/23/81 by Ord. 384-81. |
| CUP-40-76 | <ul style="list-style-type: none"> - Request for minor change to Community Unit Plan, originally granted by Ord. 363-76, as amended, for expansion of the restaurant by less than 1,000 ft located on Lot 1 of Tibaron Plat 1. Plan Commission approved on 7/11/1991, City Council approved on 7/30/91 by Ord. 607-91. |
| Z-5062-94 | <ul style="list-style-type: none"> - Request for Zone Change from R-2A (Restricted Multi-Family) to C-3 (Commercial) at 1334 Bernath Parkway to allow for a pole sign. Plan Commission on 10/6/94 recommended to disapprove the Zone Change request and instead approve an amendment to the Tibaron CUP to permit a pole sign. City Council accepted the recommendation to deny the Zone Change and approved an amendment to the CUP granted by Ord. 363-76, as amended, to permit a pole sign on 10/25/94 by Ord. 609-94. |

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

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| SUP25-0049 | - | Special Use Permit for Gasoline Fuel Sales and Service at 1322 Bernath Parkway (<i>companion case</i>). |
| PUD26-0005 | - | Removal of Lot 1 of the Tibaron Plat 1 from the Community Unit Plan originally approved by Ord. 373-76 and as amended (<i>companion case</i>). |

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Zone Change from RM12 (Multi-Dwelling Residential) to CN (Neighborhood Commercial) at 1322 Bernath Parkway to allow for development of a Speedway Gas Station and Convenience Store. The ±2.44-acre site is occupied by a vacant restaurant and has historically operated as a commercial use since its development in 1981. A restaurant is not typically permitted within a Residential zoning district however, the use was approved as part of a Community Unit Plan. In order for any other commercial use to operate at the site a Zone Change is required. Surrounding land uses of the site include condominiums, apartments, and open space to the north across Tibaron Lane, south of the site across Airport Highway are offices, shopping center, apartments, and condominiums, to the east across Bernath Parkway is a bank, restaurants, auto repair, offices and retail; and to the west are apartments, condominiums, open space, and retail.

The subject site was developed with the intent of serving the Tibaron neighborhood as a commercial center within a Community Unit Plan (CUP). The original approval of the Community Unit Plan included two commercial structures consisting of a restaurant and a multi-tenant building. Through various amendments of Ord. 363-76, by Ord. 870-76, Ord. 509-77, and Ord. 476-78, the multi-tenant building was deleted and plans were approved for a single structure restaurant. The applicant has requested to remove the site from the Community Unit Plan as approved by Ord. 363-76 on May 25th, 1976 and as amended, which is being reviewed under companion case *PUD26-0005*. Additionally, Gas Stations must obtain a Special Use Permit for operation. The proposal for a new Gas Station and Convenience Store at the subject site is being concurrently reviewed under companion case *SUP25-0049*.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Land Use Map targets this site as Neighborhood Mixed-Use (NM). The intent of the NM land use designation is to preserve and promote pedestrian-oriented commercial and mixed-use areas. Adjacency to residential uses that serve as the mixed-use core of neighborhoods is a typical geographic characteristic of this designation.

STAFF ANALYSIS (cont'd)

Forward Toledo Comprehensive Land Use Plan (cont'd)

The site was developed as a part of a Community Unit Plan with the intent to be utilized as the neighborhood commercial center. In order to operate a commercial use at this site, other than a restaurant, a Zone Change is necessary. The site has existed and operated as a commercial development for past forty-five years (45) or so, and ceased operations sometime in 2024. The request to rezone 1322 Bernath Parkway from RM12 (Multi-Dwelling Residential) to CN (Neighborhood Commercial) for the continuation of a commercial use is aligned with the Plan's Goals of Business Creation, Encouraging Social Opportunities, Walkable Neighborhoods and Strengthening Neighborhoods. The Forward Toledo Land Use Plan supports this Zone Change request.

Staff recommends approval of the Zone Change from RM12 (Multi-Dwelling Residential) to CN (Neighborhood Commercial) at 1322 Bernath Parkway because the site was developed with the intent to be a commercial center for the adjacent community, and in order to continue commercial operations at the site a Zone Change is required. The proposed Zone Change is also consistent with the Forward Toledo Comprehensive Land Use Plan and the stated purpose of the Zoning Code.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z25-0038, a request for Zone Change from RM12 (Multi-Dwelling Residential) to CN (Neighborhood Commercial) at 1322 Bernath Parkway to Toledo City Council for the following **two (2) reasons**:

1. The rezoning is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code **(TMC§1111.0606(A))**; and
2. The physical suitability of the subject property for the uses permitted under the existing and proposed zoning classifications **(TMC§1111.0606(D) – Review & Decision-Making Criteria)**.

ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z25-0038
DATE: April 9, 2026
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: May 20, 2026
TIME: 4:00 P.M.

AV/AS

Two (2) sketches follow

ZONING & LAND USE

Z25-0038
ID 139



GENERAL LOCATION

Z25-0038
ID 139

