

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: October 14, 2021

REF: SUP-8003-21

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 new gas station and convenience store at 3531 Airport Highway

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, October 14, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a new gas station and convenience store
Location	-	3531 Airport Highway
Applicant/Owner	-	LiLa Investment LLC 14817 Ali Avenue Middleburg Heights OH 44130
Architect	-	Jeffery A. Scott Architects 32316 Grand River Avenue Suite 200 Farmington MI 48336
Site Engineer	-	Kenneth A. Maag, P.E. Poggemeyer Design Group 101 Clinton Street Suite 1300 Defiance OH 43512
Landscape Architect	-	Brian Devlin Nagy Devlin Land Design 31736 West Chicago Avenue Livonia MI 48150

GENERAL INFORMATION (cont'd)

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.63 acres
Frontage	-	± 200' along Airport Highway ± 140' along Byrne Road
Existing Use	-	Residential
Proposed Use	-	Gas Station with Convenience Store and Drive Thru

Area Description

North	-	Gas Station, Car Wash / CR, IL
South	-	Apartments / CO
East	-	Drive Thru Restaurant, Cemetery, Apartments /CR, RS12, CO
West	-	Auto Dealership, Single Family Homes / CR, RS6

Parcel History

D-3-89	-	Drive-thru review of Snapps Restaurant at the Corner of S. Byrne and Airport (Approved 2/1/89).
Z-9005-11	-	Zone Change from CO to CR at 3531 Airport, 926 Byrne, and 932 Byrne (PC Approved 11/3/11, Ord. 576-11).
SPR-12-12	-	Minor Site Plan Review for a KFC Restaurant at 3531 Airport Highway (Approved 5/16/12).

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a gas station and convenience store at 3531 Airport Hwy. The ± 1.63 acre site is zoned CR Regional Commercial and is currently vacant. The site is located at the southwest corner of Airport Highway and Byrne Road. The proposed development includes a gas station with five (5) pump islands, a convenience store, and a coffee shop and fast food restaurant with a drive-thru. It is surrounded by a gas station and car wash across Airport Highway to the north, a used car dealership and single-family homes to the west,

STAFF ANALYSIS (cont'd)

Apartments to the south, and Maplewood Cemetery to the East. A special use permit is required in order to operate a gas station as well as a convenience store.

Use Regulations

Pursuant to TMC§1104.0900(C) – *Gasoline and Fuel Sales*, New Gasoline and Fuel Sales facilities that are proposed near the intersection of two major roads, are presumed to be appropriately located. Airport Highway and Byrne Road are both major roads; by these parameters the site is acceptable for a gas station.

TMC§1104.0600-*Convenience Stores* outlines the hours of operations, secondary effect regulations, and spacing requirements for a convenience store. TMC§1104.0603§ - *Spacing Requirements* prohibits the placement of a convenience store within two-thousand feet (2000') of another convenience store. A nearby convenience store causes the site to be in violation of the spacing requirements. A waiver shall need to be approved in order for the use to be permitted.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, parking totals are calculated by the cumulative number required by all uses present on the site:

- Convenience Stores require one (1) parking space per three-hundred (300) square feet of floorspace.
- Gas Stations require one (1) parking space per three-hundred (300) square feet of floorspace, as well as one (1) parking space per pump, including the space at the pump.
- Drive-thru restaurants require one (1) parking space per three (3) employees, as well as one (1) space per seventy-five (75) square feet of customer area.

The minimum number of spaces for the site is twenty-nine (39) spaces. The site plan provides thirty-four (34). An alternate parking plan shall be submitted to the Director of the Plan Commission or an additional five (5) spaces shall be provided on the site plan.

The site is required to have a minimum of one (1) stacking space per gasoline pump island, as well as seven (7) stacking spaces for the drive-thru, per TMC§1107.1601 – *Vehicle Stacking Area*. The site plan provides pump island stacking as well as ten (10) stacking spaces for the drive-thru.

Plan Commission Staff commends the submittal of bike parking details. However, bike parking locations shall require adjustments to allow for efficient and safe access to the site.

STAFF ANALYSIS (cont'd)

Landscaping

Pursuant to TMC§1108.0202 – *Frontage Greenbelt*, the site is required to have a fifteen-foot (15') planted landscape buffer. The buffer must contain at least one (1) tree for every thirty feet (30') of frontage. When a parking lot is proposed along the frontage greenbelt, there shall also be a solid evergreen hedge to screen the parking lot so that no headlights of any vehicles can be seen from the public street. A greenbelt is provided along Byrne and Airport: as depicted it does not include all required plantings. In order to meet the requirement of one tree for every 30 feet (30') of frontage, five (5) additional trees shall be required along airport highway, and two (2) additional trees along Byrne road. Additionally, the continuous line of shrubs shall be extended along the parking lot facing Airport Highway in order to meet the screening requirements.

Per TMC§1108.0203 – *Buffer and Screening Requirements*, a Type "A" Landscape Buffer is required where CR zoned properties abut residential properties. The southern portion of the western property line as well as the southern property line shall require the addition of a solid masonry wall, opaque fence, or solid hedgerow in order to provide screening between the site and a single-family zoning and office commercial zoning districts.

Mitigating the impacts of urban heat islands created by impermeable surfaces, as well as beautifying parking areas is an objective of the Zoning Code. A step towards achieving this goal is implemented in TMC§1108.0204 – *Parking Lot Landscaping (Interior and Perimeter)* which applies to CR-Regional Commercial off-street parking lots containing five (5) or more parking spaces. The total interior landscaping required for parking lots is twenty (20) square feet per parking space. The site's parking lot contains a total of thirty-four (34) parking spaces, requiring a minimum of six hundred and eighty (680) square feet of interior parking lot landscaping. Landscaping islands and peninsulas within the parking lot meet the requirement of this section. Additionally, two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces. A total of seven (7) trees and twenty-one (21) shrubs are required in the interior. The requirements are met in the provided site plan.

Pursuant to TMC§1108.0205 – *Interior Site Landscaping*, new Commercial developments are required to provide one two-inch caliper tree for every 1,000 square feet of building coverage, as well as foundation plantings along all portions of the building visible from the public right of way. Seven (7) interior trees are required and provided. Foundation plantings are provided as well along all portions visible from the right of way and not required for drive-thru functionality.

Design Standards

Submitted elevations for the building meet the design standards of TMC§1109 – *Design Standards*. The designers have worked with Plan Commission Staff to create a functional, visually appealing, and compliant building within the geometric constraints of the site. A combination of fiber cement, architectural metals, varied brick patterns, and glass storefronts are used to meet the requirements.

STAFF ANALYSIS (cont'd)

Spacing Violation

As previously mentioned, a spacing waiver shall be required for a convenience store to be permitted at the site. Previous cases including a gas station with convenience store on the corner of major intersections have required and been granted spacing waivers. Approval of the waiver would not be detrimental to the surrounding area.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for neighborhood commercial land use. Neighborhood Commercial land use is intended to limit the sprawl of strip commercial development along major streets in neighborhoods. The plan also recommends that neighborhood commercial nodes be the focus of future retail and commercial development. Gas stations are permitted in the current CR zoning. Inclusion of the coffee shop increases that utility of the site for neighbors, and pedestrian walkways and bicycle parking include more neighborhood friendly amenities than typically provided by gas stations. The proposed use is in compliance with the Toledo 20/20 Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-8003-21, Special Use Permit for a gas station and convenience store at 3531 Airport Hwy, to 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) – *Review & Decision-Making Criteria*); and,
2. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC§1111.0706(C) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission recommends approval of the following waiver to the Toledo City Council:

Chapter 1104 Use Regulations

1104.0600 – Convenience Stores

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 or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit.

PLAN COMMISSION RECOMMENDATION (cont'd)

Approve a waiver to allow a convenience store less than two-thousand feet (2,000') from another convenience store.

The Toledo City Plan Commission recommends approval of SUP-8003-21, a gas station and convenience store at 3531 Airport Hwy, to Toledo City Council subject to the following **forty-eight (48)** 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 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. Detailed plans for the water service lines shall be submitted to the Division of Water Distribution for review and approval.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

8. The existing public fire hydrant on Byrne Road shall be shown on the plans. It appears to be in conflict with the proposed driveway. If it indeed is in conflict and must be relocated, it will be relocated by the City of Toledo at the developer's expense.
9. The size of the proposed water service line shall be shown on the plans. If the water service line is 2" or smaller and greater than 150 feet in length, the meter and backflow preventer may need to be located at the right-of-way line. Contact the Division of Water Distribution for more information.
10. 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. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
11. 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.
12. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
13. New water service taps will be installed by City of Toledo at the developers expense.
14. Minor storm revisions are necessary, which are unlikely to affect the site plan. Applicant is advised to contact the stormwater plan reviewer prior to resubmittal. Resubmittal shall include:
 - a. Drawings and calculations compliant with 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>
 - b. A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.
 - c. Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's, to the requirements of the Ohio CGP, as a standalone 8.5x11 document.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

15. Requirements for an underground detention system (UDS) are:
 - a. Design shall allow for Long Term Maintenance.
 - b. The Contractor / Project Owner shall have a representative of the proprietary manufacturer on-site to advise contractor on installation procedure.
 - c. The Contractor / Project Owner will provide the City of Toledo with as-built plan sheets certifying the correct installation and function of the system.
 - d. The site designer's maintenance plan shall be reviewed and approved by the proprietary system manufacturer prior to submitting to the city for review and approval.
16. 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 and NOI.
 - c. Covenant for the approved O&M plan, utilizing the City's standard agreement language that references O&M Plan as exhibit B.
17. 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>
18. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities
19. 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.
20. 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.
21. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer and Drainage Services (S&DS)

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

24. 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 the commencement of construction activities.
 - b. Construction BMPs shall be in place prior to the start of construction activities.
 - d. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal work hours.
25. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
26. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration and to minimize the amount of new and/or additional impervious surface on the site.
27. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_ohio_Invasive_Plant_Species.pdf
28. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Transportation

29. A 25' drive aisle is required for two-way traffic per TMC1107.1900. (Specifically the drive aisle east of light pole in parking area near Byrne Road.)
30. Accessible parking space signage height must be no less than 60" and no more than 72" above pavement level per TMC 1107.1704
31. Transportation recommends the property line be brought into alignment with right-of-way line on Byrne Road.

Plan Commission

32. One (1) car accessible parking space shall be provided. At least one (1) van accessible parking space shall be provided (TMC§1107.1701). **Acceptable as depicted.**
33. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
34. Elevations shall meet the design criteria of TMC§1109.0501. At least 80% of each elevation visible from the right-of-way shall be composed of predominant materials and no greater than 20% shall be composed of accent materials. The provided elevations utilize glass storefronts, thing-stone veneer, and gray and brown modular face brick as predominant materials – composing greater than 80% of the total elevation. Accent materials used include fiber cement panels and lap siding to vary the mass and visual flow of the building. **Acceptable as depicted.**
35. Litter receptacles for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910.
36. Window signage is limited to 25% of the total window area, per the Sign Code (TMC§1391.02.R).
37. Free air (with the capacity of filling standard automobile tires, water, and restrooms shall be provided and maintained during operating hours of the station.
38. Hours of operation are limited to 5:30 am to 1 am, per TMC§1104.0601.
39. 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.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

40. The minimum number of parking spaces for this site as indicated in TMC§1107.0300 – Off-street parking schedule “A” is thirty-nine (39), including parking spaces at gas pumps. The site plan indicates thirty-four (34) parking spaces. **Additional parking shall be provided or an alternate parking plan shall be submitted, reviewed, and approved by staff.**
41. Bicycle parking shall be placed within proximity to the primary entrance of the building to allow for safe use of the facility for cyclists entering the site from either frontage.
42. 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.
43. No free-standing signs greater than ten feet (10') from grade are permitted.
44. 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 Type “A” Landscape Buffer is required along the adjacent parcel(s) zoned RS6. The buffer shall be at least a six-foot (6') high masonry wall, or similar fencing and screening, designed to be harmonious with other building materials on site, as well as four (4) canopy trees per one-hundred feet (100'). **Revised site plan shall depict masonry wall.**
 - b. A Type “B” Landscape Buffer is required along the adjacent parcel(s) zoned CO, which border the southern property line. The buffer shall include at least four (4) canopy trees per one-hundred feet (100') as well as a masonry wall, or similar fencing and screening, at least six feet (6') in height designed to be harmonious with other building materials on site. **Revised site plan shall depict masonry wall.**
 - c. Two (2) additional trees within the fifteen-foot (15') frontage greenbelt along Byrne Road. **Not acceptable as depicted.**
 - d. Five (5) additional trees within the fifteen-foot (15') frontage greenbelt along Airport Highway. **Not acceptable as depicted.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- e. Additional shrubs stretching the entire length of the paved area along Airport Highway. **Not acceptable as depicted.**
 - f. Additional shrubs between the pedestrian path/sidewalk and the paved surface along the portion of the pedestrian path/sidewalk which connects Byrne to the building. **Not acceptable as depicted.**
 - g. 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. **Acceptable as depicted.**
 - h. 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'.
45. 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.
46. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
47. 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.
48. 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

JGL
Three (3) sketches follow

TO: President Cherry and Members of Council
October 14, 2021
Page 13

REF: SUP-8003-21

Cc: LiLa Investment LLC, 14817 Ali Avenue, Middleburg Heights OH 44130
Jeffery A. Scott Architects, 32316 Grand River Avenue Suite 200 Farmington MI 48336
Kenneth A. Maag, PE, Poggemeyer Design Group, 101 Clinton St, Suite 1300, Defiance
OH 43512
Brian Devlin 31736 West Chicago Avenue Livonia MI 48150
Lisa Cottrell, Administrator
Jonny Latsko, Planner



SUP-8003-21
ID 85

SITE PLAN

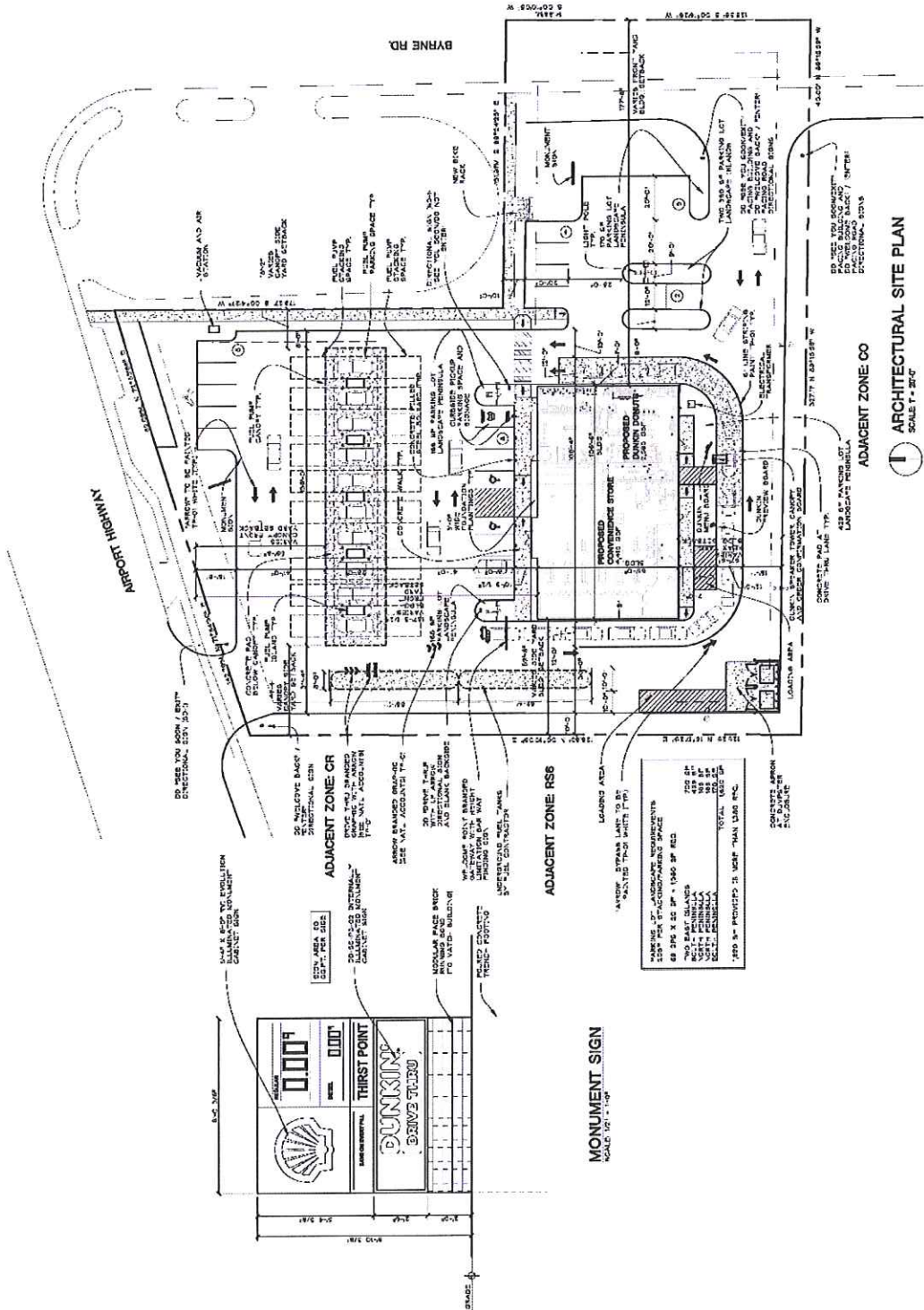
ARCHITECT:  jeffrey a. scott
architects p.c.
12250 grand river ave.
toledo, ohio 43626
419-247-8800
3000THURGOODLOTT
WWW.JAS.AE.COM

ARCHITECTURAL
SITE PLAN

DUNKIN DONUTS
TOLEDO, OHIO
3531 AIRPORT HIGHWAY
TOLEDO, OHIO, 43619

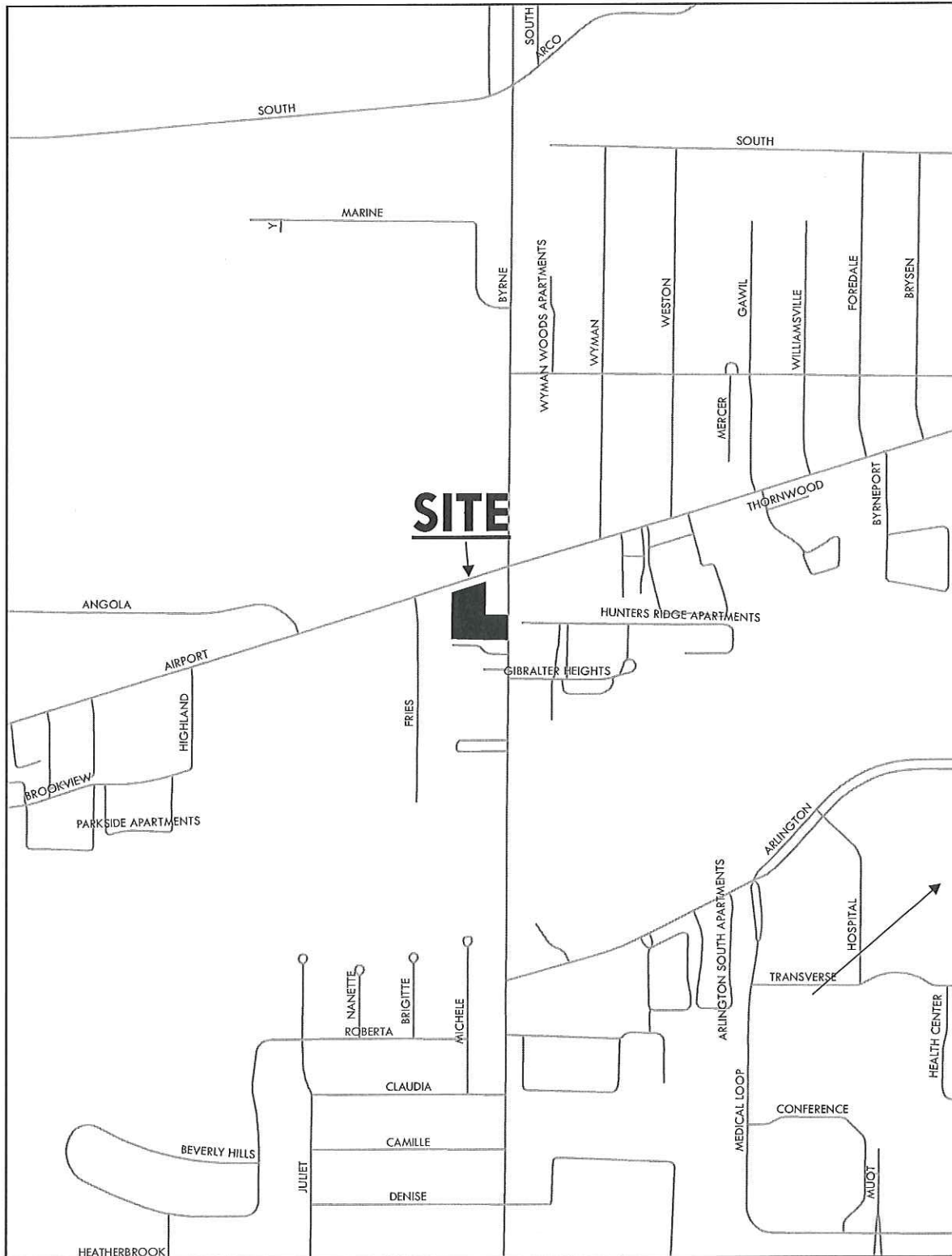


20129
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ASP-100
PROJECT NAME



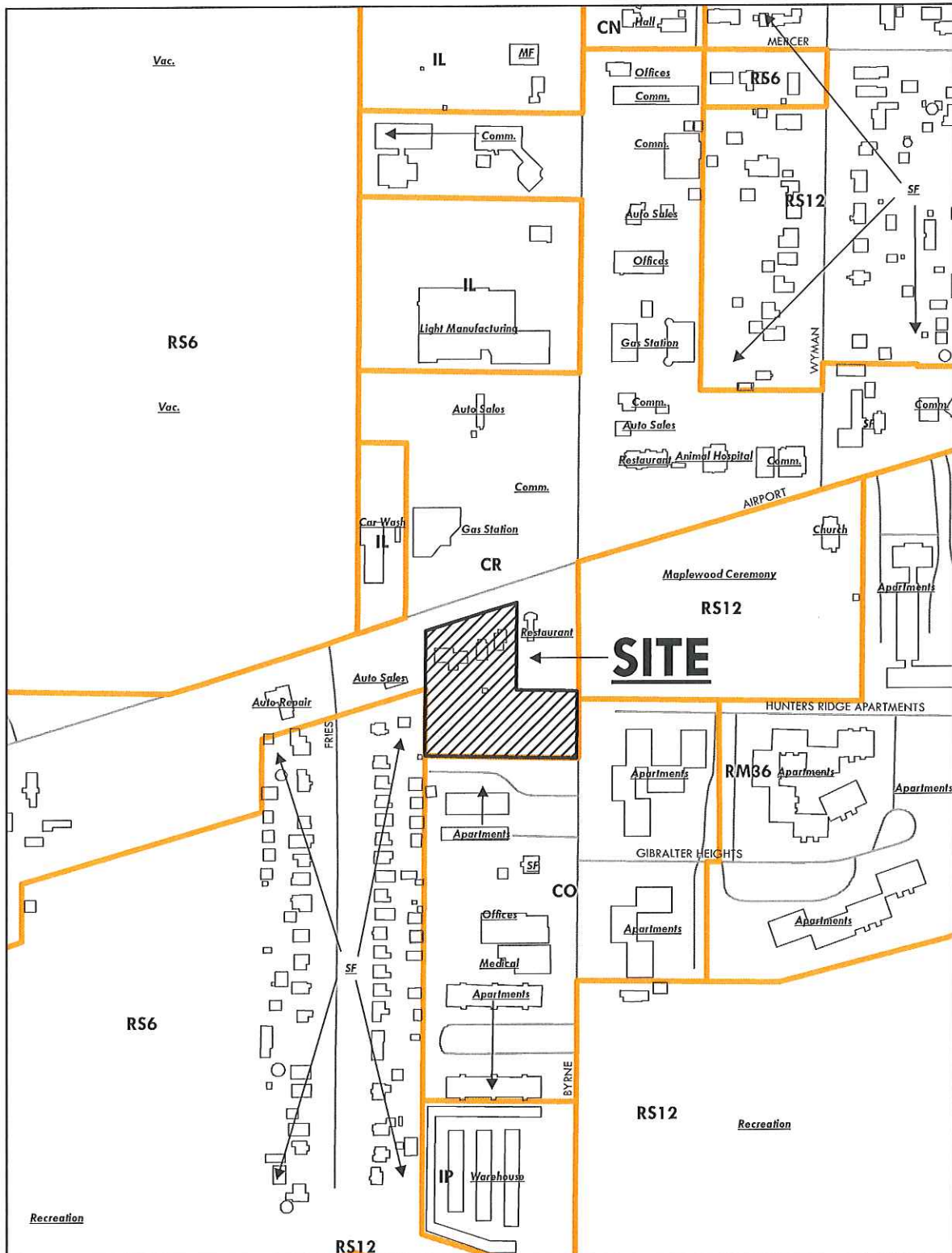
GENERAL LOCATION

SUP-8003-21
ID 85



ZONING & LAND USE

SUP-8003-21
ID 85





SUP-8003-21
ID 85

SITE PLAN

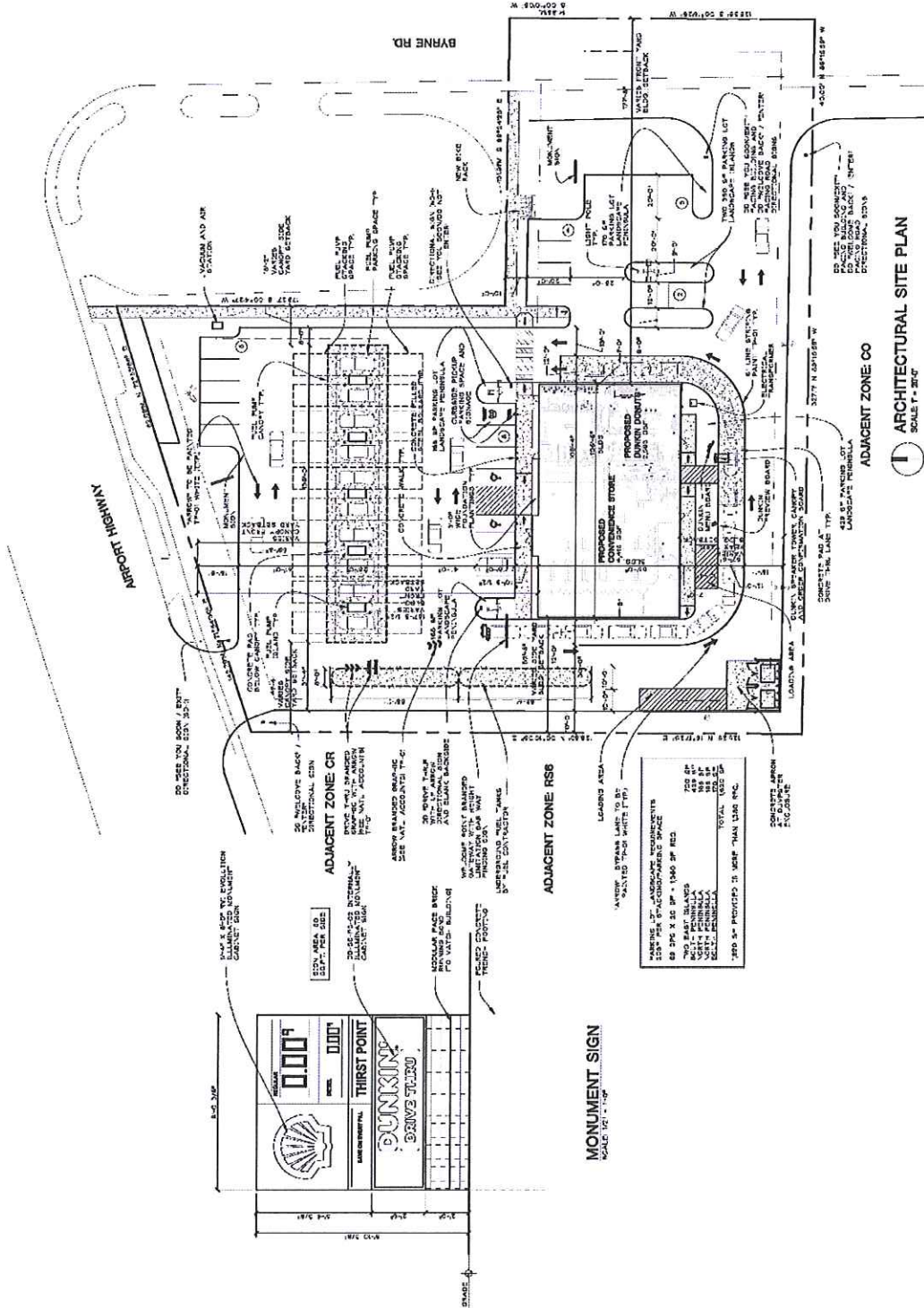
ja
Jeffery A. Scott
architects p.c.
2275 Grand Ave NW
Suite 200
Atlanta, GA 30308
404-525-8800
jascott@jascott.com
www.jascott.com

ARCHITECTURAL
SITE PLAN

DUNKIN' DONUTS
TOLEDO, OHIO
8581 AIRPORT HIGHWAY
TOLEDO, OHIO, 43618



20129
ASP-100
PROJECT NO.



WEST & SOUTH ELEVATIONS

SUP-8003-21
ID 85



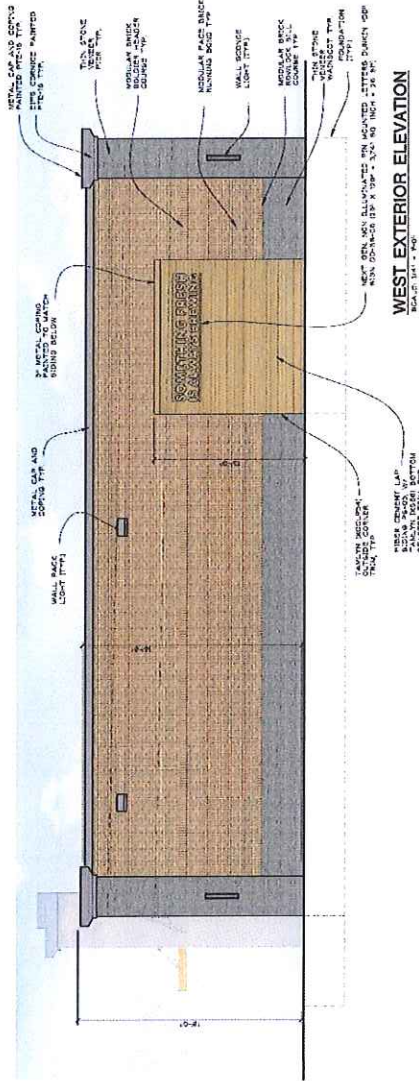
JEFFREY A. SCOTT
architects p.c.
10000 WOODLAND PARKWAY
SUITE 400
LEVINSON, OH 43036
614.779.1100
JEFFREY@JEFFREYAS.COM
WWW.JEFFREYAS.COM

PROJECT
ELEVATIONS
EXTERIOR

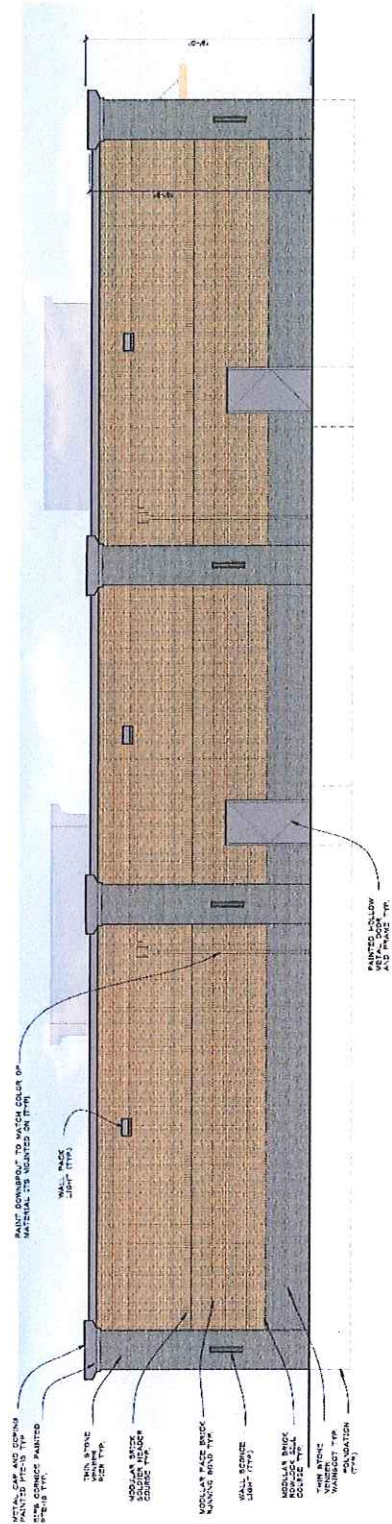
PROJECT
DUNKIN DONUTS
3631 AIRPORT HIGHWAY
TOLEDO, OHIO, 43619
MEGA AND FOSTER ARCHITECTS



20129
SCALE: 1/4" = 1'-0"
ASP-201
DATE: 08/14/12



WEST EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

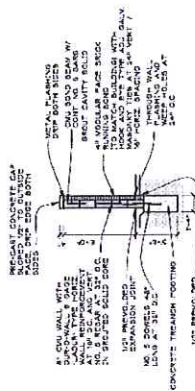
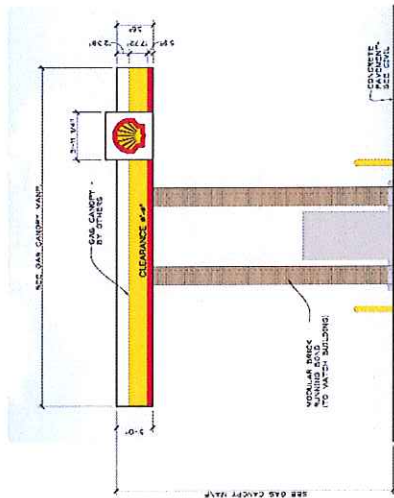
CANOPY ELEVATION

SUP-8003-21
ID 85

jeffery a. scott architects p.c.
3229 GRANT HWY. SW.
SUITE 200
TOLEDO, OHIO 43620
419-243-8000
JSCOTT@JEFFERYSCOTT.COM
WWW.JSCOTTARCHITECTS.COM

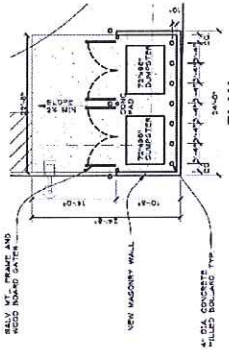
DUNKIN DONUTS
TOLEDO, OHIO
3531 AIRPORT HIGHWAY
TOLEDO, OHIO, 43619

PROJECT NO. **20129**
SHEET NO. **ASP-202**



WALL SECTION

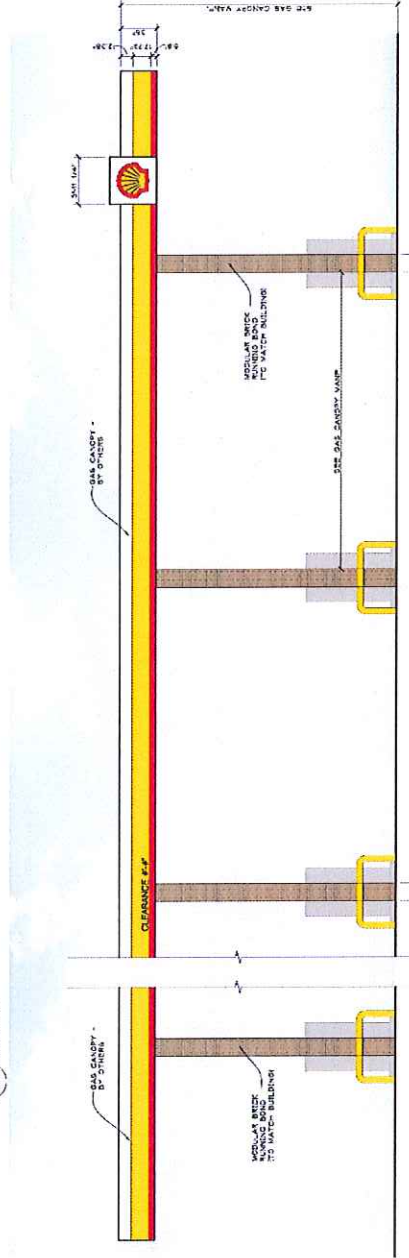
FRONT ELEVATION



PLAN

SIDE ELEVATION

18' DUMPSTER ENCLOSURE
ASPPD SCALE 1/8\"/>



FUEL CANOPY ELEVATION
SCALE: 1/8\"/>

CONCRETE TIE-BACK ANCHORS TO EXISTING CONCRETE

VEHICULAR BRICK TO MATCH BUILDING

PROJECT

DATE

PROJECT

PROJECT NO.

DATE