

## GENERAL INFORMATION

### Subject

Request	-	Minor Site Plan Review
Location	-	847 W Alexis Road
Applicant	-	Larry Wilson 3108 Vestal Parkway East Vestal, NY 13850
Owner	-	JLS Alexis LLC 3440 Secor Road Toledo, OH 43606
Engineer	-	Moises Lozano Toth Associates 1550 E. Republic Road Springfield, MO 65804

### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.636 Acres
Frontage	-	± 100' along W. Alexis Road
Existing Use	-	Vacant Restaurant
Proposed Use	-	Drive-Through Coffee Shop

### Area Description

North	-	CR-SO / Restaurant, Shopping Center
South	-	CR & CR-SO / Retail, Shopping Center
East	-	CR & CR-SO / Retail, Gas Station, Restaurant, Shopping Center
West	-	CR / Restaurant, Gas Station, Bank

### Parcel History

None on file

### Applicable Plans and Regulations

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

## STAFF ANALYSIS

The applicant is requesting an appeal of the administratively reviewed and approved case SPR-15-24, a Minor Site Plan Review for a new drive-thru coffee shop. To the north is a restaurant and shopping center, to the south is retail and a shopping center, to the east is retail a gas station, a restaurant, and a shopping center, and to the west is a restaurant, a gas station, and a bank.

SPR-15-24, a Minor Site Plan Review for a new drive-thru coffee shop, was administratively approved subject to thirty-five (35) conditions. The applicant has filed an appeal to remove three sub-conditions (28b, 28c, & 28d) from the approval.

Condition 28b states the following:

- b. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property. 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. A minimum of at least one (1) canopy tree must be provided for each thirty feet (30'), plus a continuous shrub with a minimum height of 18 inches (when installed so as to achieve full screening at maturity) **Not acceptable as depicted. Depicted perimeter landscape buffer is five feet (5') and does not depict at least one (1) canopy tree per each thirty feet (30'). A revised landscaping plan shall be submitted depicting perimeter landscaping ten feet (10') in width including at least one (1) canopy tree for each thirty feet (30').**

The applicant is requesting that a five-foot (5') perimeter landscape be accepted in lieu of the ten-foot (10') requirement. They are proposing to compensate for these shorter perimeter landscaping areas by placing additional plantings within the interior landscaping island. Staff finds this compromise acceptable, so long as the additional plantings are placed within the landscape island required by condition 28c. The applicant also requests the use of smaller trees in the western perimeter landscaping due to existing overhead utility lines. Staff finds this acceptable as well.

Condition 28c states the following:

- c. A landscape island shall be depicted in the area between the “Lane 2” and “Pass Thru” drive aisles to break up the urban heat island. This landscape island must be covered with hardwood mulch, grass or other vegetative ground coverage. Tree and shrub plantings are encouraged but not required within this landscape island. **Not acceptable as depicted. A revised site and landscape plan shall be submitted depicting a landscape island between the “Lane 2” and “Pass Thru” drive aisles.**

The applicant contends that a landscape island in this stripped area will create an obstruction causing large vehicles, trash collection trucks, and emergency vehicles to have a difficult time navigating the site. Staff consulted with the Fire Prevention Bureau regarding this condition’s effect on emergency vehicle navigation. The Bureau did identify a potential issue; however, this can be rectified by widening the “Pass Thru” lane, now labeled the “Exit Only” lane, to twenty feet (20'). This was the only issue identified by the Bureau. As such, a condition has been added that the applicant widen the eastern “Exit Only” lane connecting to the property to the east to twenty feet (20'). A somewhat smaller landscaping island will be required in the remaining area between.

**STAFF ANALYSIS (cont'd)**

Condition 28d states the following:

d. A landscape buffer shall be depicted between the “Lane 2” drive aisle and a line twenty-three feet (23’) from the western edge of the parking spots depicted on the adjacent property, connecting the required ten-foot (10’) landscape buffer to the north and the required landscape island between the “Lane 2” and “Pass Thru” drive aisles. This landscape buffer shall be covered with hardwood mulch, grass or other vegetative ground coverage. Shrub and/or native grass plantings are encouraged but not required within this landscape buffer. **Not acceptable as depicted. A revised site and landscape plan shall be submitted depicting a landscape buffer between the “Lane 2” drive aisle and twenty-three feet (23’) from the western edge of the parking spots depicted on the adjacent property.**

The applicant contends that a landscape buffer in this area would invalidate an easement granted on April 18<sup>th</sup>, 1994 between the applicant’s property and the adjacent property currently occupied by OfficeMax. The easement is attached to this report as Exhibit B. This easement establishes three agreements relevant to this appeal, the first of which is “a nonexclusive easement of access to be provided by means of one point of entry twenty nine (29) feet wide between the [OfficeMax] Parcel and the [applicant’s] Parcel, at the location designated on Exhibit C...” Exhibit C of the easement, part of Exhibit B of this report, shows this access easement at the south west of the property. Ingress and egress for this access easement agreement will not be impeded by the conditioned landscape strip.

The second agreement grants the applicant’s parcel “a nonexclusive easement to use ten (10) parking spaces located upon the [OfficeMax] Parcel, which ten (10) parking spaces are designated on Exhibit C.” Exhibit C of the easement, part of Exhibit B of this report, shows these ten (10) spaces on the other side of the conditioned landscape strip. The condition specifies the bounds of the landscape strip between the “Lane 2” drive aisle and a line twenty-three feet (23’) from the western edge of the parking spots depicted on the adjacent property. Those parking spots depicted on the adjacent property are the same ten (10) parking spaces specified in the agreement. The condition specifies this area of twenty-three feet (23’) for the purposes of a drive aisle to access the parking spaces in question. The Division of Traffic Management has agreed that twenty-three feet (23’) is sufficient for this drive aisle. Patrons of the proposed coffee shop can easily access the drive aisle / parking spots via eastern “Exit Only” lane on the revised site plan attached. This lane only provides egress from the applicant’s parcel to the parking spots; however, ingress from the parking spots to the applicant’s parcel can be achieved via the access drive established by the first agreement of this easement. Ingress from that access drive is preferable considering the vehicle stacking that will occur in Lanes 1 and 2 of the drive-through. The conditioned landscape strip will not impede the use of these ten (10) spaces by patrons or employees of the proposed Coffee Shop. A pedestrian walkway should be considered – and would be approved – across the conditioned landscape strip for pedestrian access to these parking spaces.

The third agreement states that “[The OfficeMax Parcel’s Owner] shall not construct any barrier whatsoever, including walls, fencing, curbs, grass or landscaping, between the East boundary of the [applicant’s] Parcel and the West boundary of the [OfficeMax] Parcel . . . such that there will be open pavement and direct access to such parking spaces from the [applicant’s] parcel.” This agree-

## STAFF ANALYSIS (cont'd)

-ment prohibits the owner of the OfficeMax parcel from constructing any barrier between the parking spots and the property line, but it does not prohibit the applicant from constructing such a barrier. The construction of this landscape strip by the applicant will not invalidate this agreement, nor will it invalidate the language of the overall easement. The conditioned landscape barrier will provide safety for vehicles stacking in the applicant's drive-thru lanes and it will reduce the urban heat island effect, which is a strategy laid out in the Forward Toledo Comprehensive Land Use Plan.

### Additional Changes

The applicant submitted revised plans with their appeal, which included the addition of a drive connection to the south in accordance with the easement described above and the relocation of the dumpster to accommodate said connection. The revised plans were routed to the Division of Traffic Management and the Fire Prevention Bureau for comment. Relevant conditions will be revised in a new administrative Minor Site Plan Review approval, which the Plan Director will issue following this appeal's hearing. The draft of this approval is attached as Exhibit A.

### Parking

The applicant has reduced the number of parking spaces on-site and revised their parking lot calculations to include the ten (10) parking spaces provided on the adjacent property. The easement with the adjacent property states "that the owner of the [applicant's] Parcel may not include such spaces when determining whether the [applicant's] Parcel has sufficient parking to meet all code requirements." The removal of those ten (10) spaces from the site's code-required parking calculation is beneficial to the applicant considering TMC§1107.0302 *Maximums*, which states: "No use may provide more than 150 percent of any of the minimum off-street parking ratios of Schedule A, except through approval of an Alternative Parking Plan pursuant to Section 1104.0100. This provision notwithstanding, Alternative Parking Plan approval is not required for four or fewer parking spaces." Schedule A requires a minimum of two (2) spaces for the proposed coffee shop – 150% of which is three (3) spaces. Since the revised site plan shows four (4) parking spaces – and the ten (10) provided just off site are not counted – the applicant complies with TMC§1107.0302 *Maximums*. This condition has been revised as such in the attached draft minor SPR approval.

### Signs

The site plan application was received prior to the passage of Ord. 166-24, which repealed TMC Title Nine *Sign Code* and replaced it with TMC Chapter 1113 *Signs*. As such, proposed signage must meet the requirements of signs per the old sign code – TMC Title Nine *Sign Code*. Per §1387.05 of the old sign code, where an advertiser has no ground, roof or projecting sign on the same premises, forty-five percent (45%) of the wall sign background area may be used for copy. Permitted background area is the total area between the lintel bar and the parapet on a one-story building. The original condition (32) stated that the front elevation wall sign copy consisted of fifty-six percent (56%) of the permitted background area and that it was not acceptable as depicted. This was due to an error stemming from unfamiliarity with the old sign code. The front elevation wall sign copy actually consists of nineteen percent (19%) of the permitted background area, which is acceptable. This condition has been revised as such in the attached draft minor SPR approval.

## STAFF ANALYSIS (cont'd)

Staff recommends denial of the appeal of conditions of SPR-15-24, a Minor Site Plan Review for a new drive-thru coffee shop at 847 W. Alexis Road. Modifications to the original conditions as mentioned above will be made via a new administrative minor site plan review approval, attached as Exhibit A. Of the three appealed sub-conditions, one will be modified per the applicant's request, one will be moderately modified addressing the applicant's concerns, and one will not be modified.

## STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission deny the appeal of conditions for SPR-15-24, a Minor Site Plan Review for a new drive-thru coffee shop at 847 W. Alexis Road, for the following **three (3) reasons:**

1. There was no error or abuse of discretion by the Planning Director (**TMC§1111.0811(B)(1)**); and,
2. There was no standard or review criteria incorrectly applied (**TMC§1111.0811(B)(2)**); and,
3. The conditions do not create an inconsistency with the City's Comprehensive Plan or the Zoning Code (**TMC§1111.0811(B)(3)**).

APPEAL OF CONDITIONS OF APPROVAL  
MINOR SITE PLAN REVIEW  
TOLEDO CITY PLAN COMMISSION  
REF: SPR-15-24  
DATE: August 8, 2024  
TIME: 2:00 P.M.

AS

Exhibit "A", Exhibit "B", & Eight (8) sketches follow

**Exhibit "A"**

## New Draft Minor Site Plan Review Approval

Larry Wilson  
3108 Vestal Parkway East  
Vestal, NY 13850

Moises Lozano  
1550 East Republic Road  
Springfield, MO 65804

**RE: Minor Site Plan Review for a new drive-thru coffee shop at 847 W. Alexis Road**  
**PC File: SPR-15-24**

Mr. Wilson,

The Minor Site Plan Review for a new drive-thru coffee shop at 847 W. Alexis Road has been completed. In accordance with the provisions of Toledo Municipal Code Part Eleven, Planning and Zoning, Section 1111.0800 – *Site Plan Review*, this office has approved the site plan, subject to the following **thirty-seven (37)** 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. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
2. A review and approval of a full stormwater submittal is required, which requires multiple items:
  - A. Items are listed in the regional SWP3 submittal coversheet at <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>. A version for use in Toledo has been provided to the SWP3 designer for this proposal.
  - B. Plans according to the 2014 Infrastructure Requirements document found in the drop down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>.
3. Following the stormwater review, additional items are needed for approval:
  - A. As listed on the regional SWP3 submittal coversheet (stage 2). The signed agreement (2.c.) will be through a covenant which will need to be recorded.
  - B. Fee and Toledo Licensed Sewer Contractor for the sewer construction permit.
  - C. Construction inspection and completion of obligations in the stormwater permit.

Division of Engineering Services (cont'd)

4. The underground detention system (UDS) is proprietary and outside the scope of the City's services for sewer inspection. The following notes shall be added to the plans:
  - A. The contractor shall have the underground detention system manufacturer's representative on-site during the installation of the UDS. This representative shall advise the contractor as to the required installation procedures for the UDS.
  - B. The City of Toledo will be provided with an as-built signature by an Ohio P.E. representing the detention system manufacturer with the certification statement to the effect of: 'I certify that the underground detention system was installed in accordance with the manufacturer's installation requirements and that the underground detention system will function as designed in accordance with the contract documents.'
5. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
6. 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.
7. 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 developers cost.

Sewer & Drainage Services

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

Fire Prevention

10. The proposed new building will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
11. New and existing buildings shall be provided with approved address identification that meets Building & Fire Code requirements. (OBC 501.2 & OFC 505.1)
12. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Water Distribution

13. A containment type backflow device (RPZ) must be installed at the meter.

Division of Environmental Services

14. 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.
15. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
16. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
17. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from [https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives\\_to\\_ohio\\_invasive\\_plant\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
18. 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 Transportation

19. If one does not already exist, a cross access agreement is required with adjacent property owner to the East.

Plan Commission

20. Parking shall adhere to the requirements of TMC§1107.0300 *Off-street Parking Schedule "A"*. The parking schedule requires one (1) parking space per three (3) employees and one (1) parking space per seventy-five (75) square feet of customer area. No customer area is provided as the restaurant will be drive-thru only. Four (4) parking spaces are provided. **Acceptable as depicted.**
21. All new or altered off-street parking areas must comply with the dimensional standards of TMC§1107.1911. **Acceptable as depicted.**

Plan Commission (cont'd)

22. Van-accessible spaces must have at least an 8-foot wide aisle abutting the designated parking space. **Not acceptable as depicted. A revised site plan shall be submitted depicting an 8-foot wide aisle abutting the designated accessible parking space.**
23. 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. Two (2) bicycle spaces are required for the facility to comply with TMC§1107.0900. **Acceptable as depicted.**
24. Seven (7) stacking spaces are required (TMC§1107.1600). Stacking spaces must be a minimum of ten feet (10') by twenty feet (20') in size. **Acceptable as depicted.**
25. The eastern "Exit Only" drive aisle shall be widened to twenty feet (20') in width per the 2017 Ohio Fire Code §503.2.4. **Not acceptable as depicted. A revised site plan shall be submitted depicting the eastern "Exit Only" drive aisle widened to twenty feet (20').**
26. 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 towards the interior of the parking lot. **Acceptable as depicted.**
27. 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)).
28. 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 within the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. **Acceptable as depicted.**
29. A detailed landscape plan depicting proposed and/or required landscaping, plantings, lighting, and fencing (separate from building & site plans) shall be submitted to the Planning Director for review and approval. Such plan shall include:
  - a. A fifteen-foot (15') greenbelt is required along Alexis Rd, and shall include one (1) tree per every thirty feet (30') of frontage. Trees are not required to be evenly spaced and may be clustered. The frontage greenbelt shall also include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Shrubs must be a minimum height of eighteen inches (18") and maintained no greater than forty-two inches (42") along the street right-of-way. **Acceptable as depicted. Four (4) tree requirement waived down to three (3) trees per Plan Director. Two (2) additional trees planted elsewhere on site as compromise.**

Plan Commission (cont'd)

- b. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property. 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. A minimum of at least one (1) canopy tree must be provided for each thirty feet (30'), plus a continuous shrub with a minimum height of 18 inches (when installed so as to achieve full screening at maturity) **Not acceptable as depicted. Perimeter landscape buffer may be five feet (5') in width so long as at least two (2) canopy trees and eight (8) shrubs are planted within the required landscape island between "Lane 2" and the eastern "Exit Only" lane. Two (2) additional canopy trees are required within the southern perimeter landscaping. Trees within the western perimeter landscaping may be smaller trees due to existing utility lines. A revised landscaping plan shall be submitted depicting two (2) canopy trees within the southern perimeter landscaping.**
- c. A landscape island shall be depicted in the area between the "Lane 2" and eastern "Exit Only" drive aisles to break up the urban heat island. This landscape island must be covered with hardwood mulch, grass or other vegetative ground coverage. Two (2) canopy trees and eight (8) shrubs are required within this landscape island. **Not acceptable as depicted. A revised site and landscape plan shall be submitted depicting a landscape island containing two (2) canopy trees and eight (8) shrubs between the "Lane 2" and "Pass Thru" drive aisles.**
- d. A landscape buffer shall be depicted between the "Lane 2" drive aisle and a line twenty-three feet (23') from the western edge of the parking spots depicted on the adjacent property, connecting the required landscape buffer to the north and the required landscape island between the "Lane 2" and eastern "Exit Only" drive aisles. This landscape buffer shall be covered with hardwood mulch, grass or other vegetative ground coverage. Shrub and/or native grass plantings are encouraged but not required within this landscape buffer. **Not acceptable as depicted. A revised site and landscape plan shall be submitted depicting a landscape buffer between the "Lane 2" drive aisle and twenty-three feet (23') from the western edge of the parking spots depicted on the adjacent property.**
- e. Two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. **Acceptable as depicted.**
- f. One 2-inch caliper tree for every 1,000 square feet of building coverage is be required. **Acceptable as depicted.**
- g. Foundation plantings are required along portions of the building visible from the right of way. **Acceptable as depicted. Foundation planting requirement waived on façades without by Plan Director. Additional shrub plantings added behind the building as a compromise.**

Plan Commission (cont'd)

- h. Topsoil must be back filled to provide positive drainage of the landscape area.
- i. 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.**
- j. 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.
- k. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.
- l. 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.**
- m. The location, height and materials for any fencing to be installed and maintained.
- n. The location and direction of any proposed lighting shall be identified (lights are to be directed away from public rights-of-way).

30. The main entrance of the building shall face and open directly onto a 5-foot-wide connecting walkway to the street sidewalk. Connecting walkway may cross parking aisles or driveways if distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt. **Acceptable as depicted.**

31. Predominant exterior building materials shall be high-quality materials. For façades visible from the public right-of-way, predominant materials must comprise at least eighty percent (80%) of the total wall area of the façade. **Acceptable as submitted.** *Breakdown of submitted materials are as follows, names are based on what is shown on elevation sheets:*

- A. Front elevation: 57.9% Architectural Metal, 25.7% Glass Storefront, 16.4% Brick. Glazing composes 58.9% of the elevation from 2' to 10' in height.
- B. Right-side elevation: 64.9% Architectural Metal, 13.4% Glass Storefront, 21.6% Brick. Glazing composes 19.9% of the elevation from 2' to 10' in height.
- C. Left-side elevation: 48.6% Architectural Metal, 27.6% Glass Storefront, 23.7% Brick. Glazing composes 40.5% of the elevation from 2' to 10' in height.
- D. Back elevation: 36.7% Architectural Metal, 0% Glass Storefront, 63.3% Brick. Glazing composes 0% of the elevation from 2' to 10' in height.

Plan Commission (cont'd)

32. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors (i.e. gray, brown, and tan). Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director. **Acceptable as depicted.**
33. This site plan was received prior to the passage Ord. 166-24, which repealed TMC Title Nine *Sign Code* and replaced it with TMC Chapter 1113 *Signs*. As such, any proposed signage must meet the requirements of signs per the old sign code – TMC Title Nine *Sign Code*. Per §1387.05 of the old sign code, where an advertiser has no ground, roof or projecting sign on the same premises, forty-five percent (45%) of the wall sign background area may be used for copy. Permitted background area is the total area between the lintel bar and the parapet on a one-story building. The front elevation wall sign copy consists of nineteen (19%) of the permitted background area. **Acceptable as depicted. Sign permits shall be required for all proposed signage.**
34. 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.
35. Per TMC§1111.0814, if a building permit is not issued within two (2) years of this approval date then the site plan approval shall become null and void.
36. 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.

Appeals of the Plan Director's decision on this Minor Site Plan Review application may be taken to the Plan Commission by filing a notice of appeal with the Plan Director. Appeals must be filed within ten (10) days of the Plan Director's decision. Please contact this office if we can be of further assistance.

Sincerely,

Thomas C. Gibbons  
Director

CC: Commissioner, Division of Transportation  
Commissioner, Division of Engineering Services  
Commissioner, Division of Sewer and Drainage  
Commissioner, Division of Environmental Services  
Senior Professional Engineer, Water Distribution  
Chief Building Official, Department of Inspection  
Department Chief, Fire Prevention  
Lisa Cottrell, Administrator  
Alex Schultz, Planner

AS

## Exhibit "B"

## GRANT OF EASEMENTS

THIS GRANT OF EASEMENTS is made this 18th day of April, 1994 by LA II Group ("LA"), an Ohio partnership, the address of which is 27600 Northwestern Hwy., Suite 200, Southfield, Michigan 48034 and Wong's Restaurants, Inc., an Ohio corporation ("Wong"), the address of which is 1230 W. Alexis Road, Toledo, Ohio 43612.

## WITNESSETH:

WHEREAS, LA is the owner of a parcel of property in the City of Toledo, Lucas County, Ohio, which property is more particularly described in Exhibit A, attached hereto and made a part hereof (the "LA Parcel"); and

WHEREAS, Wong is the owner of a parcel of property adjacent to the LA Parcel, which property is more particularly described in Exhibit B, attached hereto and made a part hereof (the "Wong Parcel"); and

WHEREAS, LA and Wong have agreed to establish certain access, ingress and egress and parking easements as more particularly set forth herein between and among their two parcels.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

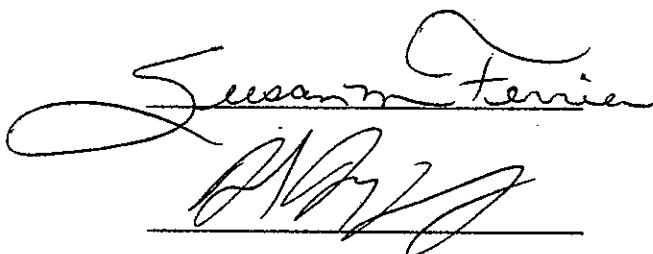
1. LA hereby grants to Wong, for the benefit of the Wong Parcel, and Wong hereby grants to LA, for the benefit of the LA Parcel, a nonexclusive easement of access to be provided by means of one point of entry twenty nine (29) feet wide between the LA Parcel and the Wong Parcel, at the location designated on Exhibit C attached hereto and made a part hereof, for purposes of providing unobstructed vehicular access, ingress and egress to and from the LA Parcel and the Wong Parcel for the benefit of the Wong Parcel and the LA Parcel and the tenants, employees and invitees using each Parcel.

2. LA hereby grants to Wong, for the benefit of the Wong Parcel, a nonexclusive easement to use ten (10) parking spaces located upon the LA Parcel, which ten (10) parking spaces are designated on Exhibit C. Such spaces may be used by the tenants, employees and invitees using the Wong Parcel, provided that the owner of the Wong Parcel may not include such spaces when determining whether the Wong Parcel has sufficient parking to meet all code requirements.

3. LA shall not construct any barrier whatsoever, including walls, fencing, curbs, grass or landscaping, between the East boundary of the Wong Parcel and the West boundary of the LA Parcel, unless such barrier is to the East of the parking spaces designated on Exhibit C, such that there will be open pavement and direct access to such parking spaces from the Wong Parcel.

4. All of the covenants, agreements, conditions and restrictions set forth in this agreement are intending to be and shall be construed to be covenants running with the land, binding upon, inuring to the benefit of and enforceable by the parties hereto, their respective successors and assigns, upon the terms, provisions and conditions hereinabove set forth.

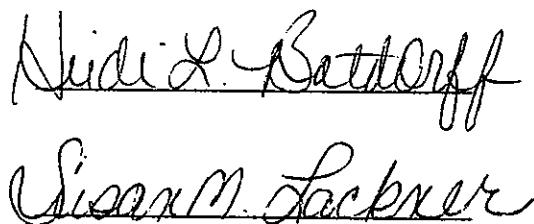
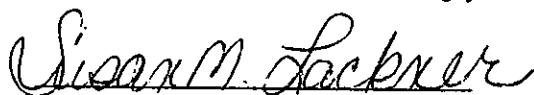
IN WITNESS WHEREOF, the parties have executed this Agreement the date and year first above written.



LA II GROUP,  
an Ohio general partnership

By: Ramco Lewis Alexis Associates,  
General Partner

By: Bruce Gershenson, Partner

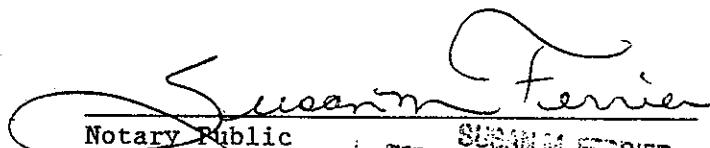

  


WONG'S RESTAURANTS, INC.,  
an Ohio corporation

By: Don Wong  
Its: President

STATE OF MICHIGAN )  
) SS  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of April, 1994, by Bruce Gershenson, a partner of Ramco Lewis Alexis Associates, a partner of LA II Group, an Ohio general partnership, on behalf of said partnership.



Notary Public

SUSAN M. FERRIER  
NOTARY PUBLIC-WAYNE COUNTY, MICH.  
MY COMMISSION EXPIRES 06-10-97

STATE OF OHIO )  
) SS  
COUNTY OF LUCAS )

The foregoing instrument was acknowledged before me this 18th day of April, 1994, by Don Wong, the President

of Wong's Restaurants, Inc., an Ohio corporation, on behalf of said corporation.

Susan M. Lackner  
Notary Public

SUSAN M. LACKNER  
Notary Public, State of Ohio  
My Com. Exp. 1-9-96

DRAFTED BY AND WHEN RECORDED  
RETURN TO:

Alan M. Hurvitz, Esq.  
Honigman Miller Schwartz and Cohn  
2290 First National Building  
Detroit, Michigan 48226  
(313) 256-7651

A4036i

## EXHIBIT A

Parcel I: That part of the North  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Town 9 South, Range 7 East, in the City of Toledo, Lucas County, Ohio, more particularly described as follows:

Beginning at a point on the North line of said Section 11, that is 517.5 feet East of the West line of said Section 11 and running thence South on a line at right angles to the North line of said Section 11, a distance of 487.89 feet to a point; thence East on a line that is parallel to the South line of the North  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 11, a distance of 100.0 feet to a point; thence North a distance of 487.25 feet to a point on the North line of said Section 11, that is 100.0 feet East of the place of beginning; thence West along the North line of said Section 11, a distance of 100.0 feet to the place of beginning.

Subject to legal highways.

Parcel II: Part of the North  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 11, Town 9 South, Range 7 East, City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at the Northwest corner of the Northwest  $\frac{1}{4}$  of said Section 11; thence North  $89^\circ, 59', 59''$  East along the North line of the Northwest  $\frac{1}{4}$  of said Section 11 a distance of 417.50 feet to a point; thence South  $00^\circ, 00', 01''$  East a distance of 277.00 feet to the point of beginning; thence North  $89^\circ, 59', 59''$  East a distance of 100.00 feet to a point; thence South  $00^\circ, 00', 01''$  East a distance of 210.89 feet to a point on the North line of Lot 5 in North Towne Commons, a Subdivision in the City of Toledo as recorded in Volume 125, pages 4 and 5, Lucas County Plat Records; thence South  $89^\circ, 37', 55''$  West along the North line of said Lot 5 a distance of 100.00 feet to a point; thence North  $00^\circ, 00', 01''$  West a distance of 211.54 feet to the point of beginning.

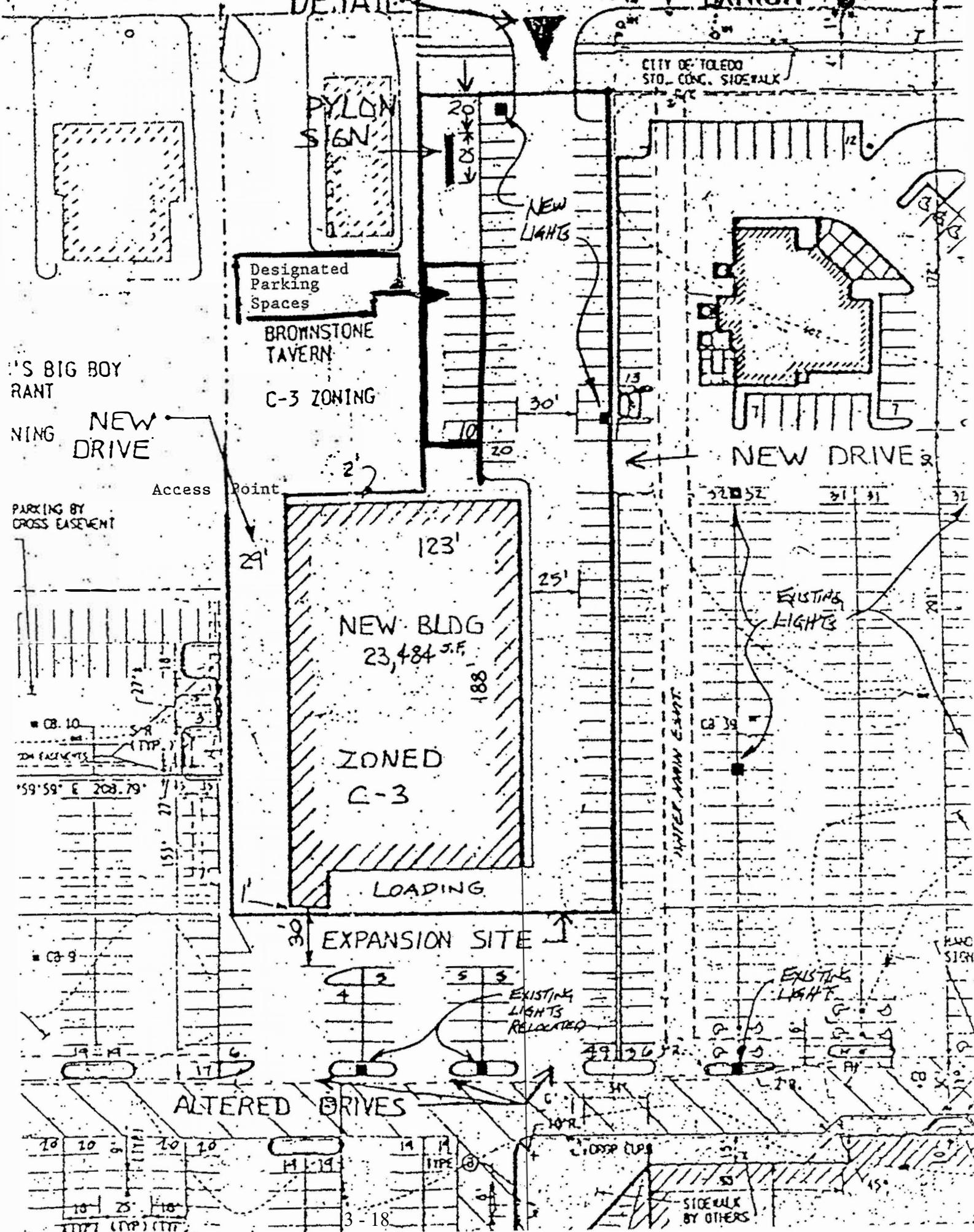
EXHIBIT B

LEGAL DESCRIPTION

Part of the North 1/2 of the Northwest 1/4 of Section 11,  
Town 9 South, Range 7 East, City of Toledo, Lucas County, Ohio,  
bounded and described as follows:

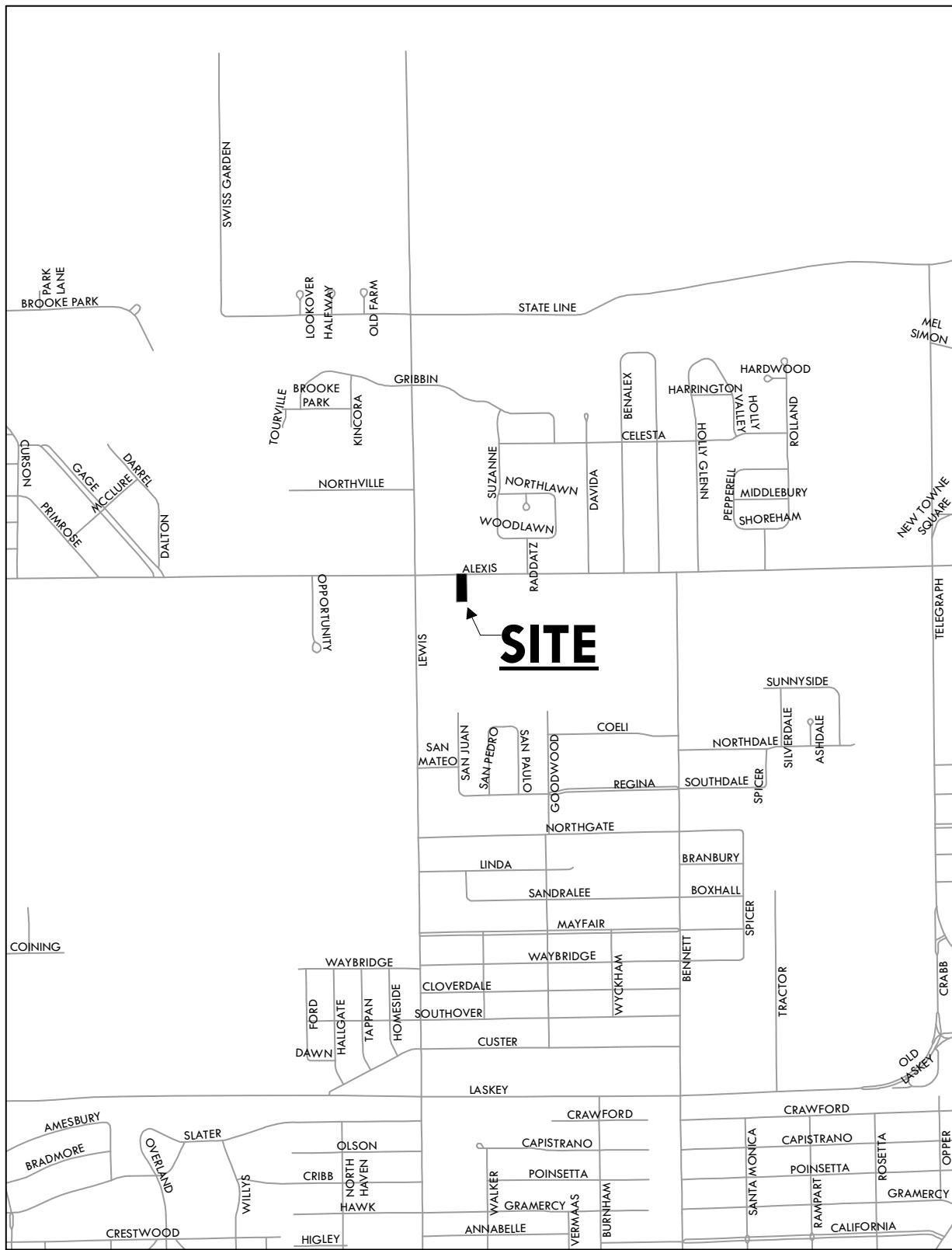
Commencing at the Northwest Corner of the Northwest 1/4 of  
said Section 11; thence N-89°-59'-59"-E along the North Line of  
the Northwest 1/4 of said Section 11, a distance of 417.50 feet  
to the point of BEGINNING; thence continuing N-89°-59'-59"-E along  
the North Line of the Northwest 1/4 of said Section 11, a distance  
of 100.00 feet to a point; thence S-00°-00'-01"-E a distance of  
277.00 feet to a point; thence S-89°-59'-59"-W a distance of 100.00  
feet to a point; thence N-00°-00'-01"-W a distance of 277.00 feet  
to the point of BEGINNING, containing 0.6359 acres of land more  
or less and subject to legal highways.

## DETAILE



# GENERAL LOCATION

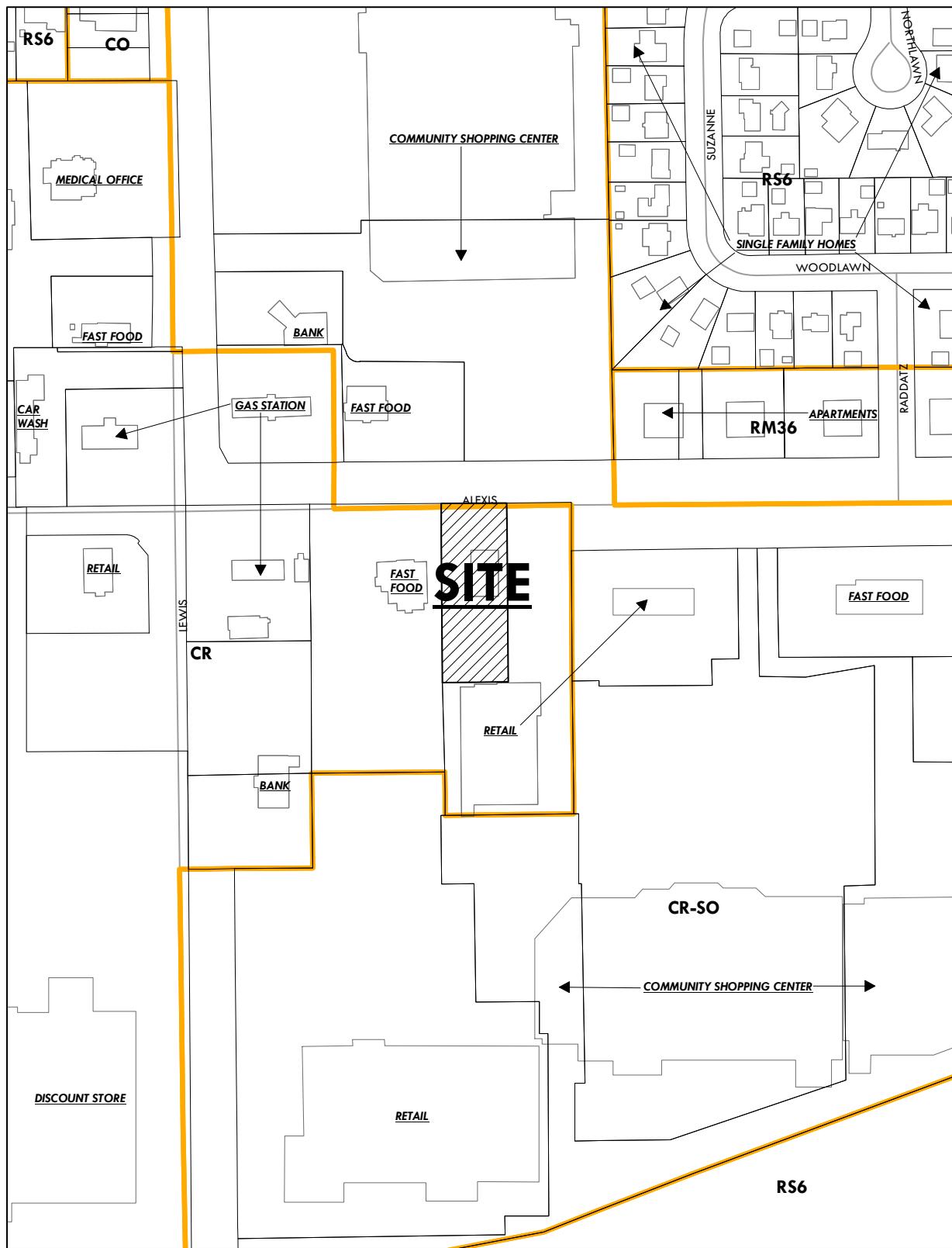
**SPR-15-24**  
**ID 58**



# ZONING & LAND USE

SPR-15-24  
ID 58

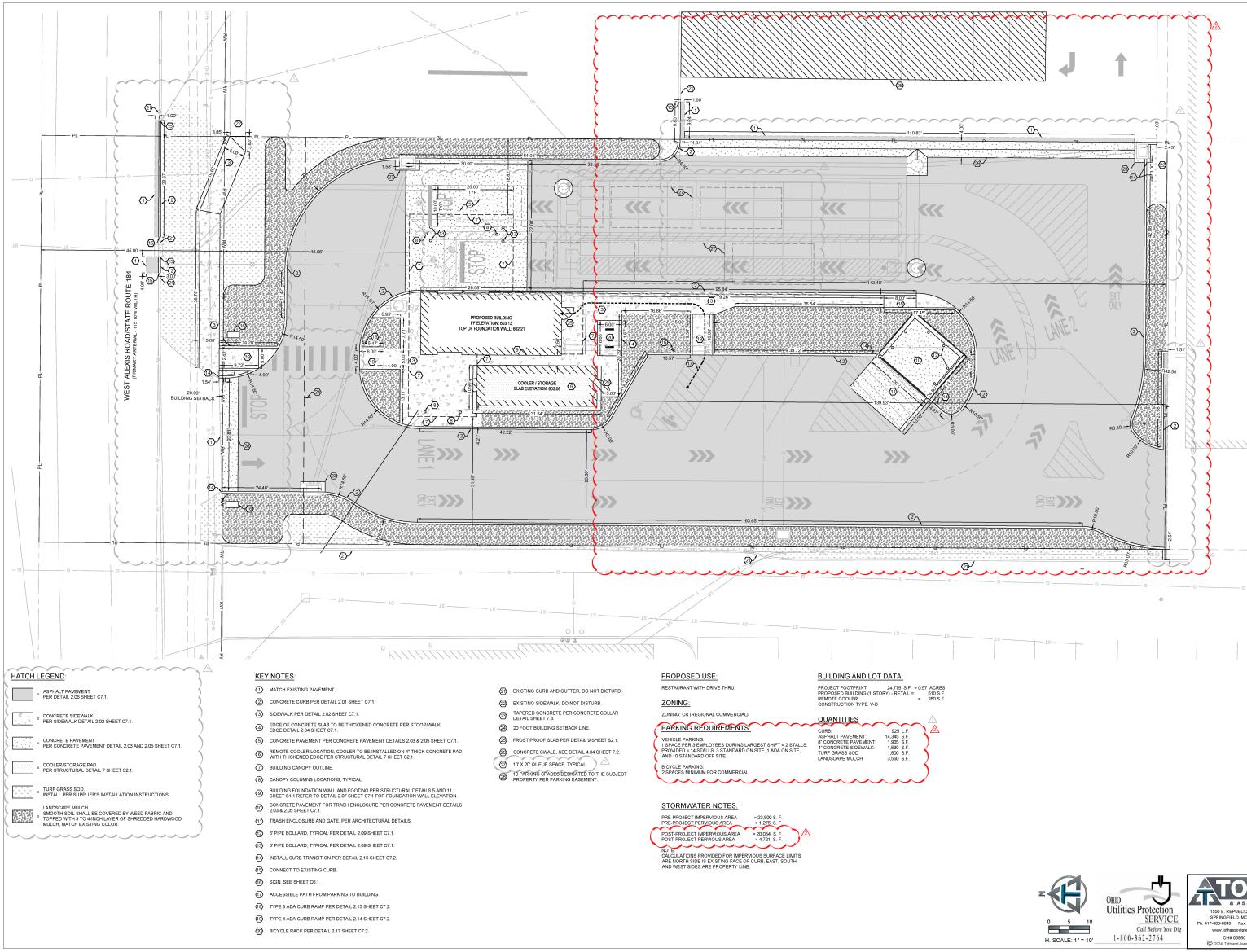
N  
↑



# SITE PLAN

SPR-15-24  
ID 58

N  
→



STATE OF OHIO  
DEPARTMENT OF  
REVENUE  
7-10-24

ENGINEER OF RECORD:  
NAME: SHAWN W. BARRY  
LICENSE NO: CH 45-89445

PROJECT NUMBER:  
V102

REVISION:  
① 06-04-2024 CITY REVIEW COMMENTS  
② 07-10-2024 CITY REVIEW COMMENTS AND MJOR CHANGES

7 BREW COFFEE  
TOLEDO, OH 02

847 WEST ALEXIS RD  
TOLEDO, OH 43612



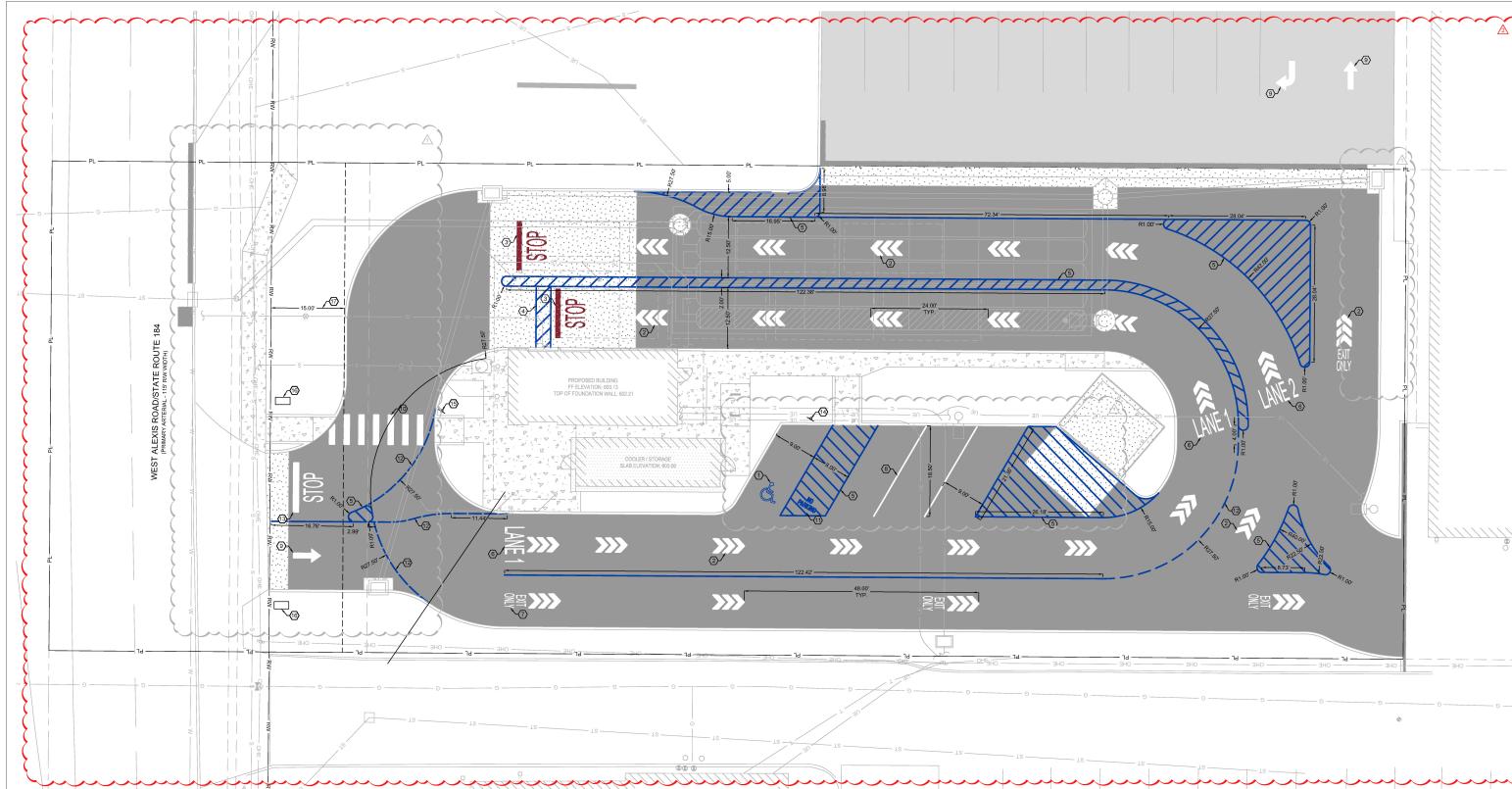
ATOTH  
A & ASSOCIATES  
2100 E. SEPULCHRE ROAD  
SPRINGFIELD, MO 65109  
Ph: 417-865-0645 Fax: 417-865-0657  
E-mail: atoth@atoth.com  
CAB 05900

C 2.1  
SITE PLAN  
DATE: MARCH 21, 2024  
H. SCALE: 1" = 10'

# STRIPING PLAN

SPR-15-24  
ID 58

→ N



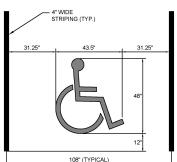
HATCH LEGEND

- Existing Asphalt Pavement
- Asphalt Pavement  
PER DETAIL 2.08 SHEET C7.1
- Concrete Seawall  
PER SECTION DETAIL 2.02 SHEET C7.1
- Concrete Pavement  
PER CONCRETE PAVEMENT DETAIL 2.03 AND 2.05 SHEET C7.1
- Cooler/storage Pad  
PER STRUCTURAL DETAIL 1 SHEET C7.1

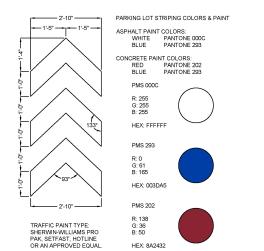
KEY NOTES

- Blue painted ADA accessible parking symbol per detail 6.01 this sheet.
- Solid white triple arrow pavement marker per detail 6.02 this sheet.
- 12" solid red stop bar with 48" inch tall "STOP" text painted in red.
- Align 4" solid blue cross walk marker with sliding door panel at front opening.
- 4" inch solid blue pavement marker, typical, provides space at 24" O.C.
- 48" inch tall "Lane # painted in white.
- 24" inch tall "PARK" painted in white.
- 4" inch solid white pavement marker for parking, typical.
- Solid white directional arrow pavement marking.
- Concrete wall pavement marking, 12" wide by 1' long, solid white paint spaced every 3' open width, with a directional arrow pointing to the direction of traffic.
- Two "PARKING" painted in access aisle, all capital letters < 12" height letters, 24" O.C. stroke.
- 4" dashed blue pavement marker.
- 12" solid white stop bar with 48" inch tall "STOP" text painted in white.
- ADA van accessible sign per detail 6.03 SHEET C7.1.
- One way do not enter sign per detail 6.04 SHEET C7.2.
- Directional sign, see architectural plans.
- 19" green belt.

ADA ACCESSIBLE PARKING SYMBOL  
0.01 SCALE: NONE



PARKING LOT STRIPING COLORS & PAINT  
0.02 SCALE: NONE



7 BREW COFFEE  
TOLEDO, OH 02

847 WEST ALEXIS RD  
TOLEDO, OH 43612



ENGINEER OF RECORD:  
NAME: SHAWN W. BARRY  
LICENSE NO. OH #E-99945

PROJECT NUMBER:  
9102

REVISION:  
06-04-2024 CITY REVIEW COMMENTS  
07-10-2024 CITY REVIEW COMMENTS AND MEJOR CHANGES

C 6.1  
STRIPING PLAN

ATOTH  
& ASSOCIATES  
1000 EAST 29TH STREET  
SPRINGFIELD, MO 65806  
Ph: 417-865-0645 Fax: 417-865-0657  
E-mail: atoth@atoth.com  
CAB 05900  
DATE: MARCH 21, 2024

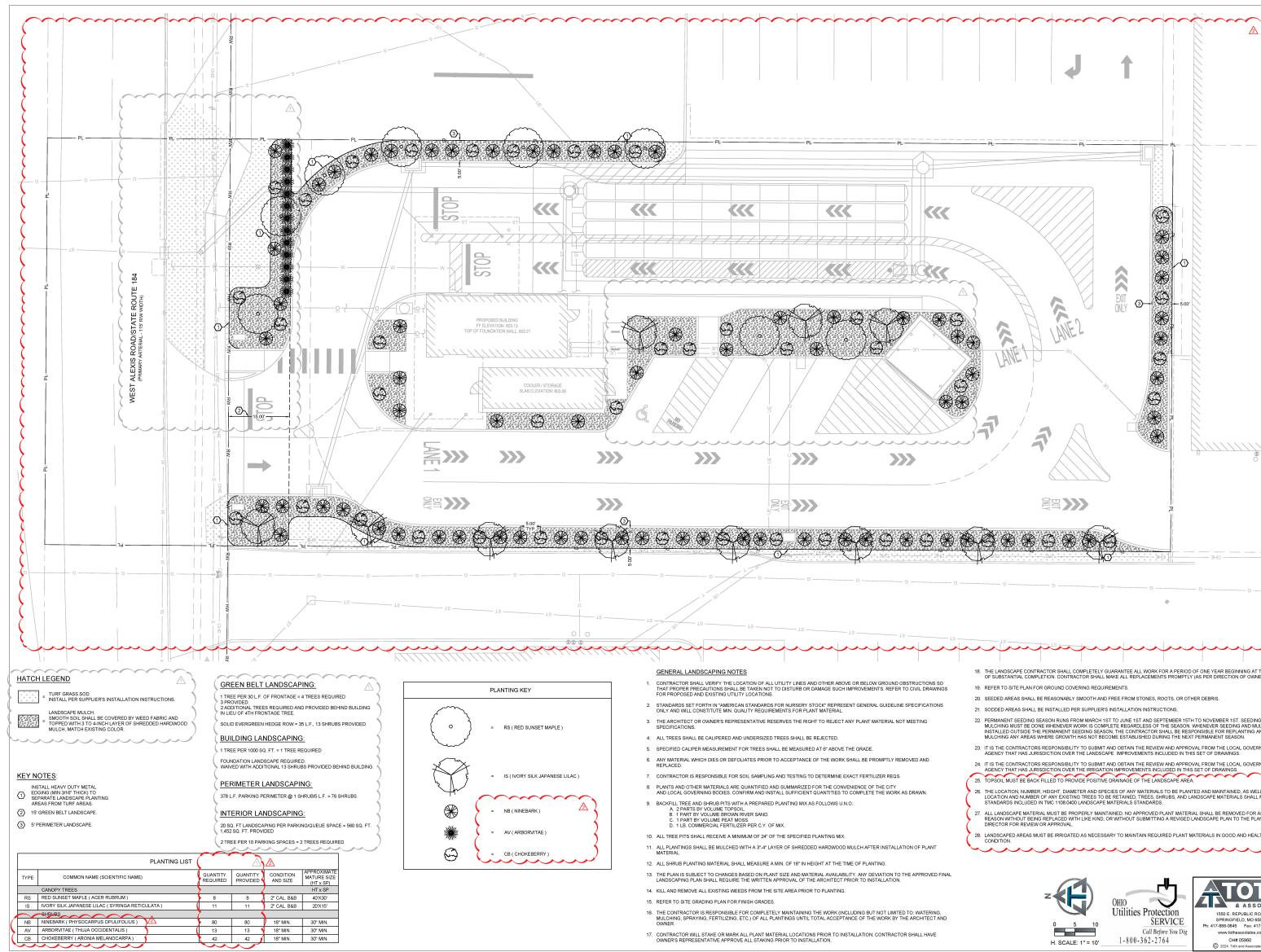
OHIO Utilities Protection  
SERVICE  
Call Before You Dig  
1-800-362-2764

# LANDSCAPE PLAN

**SPR-15-24**  
**ID 58**

N  
↑

3



A circular notary seal for the State of Ohio. The outer ring contains the words "STATE OF OHIO" at the top and "NOTARY SEAL" at the bottom. The inner circle contains a signature over the text "E-88965" and "2011".

ENGINEER OF RECORD:  
NAME: SHAWN W. BARRY

PROJECT NUMBER:  
91062

REVISION:  
 05-04-2024 CITY REVIEW COMMENT  
 07-10-2024 CITY REVIEW COMMENT

1000 JOURNAL OF CLIMATE

10 of 10

10 of 10

1000

8

361  
SII

C  
D.  
AL  
OH

WE 9  
-ED

B  
DL

T

1

1000

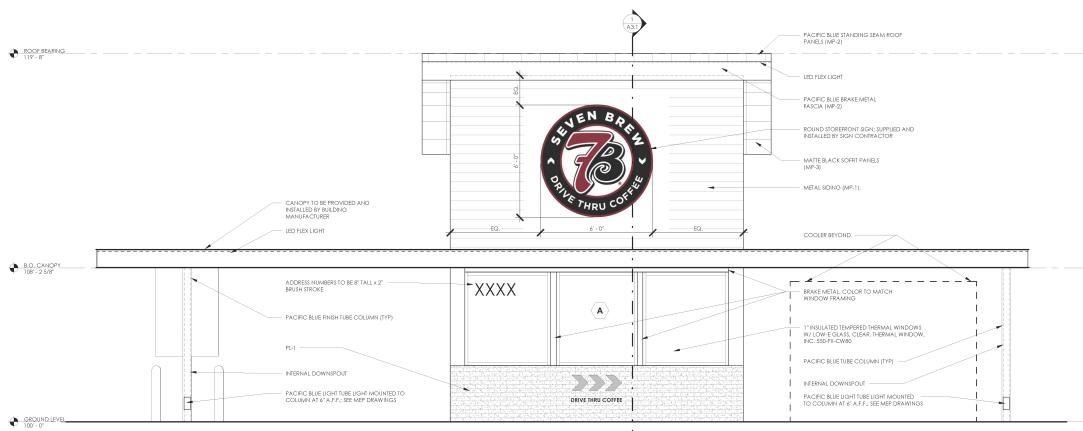
G5 1

## LANDSCAPE PLAN

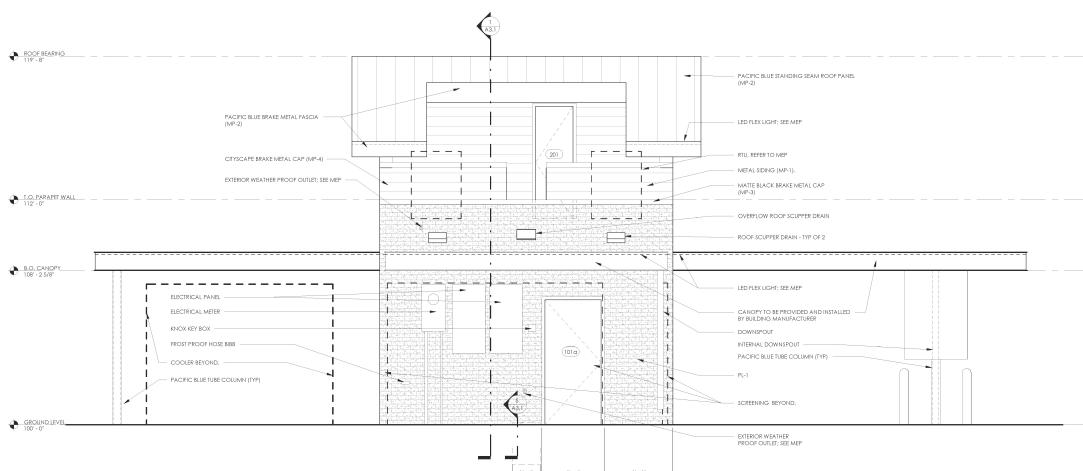
# FRONT & BACK ELEVATIONS

SPR-15-24  
ID 58

N  
→



① EXTERIOR ELEVATION - FRONT



② EXTERIOR ELEVATION - BACK



7 BREW COFFEE  
TOLEDO, OH

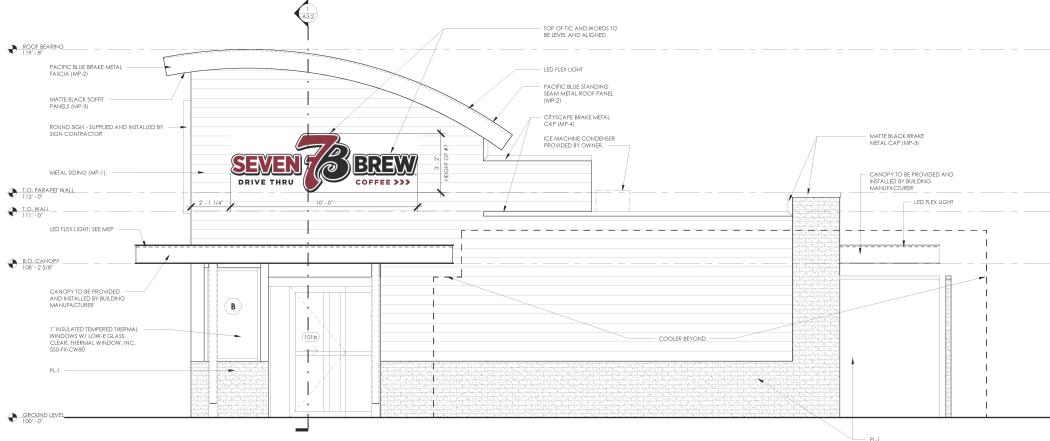
A2.1  
EXTERIOR ELEVATIONS

DATE: MARCH 21, 2024

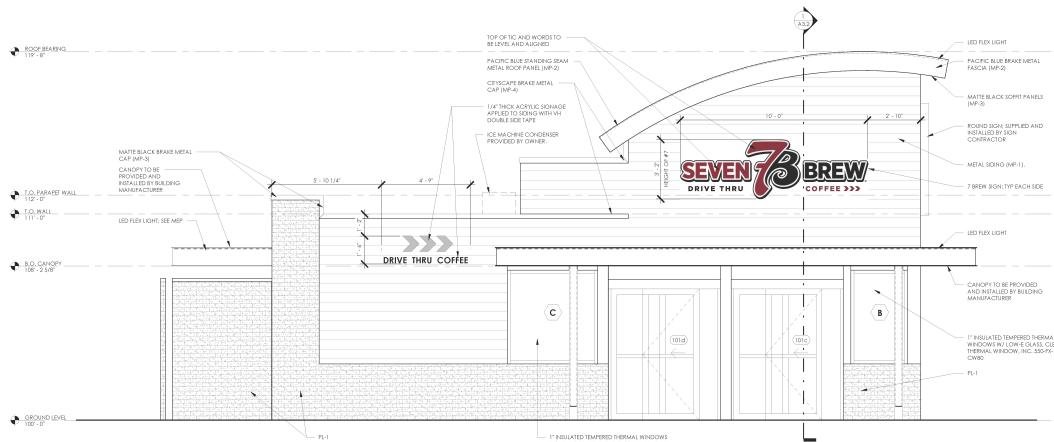
# RIGHT & LEFT ELEVATIONS

SPR-15-24  
ID 58

N  
↑



① EXTERIOR ELEVATION - RIGHT SIDE  
59'-1&frac12;"



② EXTERIOR ELEVATION - LEFT SIDE  
59'-1&frac12;"



7 BREW COFFEE  
TOLEDO, OH  
847 W ALEXIS  
TOLEDO, OH 43612

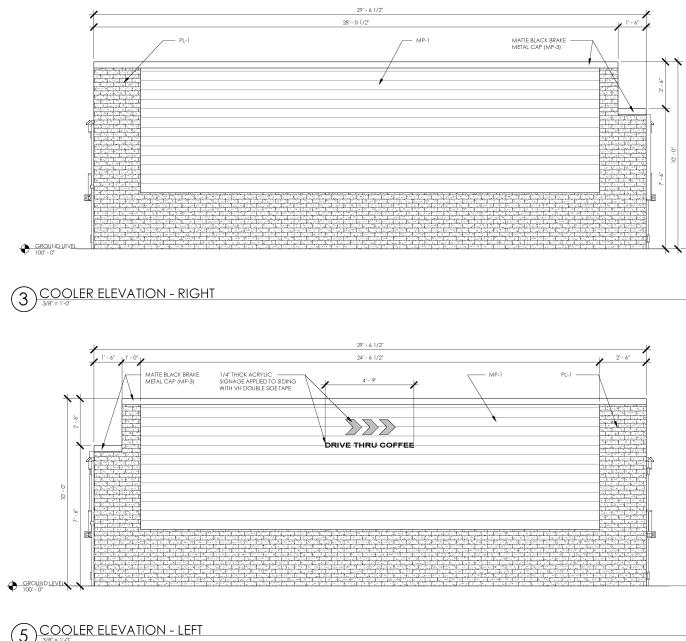
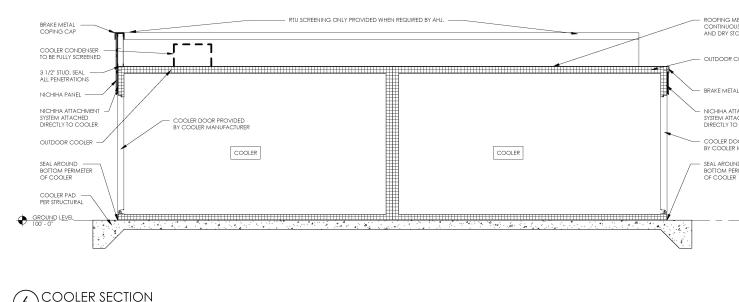
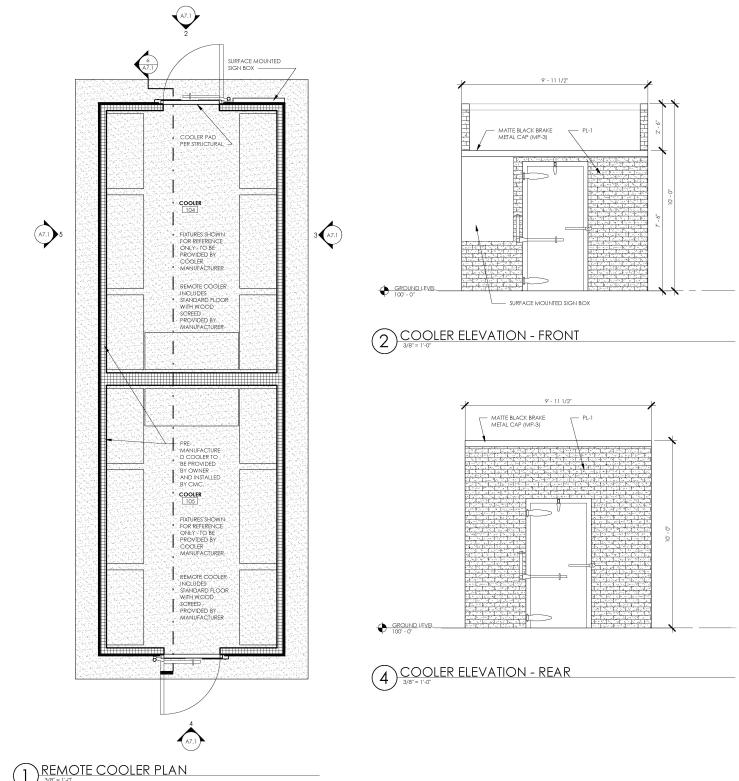
A2.2  
EXTERIOR ELEVATIONS  
DATE: MARCH 21, 2024

## REMOTE COOLER DETAILS

**SPR-15-24**  
**ID 58**

N  
↑

3 - 26



7 BREW COFFEE  
**TOLEDO, OH**

## A7.1



DATE: MARCH 21, 20