



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: August 14, 2020

REF: SUP-11002-19

TO: President Matt Cherry and Members of Council, City of Toledo

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

SUBJECT: Amendment to Special Use Permit for Gas Station, originally approved via Ordinance 505-80 and 347-87

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 13, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Amendment to Special Use Permit for Gas Station, originally approved via Ordinance 505-80 and 347-87
Location	-	1201-1211 Dorr Street
Applicant	-	Raaid Alketeeb 1203 Dorr Street Toledo, OH 43607
Owner	-	Hamad Investment Group #2 7933 Neckel Street Dearborn, MI 48126
Engineer	-	John A. Weithman, P.E. P.O. Box 216 Genoa, Ohio 43430

Site Description

Zoning	-	CR <i>Regional Commercial</i>
Area	-	± .37 Acres
Frontage	-	±123 Feet along Dorr Street ±107 Feet along Hoag Street
Existing Use	-	Gas Station / Convenience Store
Proposed Use	-	Gas Station / Convenience Store

GENERAL INFORMATION (cont'd)

Area Description

North	-	Open Space, Parking Lot, Apartments / POS Parks & Open Space, IL Limited Industrial, RM36 Multi-Dwelling Residential
South	-	Parking, Warehousing / CR Regional Commercial
East	-	Apartments, Single Family / RM36 Multi-Dwelling Residential & RS9 Single Family Residential
West	-	Gravel Area, Vacant Lot / IL Limited Industrial

Parcel History

SUP-136-80	-	Special Use Permit for Gas Service Station remodeling and canopy. Plan Commission recommended approval 6/5/80. City Council approved 7/15/80. Ord. 505-80
SUP-26-87	-	Special Use Permit amendment for walk-in cooler to rear of building. Plan Commission recommended approval 4/9/87. City Council approved 5/5/87. Ord. 347-87

Applicable Plans and Regulations

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

STAFF ANALYSIS

This case was deferred from the July 9th hearing in order to provide time for the applicant to resolve concerns with the Division of Transportation.

The request is an amendment to Special Use Permit (SUP) for Gas Station, originally approved via Ordinance 505-80 and 347-87 for a 48 sq. ft. addition to the front of the building. The request was filed after receiving a Stop Work order from Building Inspection for beginning construction without appropriate permitting. A case is pending in Toledo Municipal Court for the illegal work.

An overview of key project details is included in this analysis. A full review of all project related items is included in the agency conditions at the end of this report.

Use Specific Regulations

- a. The City of Toledo requires free air, water, and restrooms shall be provided and maintained during operating hours of the station. TMC 1104.0903.D. These items were previously included in Ord. 505-80 and Ord. 347-87.

STAFF ANALYSIS (cont'd)

Use Specific Regulations (cont'd)

- b. A gravel area to the west of the site has been used for parking. Gravel is not a permitted parking surface and the property is not zoned correctly for gas station parking.

Parking

- a. A minor addition would not typically trigger significant parking and circulation improvements however the Division of Transportation has expressed safety concerns with the existing layout.
- b. The applicant agreed to close the closest curb cut on Dorr Street, close the south side of the pump closest to the building to improve two-way circulation, and provide five parking spaces adjacent to the building. They are also expanding the remaining curb cut on Dorr Street.
- c. Planning is requesting that a curb be installed along the western property adjacent to the gravel area to restrict parking on a parcel that is not approved for the SUP

Landscaping

- a. A 10' perimeter landscape buffer shall be installed along the south and east of the property adjacent to proposed parking areas with canopy trees and a solid row of evergreen shrubs.

Elevations

- a. A building addition is proposed for the north and east facades. Building materials include a mixture of brick paneling, stucco, and windows. The design is in compliance with the zoning code.

20/20 Plan

The Toledo 20/20 Comprehensive Plan recommends the property for Single Family uses. This block is located in a predominantly single family neighborhood, but has a historical mixture of uses. Staff is supportive of improvements to the existing use while acknowledging the longer term vision for this area.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-11002-19, an Amendment to Special Use Permit for Gas Station, originally approved via Ordinance 505-80 and 347-87, to the Toledo City Council, for the following **three (3)** reasons:

1. The request meets the stated purpose of the Zoning Code– **TMC 1111.0706.A.**
2. The request is compliant with all applicable standards of this Zoning Code – **TMC 1111.0706.B.**
3. The Division of Transportation no longer objects to the request.

PLAN COMMISSION RECOMMENDATION (cont'd)

The Plan Commission further recommends approval subject to the following **nineteen (19)** conditions:

Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Environmental Services

7. 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. 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.
10. 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

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

11. 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

12. Curbing shall be installed along the western property adjacent to the gravel area to restrict parking on a parcel that is not an approved material or approved for use with the SUP .
13. 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 10' perimeter landscape buffer shall be installed along the south of the property adjacent to proposed parking areas and include (2) canopy trees and a solid row of evergreen shrubs.
 - b. A 10' perimeter landscape buffer shall be installed along east of the property adjacent to proposed parking areas with canopy trees and a solid row of evergreen shrubs.
 - c. Pervious area shall be maintained and expanded along the east property line to a minimum of 10' and shall be correctly displayed on a plan. **Impervious area shall not be expanded.**
 - d. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained.
 - 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. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches, evergreen trees must be a minimum of 5', and shrubs must be at least 18 inches in height or 24 inches in spread when installed.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

14. Free air (with the capability of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
15. No new free-standing signs greater than forty-two inches (42") from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.
16. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
17. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. **Landscaping shall be installed and maintained indefinitely.**
18. 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. Major adjustments will require an amendment to the Special Use Permit.
19. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

Respectfully Submitted,

Thomas C. Gibbons
Secretary

JL

Cc: Raaid Alketeeb, 1203 Dorr Street, Toledo, OH 43607
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