

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

REF: SUP-6006-23

DATE: March 14, 2024

TO: President Carrie Hartman and Members of Council, City of Toledo

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

SUBJECT: Amendment to Special Use Permit Originally Granted by Ord. 366-78 and Ord. 595-85 for Gas Station Expansion

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 14, 2024 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Amendment to Special Use Permit Originally Granted by Ord. 366-78 and Ord. 595-85 for Gas Station Expansion
Location	-	2702 and 2718 Upton Avenue Toledo OH 43606
Applicant + Owner	-	Dan Ridi 5131 W. Sylvania Road Toledo, OH 43560
Engineer	-	Dan Stone Van Horn, Hoover & Associates 3200 N Main Street Findley, OH 45840

Site Description

Zoning	-	CR, RD6 / Regional Commercial, Duplex Residential (CR proposed for 2718 Upton Avenue)
Area	-	± 0.53 Acres
Frontage	-	± 186' along Upton Avenue ± 110' along Monroe Street
Existing Use	-	Gas Station and Vacant Lot
Proposed Use	-	Gas Station

GENERAL INFORMATION (cont'd)

Area Description

North	-	RD6 / Duplexes, Nursing Home, Single-family Homes
South	-	CO, CR, RM36 / Gas Station, Office Building, Apartments, Bank
East	-	RS6 / Single-family Homes, Vacant Lot
West	-	RS6, RD6 / Daycare, Single-family Homes

Parcel History

SUP-1-85	-	Resolution N0. 1-85 – Special Use Permit Request to Install Canopy, Gas Pumps and a Convenience Store 3730 Monroe Street. PC disapproved 2-21-85
SUP-132-85	-	Resolution No. 132-85 – proposed amendment to Special Use Permit for canopy extension for gas station at 4581 Monroe Street at Secor Road. PC approved 07/25/85, approved by Ord.595-85
SUP-12-78	-	Resolution No. 72-78 requesting a Special Use Permit to establish a combination self-serve gasoline station with retail grocery sales, located on the southeast corner of Monroe Street and Secor Road in a C-3 Commercial District. PC approved 05/31/78. Approved by Ord. 366-78

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting an amendment to the Special Use Permit in order to expand the existing Stop&Go gas station at 2702 Upton Avenue. The gas station was approved by Ordinance 366-78 and subsequently amended by Ordinance 595-85. The property is surrounded by duplexes, a nursing home and single-family homes to the north, single-family homes and a vacant lot to the east, to the south is an office building, gas station and a bank and to the west is a day care and single-family homes.

STAFF ANALYSIS (cont'd)

The applicant purchased the property to the north of the site (2718 Upton Avenue) from the Lucas County Land Reutilization Corporation in 2022 in order to expand the gas station and to bring the site into compliance with the Zoning Code. A Zone change is being requested through the associated case Z-6005-23.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Gasoline and Fuel sales are required to have one (1) parking space per pump plus one (1) per three-hundred (300) square feet of building area. The site plan shows three (3) gas pumps on site. Six (6) at pump parking spaces are required. The proposed building covers an area of 2,300 square feet requiring an additional eight (8) parking spaces. A total of fourteen (14) parking spaces are required for this site. The submitted site plan shows fifteen (15) parking spaces to the north of the site for the gasoline and fuel sales use. TMC§1107.1601 requires one stacking space for every gasoline pump island. The stacking spaces must be a minimum of ten feet (10') by twenty feet (20') in size.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least one (1) van accessible space with an eight-foot (8') drive aisle for persons with physical disabilities. At least one (1) van accessible parking space with an eight-foot (8') drive aisle shall be provided on a revised site plan for the gasoline and fuel sales use.

Additionally, one (1) bicycle parking per ten (10) parking spaces is required for the convenience store use. Two (2) bicycle parking spaces are required. This is not acceptable as depicted on site plan received on November 8, 2023. Two bicycle parking spaces shall be shown on a revised site plan.

Gasoline and Fuel Sales Requirements

TMC§1104.0900 – *gasoline and fuel sales* outline the design criteria for gas stations in terms of site layout, location and general requirements. Per TMC§1104.0902, gas pumps and pump islands shall not be located in the front yard within fifty feet (50') of a residential district. In addition to that, pump islands shall be set back a minimum of fifteen feet (15') from the property line and canopies set back ten feet (10') as well. Furthermore, non-petroleum displays shall be set back twenty-five feet (25') from the right-of-way and shall be limited to a height of five feet (5'). Free air, water and restrooms shall also be provided and maintained during the hours of operations of the gas station. No changes are being proposed to the building or gas pumps.

STAFF ANALYSIS (cont'd)

Landscaping

TMC§1108.0202 0202 requires a minimum of fifteen feet (15') of landscaped frontage greenbelt along public rights-of-way. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. A fifteen-foot (15') frontage greenbelt buffer is required along Upton Avenue. The submitted site plan shows one tree along Upton Avenue. This is not acceptable as depicted. Additional continuous shrub shall be provided along the property line fronting Upton Avenue.

In addition to that, **TMC§1108.0204(B)(9)** requires perimeter landscaping to be installed along any parking lot area adjacent to a street, place, or driveway, or which is visible from an immediately adjacent property, and must include a continuous shrub row with a minimum height of eighteen inches (18"). 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. The site plan shows six trees and a six-foot (6') privacy fence along the north and east property line. This is not acceptable as depicted, a continuous shrub with a minimum height of eighteen inches (18") shall be shown on a revised site plan in addition to the screening materials provided.

Building Design and Materials

No changes are being proposed to the building exterior at this time.

Neighborhood Meeting

The Plan Commission at its January 11, 2024 hearing deferred the case until a neighborhood meeting is held. The applicant held a neighborhood meeting on February 20, 2024 with residents adjacent to the gas station. The major issues raised during the meeting were fencing along the perimeter of the property, change in time of dumpster collection, noise and littering and crime at the site. The applicant proposed to install a ten-foot vinyl fence along the perimeter to prevent headlights of vehicles from shining into adjacent properties. Furthermore, the time of dumpster location shall change and signs will be installed stating no loud noise or littering at the store. In addition to that, the applicant proposed to request the police department to install a permanent camera at the south west corner of Monroe and Upton to deter crime in the area.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the site for Neighborhood Commercial land uses. Neighborhood Commercial land uses are predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may also be included. The proposed Gasoline and Fuels Sales use does not conflict with the intent of the 20/20 Comprehensive Plan.

Staff recommends approval of the amendment;\ to the Special Use Permit as the proposed use meets the stated purpose of the Zoning Code.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6006-23, a request to amend the Special Use Permit originally granted by ordinance 366-78 and ordinance 595-85 for gas station expansion at 2702 and 2718 Upton Avenue to Toledo City Council for the following **one (1) reason**:

1. The proposed use meets the stated purpose of the Zoning Code (**TMC§1111.0706(A)**).

The Toledo City Plan Commission recommend approval of SUP-6006-23, a request to amend the Special Use Permit originally granted by ordinance 366-78 and ordinance 595-85 for gas station expansion at 2702 and 2718 Upton Avenue, to the Toledo City Council, subject to the following **twenty-five (25)** 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.

Engineering Services

1. 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.
2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

Contact Joe Warnka at (419)-245-1341 for inspection of above-mentioned items.

4. 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.
5. This stormwater compliance proposal is nonconforming but will be acceptable upon additional submittal of calculations for the runoff reduction method and a long-term plan agreement for maintaining sheet flow and preventing the ponding of water.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

6. Construction permission would require completion of the following:
 - a. Submittal of the above items, engineering plans and a SWP3 using the cover sheet provided to the applicant. It lists multiple items that make a complete SWP3, and initiates a workflow for plan review and approval.
 - b. Submittal of fees according to the calculation and submittal instructions on the sewer construction permit fee chart provided to the applicant.
 - c. Construction inspection and completion of obligations in the stormwater permit.
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 the developers cost.

Division of 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.

Bureau of Fire Prevention

9. Address on the plans need to be checked. Lucas County AREIS from the Auditors office show the address for this location as 2702 Upton. The S & G Stores website has the address for this location as 3730 Monroe St. Lucas County 911 has the address as 3730 Monroe St. -Please show the correct address on all plans for work and assure the correct address is posted per code language. (OFC505.1)

Division of Environmental Services

10. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

- c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
- 11. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
- 12. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
- 13. 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
- 14. 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

- 15. Off-street parking shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0304). Minimum number of off-street parking spaces required for gasoline and fuel sales is one (1) parking space per pump plus one (1) per three-hundred (300) square feet of building area. The site plan shows three (3) gas pumps on site. Six (6) at pump parking spaces are required. The proposed building covers an area of 2,300 square feet requiring an additional eight (8) parking spaces. A total of fourteen (14) parking spaces are required for this site. The submitted site plan shows fifteen (15) parking spaces to the north of the site for the gasoline and fuel sales use. **Acceptable as depicted on site plan submitted on November 8, 2023.**
- 16. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0300). Minimum number of bicycle parking slots required for a convenience store is one (1) bicycle parking per ten (10) parking spaces. Two (2) bicycle parking spaces are required. **Not acceptable as depicted on site plan received on November 8, 2023. Two bicycle parking spaces shall be shown on a revised site plan.**
- 17. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. One (1) van accessible space with an eight-foot (8') drive aisle is required. **Not acceptable as depicted on site plan submitted November 8, 2023.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

18. 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 or to a stormwater treatment facility subject to the regulations and approval of the Department of Public Utilities.
19. 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. **If applicable.**
20. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A fifteen-foot (15') frontage greenbelt buffer is required along Upton Avenue. At least one tree must be provided for every 30 feet of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. **Not acceptable as depicted on site plan. Additional continuous shrub shall be provided along the property line adjacent to Upton Avenue;**
 - 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, and must include a continuous shrub row with a minimum height eighteen inches (18"). **This is not acceptable as depicted, a continuous shrub with a minimum height of eighteen inches (18") shall be shown on a revised site plan in addition to the screening materials provided;**
 - c. A vinyl privacy fence is required along all property lines abutting residential districts to the north and east of the site. The fence shall be beige or hunter green in color. **Acceptable as depicted on site plan received on November 8, 2023;**
 - d. 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 on site plan submitted on November 8, 2023;**
 - e. Topsoil must be back filled to provide positive drainage of the landscape areas;

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- f. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards. **Not acceptable as depicted on landscaping plan submitted on November 8, 2023;**
 - g. 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;
 - h. Because the site is greater than ½ acre large, 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. Alternatively, applicant can install native/drought resistant plants;
 - i. The location and direction of any proposed **lighting (any lighting is to be directed away from adjacent residential properties).**
21. New free-standing signs shall be limited to a height of forty-two inches (42") from grade.
22. The Special Use Permit shall be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code after one (1) year. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
23. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
24. 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.
25. 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.

TO: President Hartman and Members of Council
March 14, 2024
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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. C. Gibbons', written in a cursive style.

Thomas C. Gibbons

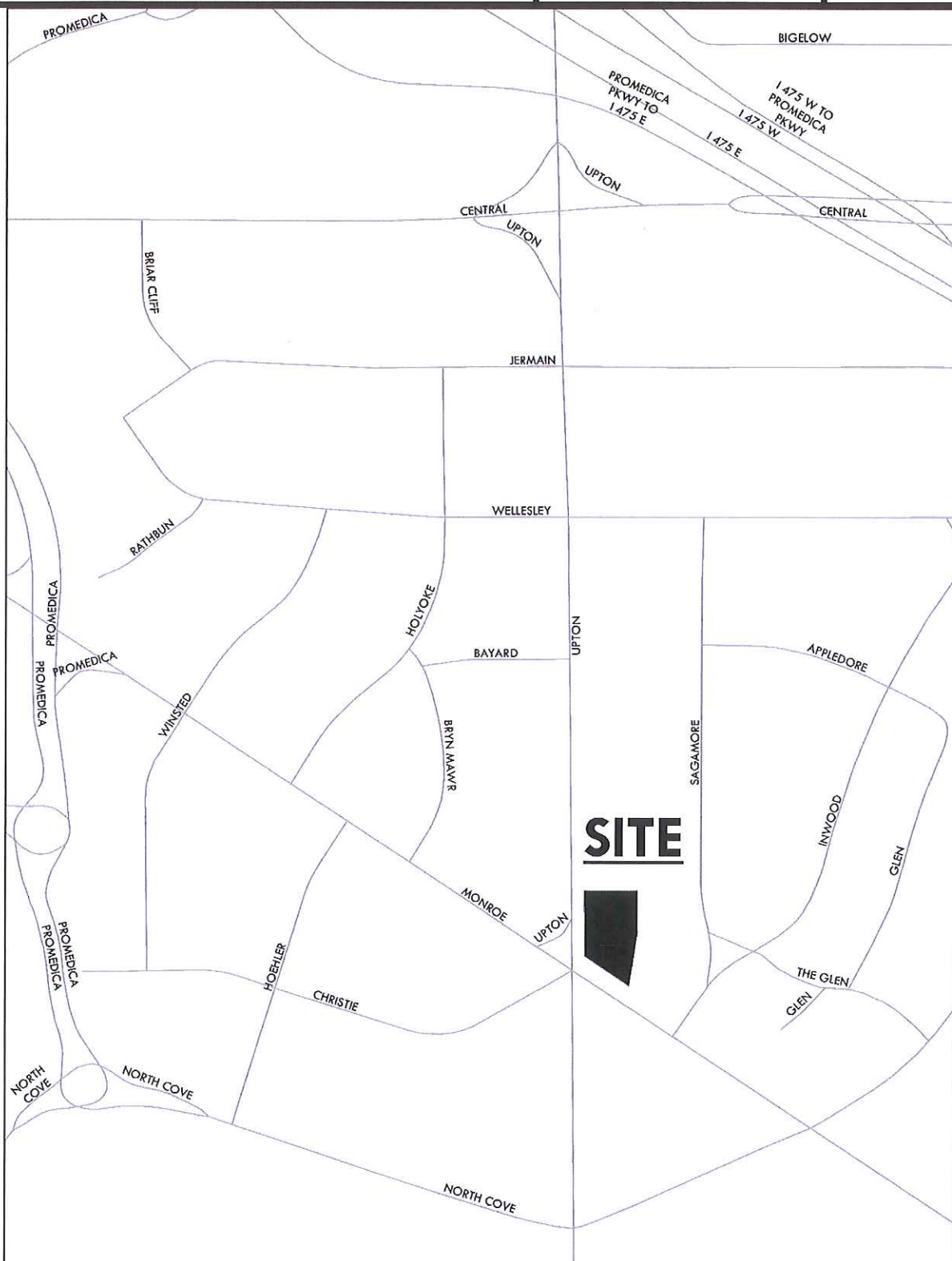
Secretary.

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Five (5) sketches follow

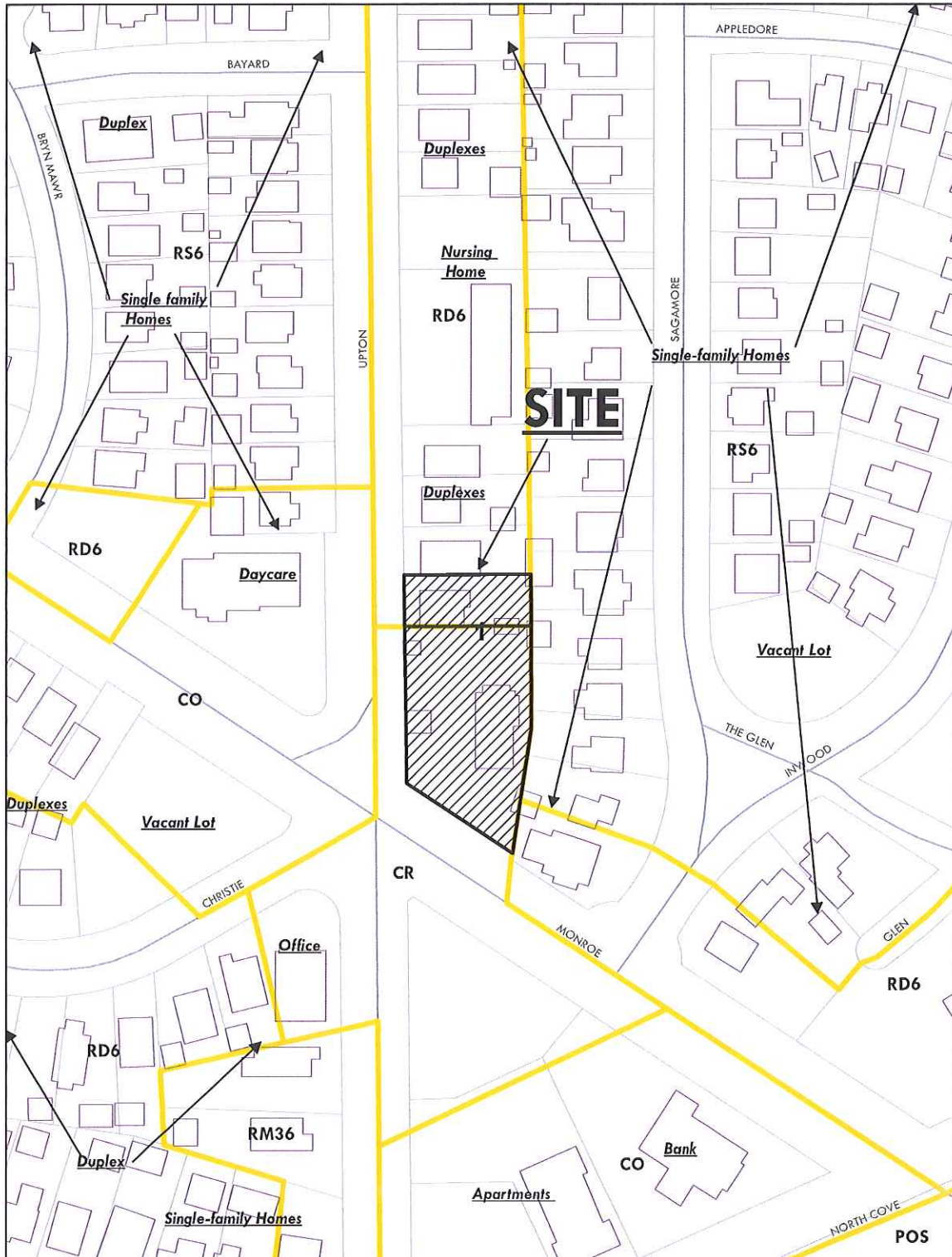
GENERAL LOCATION

SUP-6006-23

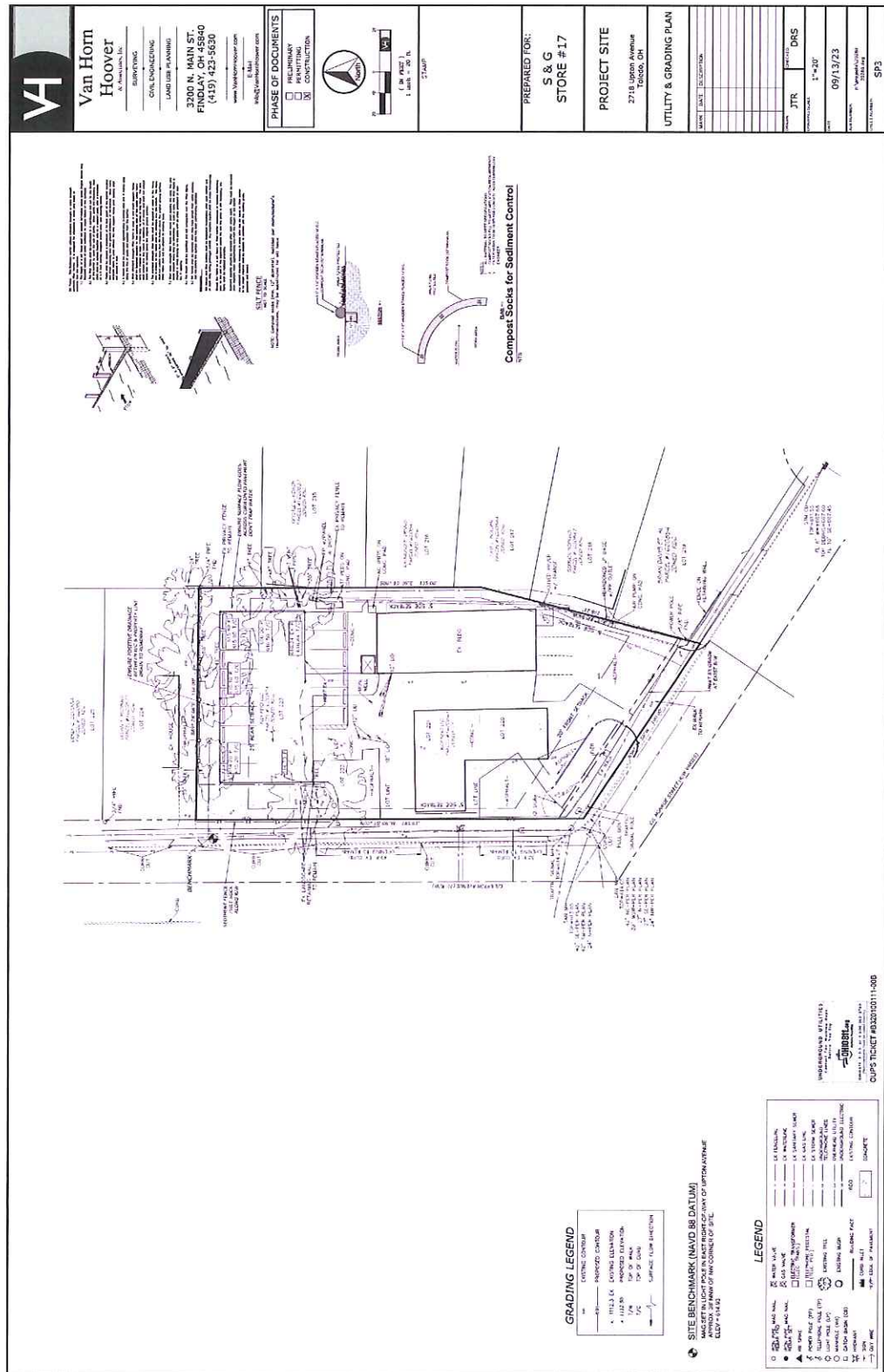


ZONING & LAND USE

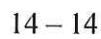
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