



# TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604    PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: October 11, 2019

REF: SUP-8010-19

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, originally granted by Ord. 481-01, for Convenience Store Expansion at 822 Monroe Street.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, October 10, 2019 at 2:00 P.M.

## GENERAL INFORMATION

### Subject

Request - Amendment to Special Use Permit, originally granted by Ord. 481-01, for Convenience Store Expansion

Location - 822 Monroe Street

Applicant - True North Energy, LLC  
10346 Brecksville Road  
Brecksville, OH 44141

Engineer - Diamond Z Engineering  
5670 State Road  
Cleveland, OH 44134

### Site Description

Zoning - CD / Downtown Commercial

Area - ± 0.60 acres

Frontage - ±220' along Monroe Street  
±118' along N. Michigan Street  
±118' along N. Ontario Street

Existing Use - Gas Station, Convenience Store

Proposed Use - Gas Station, Convenience Store Expansion

Parking Required - 10 customer spaces

Parking Provided - 10 customer spaces

Area Description

- North - Retail, Offices / CD
- South - Parking Lot / CD
- East - Parking Lot / CD
- West - Parking Lot / CD

Parcel History

- M-38-77 - Request to amend Chapter 9 of the Toledo Municipal Code, Planning & Zoning, establishing a downtown overlay district to provide a process for review of renovation and remodeling in the central business district; to change the zoning maps attached to Chapter 9, Planning & Zoning; and establishing the boundary for said overlay district, approved by Plan Commission on 10/6/77, City Council approved on 10/25/77, Ord. 788-77.
- SUP-77-86 - Request for special use permit for an adult bookstore, approved by Plan Commission on 5/22/86, City Council approved on 6/24/86, Ord. 472-86.
- M-6-92 - Request for adoption of ToledoVision Strategic Master Plan for downtown Toledo as an amendment to the Master Plan for the City of Toledo, approved by Plan Commission on 4/2/92, City Council approved on 4/28/92, Ord. 327-92.
- DOD-7-95 - Request for building demolition and site redevelopment, approved by Plan Commission on 1/11/96.
- SUP-11034-95 - Request for special use permit, approved by Plan Commission on 1/11/96, City Council approved on 2/6/96, Ord. 46-96.
- Ord. 80-97 - Request for extension of special use permit granted by Ord. 46-96, City Council approved on 2/4/97.
- Ord. 501-97 - Request for extension of special use permit granted by Ord. 46-96, City Council approved on 8/5/97.
- SUP-1004-01 - Special Use Permit for Gasoline and Fuel Sales. Originally approved by Ord. 481-01

DOD-01-10

Companion case of SUP-1004-01 for Gas Station /  
Car Wash in the Downtown Overlay.

### Applicable Regulations

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

### **STAFF ANALYSIS**

The applicant has operated a gas station, convenience store and a car wash at this location since 2001. The car wash is located behind the convenience store and is attached via a rear wall. The applicant wishes to expand the convenience store into the existing car wash, thus removing the car wash. An amendment to the original Special Use Permit is required because the convenience store is expanding greater than ten percent, per **TMC 1111.0708(A)(2)**.

The overall site is ±0.66 acres and is comprised of three (3) parcels. The site is one block in width; it has frontage on Monroe Street as well as Michigan and Ontario Streets. The site is surrounded by commercial parking on all four sides with retail and office space further to the north.

### Gasoline and Fuel Sales Regulations

**TMC§1104.0900** – *Gasoline and Fuel Sales* outlines site design criteria for Gas Stations and included are criteria governing site layout, location, and general requirements. The site is existing, and no modifications are required to meet these criteria.

### Convenience Stores Regulations

**TMC§1104.0600** *Convenience Stores* outlines criteria for Convenience Stores. Included are Hours of Operation, Negative Secondary Effects, and Spacing Requirements. Hours of Operation are currently appropriate and spacing requirements are not being considered because the site has existed since before these spacing requirements were added via Ord. 568-09 in 2009.

According to **TMC§1104.0602**, Negative Secondary Effects of Convenience Stores include litter that diminishes the aesthetics of the area, noise disruption, traffic, and pedestrian congestion which can intimidate individual patrons and disrupt neighborhood activity. Multiple site visits observed pedestrian congestion and repeated disruption of patrons in the maneuvering area. Increased security and decorative fencing may alleviate these negative secondary effects.

## **STAFF ANALYSIS (Cont'd)**

### 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) parking space per three hundred (300) square feet. Spaces are located next to each pump, plus ten (10) parking spaces are provided around the site. The building is ±3000 square feet and ten (10) parking spaces are provided; the requirements are met. Four (4) of these parking spaces are replacing the entrance and exit to the Car Wash. The site plan shows a total for four (4) curbs cuts, which is more than would be permitted today. However, the site is existing and these curb cuts are beneficial to current site circulation. No other new parking spaces or changes in circulation are proposed.

### Landscaping

Per **TMC 1114.0502(A)**, the site is existing and only required to move closer into conformance with the landscape requirements of the 2004 zoning code. The site is within the Downtown Overlay District, therefore the Urban Commercial landscape requirements listed in **TMC§1108.0300** apply. **TMC§1108.0305** requires perimeter landscaping around all parking lots, which may consist of five (5) feet of landscaping, a decorative fence or a wall. The site currently has a five (5) foot landscape buffer. The site is surrounded on three (3) sides by commercial parking lots. Per City Council Ordinance 355-19, these surrounding parking lots will be required to install decorative fencing with brick/masonry columns in the next three to five years. Therefore, staff is requiring the installation of a similar decorative fence for this site.

A Special Use Permit was approved for this site in 2001. The landscape plan that was submitted and approved for this case included three (3) trees in the front setback along Monroe Street, as well as more shrubs, grasses, and other landscaping. The landscaping has not been maintained as approved and the current submittal does not depict the landscaping as approved in 2001. The site currently does not provide any trees in the front setback along Monroe Street, and additional landscaping has been removed. As a condition of approval, the applicant shall provide three (3) trees along the Monroe Street frontage. Per **TMC§1108.0403**, deciduous canopy trees must be a minimum of twelve (12) feet overall height or a minimum caliper of two (2) inches when installed.

While the current landscape plan depicts less landscaping than what was approved for this site in 2001, staff is requiring the addition of a decorative fence. Therefore, staff is supportive of less landscaping than originally approved, provide that three (3) trees are added along Monroe Street. Landscaping shall be located between the decorative fence and the right-of-way.

## **STAFF ANALYSIS (Cont'd)**

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Downtown Commercial uses, and outlines goals for downtown including gateway elements, additional landscaping along Monroe Street, and general aesthetics. "The gateways to Downtown and entries to key downtown areas must be well marked with attractive landscaping, exciting lighting, and distinctive signage." Significant landscaping improvements to this site, especially along Monroe Street, will aid in meeting these objectives.

### Downtown Toledo Master Plan

The Downtown Toledo Master Plan encourages Better Connectivity and a Parks Master Plan. Monroe Street is classified in this plan as a Downtown Signature Street, and should be a complete street with new street trees. Landscaping improvements to this site will help meet these objectives.

## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-8010-19, an Amendment to a Special Use Permit, originally granted by Ord. 481-01, for convenience store expansion at 822 Monroe Street, to Toledo City Council for the following reason:

1. The proposed use meets the stated purpose of this Zoning Code [**TMC§1107.0706(A)**]

The Toledo City Plan Commission recommends approval of SUP-8010-19, an Amendment to a Special Use Permit, originally granted by Ord. 481-01, for convenience store expansion at 822 Monroe Street, to the Toledo City Council subject to the following **seventeen (17)** 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.

### Engineering Division

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

## **PLAN COMMISSION RECCOMENDATION (Cont'd)**

### Engineering Services (Cont'd)

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.

### Division of Sewer and Drainage

6. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
7. 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 two (2) years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

### Division of Transportation

8. Wheel Stops required at all parking spaces abutting sidewalk and building locations per TMC 1107.

### Plan Commission

9. 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)]. **Shall be shown on a revised site plan.**

## **PLAN COMMISSION RECCOMENDATION (Cont'd)**

### Plan Commission (Cont'd)

10. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in **TMC§1107.1700**.
11. 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. Decorative black wrought iron or black heavy gauge aluminum tube fencing shall be installed in the landscape areas abutting Michigan Street and Monroe Street, subject to the approval of The Director. **Shall be depicted on a landscape plan.**
  - b. In addition to the landscaping which is presented, three (3) new trees shall be added to the Monroe Street frontage. Two (2) trees shall be located in the central landscape bed, and one (1) tree shall be located in the western landscape bed, as was approved in case SUP-1004-01. Landscaping shall be located between the decorative fencing and the right-of-way. **Shall be depicted on a landscape plan.**
  - c. 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".
  - d. Per **TMC§1108.0204(B)(6)**, 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 cover, unless approved as part of the stormwater treatment facility. **Shall be depicted on a landscape plan.**
  - e. Landscaped areas must be watered as necessary to maintain required plant materials in good and healthy condition.
  - f. 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. Dumpster is existing and is acceptable.
12. 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.

**PLAN COMMISSION RECCOMENDATION (Cont'd)**

Plan Commission (Cont'd)

13. 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.**
14. 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.
15. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
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 Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
17. 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

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Three (3) sketches follow

CC: Lisa Cottrell, Administrator  
Matt Lascheid, Associate Planner  
True North Energy, LLC; 10346 Brecksville Road; Brecksville, OH 44141  
Attn: Rick Turner; Diamond Z Engineering; 5670 State Road; Cleveland, OH 44134