

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: December 7, 2020

REF: SUP-6002-20

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 and Convenience Store
Rebuild at 2315 N Detroit Ave.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 3 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Amendment to Special Use Permit, originally granted by Ord. 367-08, for a gas station and convenience store rebuild
Location	-	2315 N. Detroit
Applicant	-	Singh Family of South Toledo Real Estate 615 Oak Street Toledo, OH 43605
Engineer	-	Cappelletty Engineering and Construction 6145 Douglas Road Toledo, OH 43613

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.59 acres
Frontage	-	±208' along Detroit Ave ±308' along Council St
Existing Use	-	Gas Station, Convenience Store (Empty)
Proposed Use	-	Gas Station, Convenience Store

GENERAL INFORMATION (Cont'd)

Area Description

North	-	Interstate 75 / RM36
South	-	Shopping Center / CR-SO
East	-	Mixed Residential / RM36
West	-	Self Storage / IL, IG

Parcel History

Z-25-77	-	Special Use Permit for a Service Station. Repealed by Res. 163-77
SUP-147-84	-	Special Use Permit to Raze and Rebuild Service Station for Gas and Go with a Canopy and Sales Kiosk and Food Sales. Approved by Ord. 797-84 on 10-24-1984.
SUP-9028-97	-	Special Use Permit for a Police Tow Lot. Approved by Ord. 849-98
SUP-10009-97	-	Special Use Permit for a Convenience Store / Fuel Facility. Withdrawn.
SUP-648-02	-	Review of SUP for Gas Station Ord 797-84. Withdrawn.
SUP-01003-08	-	Special Use Permit for Gasoline and Fuel Sales. Approved by Ord. 367-08 on 06-03-2008.

Applicable Regulations

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

STAFF ANALYSIS

This property has historically hosted a gas station and convenience store, and was most recently approved as such in 2008. In fall, 2019, the property was damaged by a stray automobile. The applicant is requesting a complete rebuild of the site, including a new building and a new canopy. Per TMC 1111.0708, an amendment to the original Special Use Permit is required.

STAFF ANALYSIS (Cont'd)

The site is ±0.59 acres and has right-of-way frontage on the east, south, and west sides. The site is just south of freeway ramp from I-75 onto Detroit Ave. The site is surrounded by the Swayne Field Shopping Center to the south, a self-storage facility to the west, I-75 to the north, and mixed residential uses to the east.

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 plan shows a canopy with fully brick support columns and the appropriate setbacks and all of the relevant requirements are met.

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 limited to 5:30 am to 1 am and spacing requirements are not being considered because the site has existed since before 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. Increased security and decorative fencing may alleviate these negative secondary effects. However, if concerns regarding litter or poor security on the site exist in the future, the Special Use Permit may be considered for revocation per TMC§1104.0602.

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. The building is ±2,800 square feet and eleven (11) parking spaces are provided in addition to spaces provided next to pumps; the requirements are met. The site plan shows a total of three (3) curbs cuts and the applicant has been working with the Division of Transportation on the size and location of these curb cuts.

STAFF ANALYSIS (Cont'd)

Landscaping

A Special Use Permit was approved for this site in 2008. The landscape plan that was submitted and approved for this case included adequate landscaping for this site to meet the Landscaping and Screening Requirements, and required that the landscaping be maintained. However, the landscaping has not been maintained as approved. Staff expects that if the site is approved, landscaping and buffering will be better maintained because of required irrigation and because of the use of more durable decorative fencing as a buffer.

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. However, because the site is being modified almost entirely, the site is expected to be brought significantly closer to conformance with the 2004 code. Per TMC§1108.0202, the frontage greenbelt shall be fifteen (15) feet wide and contain one tree for every thirty (30) feet of frontage. Because the site is existing and limited in space, staff supports the use of a decorative brick and metal fence as shown on the site plan and six (6) trees instead of seven along Detroit Ave. TMC§1108.0204 requires interior and perimeter parking lot landscaping. With the eleven (11) parking spaces shown, the site shall provide three (3) trees and seven (7) shrubs, as well as a parking lot island at the end of every parking row. Dumpster screening is also required. Perimeter parking lot landscaping applies to access drives, driveways, aisles, and loading areas, and shall be provided around the entire perimeter of the site, with the exception of the building location at the rear. The applicant shall provide one (1) tree every thirty (30) feet. Because the site is over ½ acre, these landscaping improvements shall be irrigated per TMC§1108.0406.

Building Design

The submitted elevations show a brick building with projecting stucco piers. Storefront glass is found on the East elevation facing Detroit Ave and half of the South elevation facing Council Street. The north elevation is primarily brick with stucco columns and cornice. The west (rear) elevation is shown as concrete block with a stucco cornice. In order to be approved, the block must be integrally colored, instead of painted, to match the color of the brick (See condition #29.)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial uses, and recommends streetscape improvements in the Old West End. The proposed use as well as additional landscaping and decorative fencing are in line with these recommendations.

STAFF ANALYSIS (Cont'd)

Per **TMC§1111.0708**, major amendments to approved special uses require full review and approval in accordance with the procedures of this section. This application is considered a major amendment because the building footprint is increasing in size by more than ten (10) percent.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6002-20, an amendment to a Special Use Permit, originally granted by Ord. 367-08 for a gas station and convenience store rebuild at 2315 N Detroit, 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-6002-20, an amendment to a Special Use Permit originally granted by Ord. 367-08, for a gas station and convenience store rebuild at 2315 N Detroit, to the Toledo City Council subject to the following **forty-five (45)** 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

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.

PLAN COMMISSION RECCOMENDATION (Cont'd)
Engineering Services (Cont'd)

3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Detailed plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
8. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
9. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
10. If existing fire and domestic service lines are not to be reused, they shall be abandoned by the City of Toledo at the developer's expense.
11. If new water service taps are required, they will be installed by the City of Toledo at the developer's expense.
12. Do not place water services through or beneath detention pond.

STAFF RECCOMENDATION (Cont'd)
Engineering Division (Cont'd)

13. The footprint of the storm water feature is not defended with calculations and may be too small. Stormwater detention and post-construction stormwater best management practices (BMP's) must comply with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre and post construction land use. <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>. The building roof must drain to the stormwater feature. A detailed grading plan that shows the proposed areas of earthwork and the drainage areas to be directed to the stormwater feature must accompany the detention calculations.
14. No construction work, including any earth disturbing work will be permitted without approved site plans. Submit the following for review & approval:
 - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
 - Detailed site grading plan.
 - Plans and calculations for storm sewer service, stormwater detention and post-construction BMP's.
 - A Storm Water Pollution Prevention Plan (SWP3) including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
 - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-construction BMP's are required to be maintained into perpetuity.
15. City of Toledo does not have a complete record for the existing storm sewer system on the site and per the City's MS4 permit all storm sewers must be mapped. The Developer/Owner/Consultant shall verify the location and outlet of the storm system and provide that information to the City of Toledo Division of Engineering Services. A copy of the City of Toledo's current records of the private storm sewer can be provided for reference.
16. Drainage Plans that incorporate low impact development solutions such as indicated on this proposal are eligible for a reduction in the property's stormwater utility fee through the Stormwater Credit Program, upon application to the program as explained at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>
17. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.

STAFF RECCOMENDATION (Cont'd)
Engineering Division (Cont'd)

18. A single sanitary sewer tap shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
19. If there 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 developer's cost.
20. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.
21. All sanitary sewer manholes in the project area shall have solid lids installed on them.

Environmental Services

22. 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.
23. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
24. 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.
25. 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
26. 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 Sewer and Drainage

No Comments.

STAFF RECCOMENDATION (Cont'd)
Division of Transportation

Upon the removal of the fourth pump island, Transportation recommends approval.

Fire and Rescue

Fire and Rescue recommends approval.

Plan Commission

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)]. Shall be shown on a revised site plan.
28. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
29. Elevations show a brick façade with storefront glazing on the east and south elevations and stucco columns. East, south, and north elevations acceptable as presented. The west elevation shown unfinished concrete block to be painted. Because the elevation is still visible from the right-of-way, unfinished concrete block is not a permitted material, regardless of paint. Staff supports the use of integrally colored concrete block to match the color of the brick on the other three elevations, brick, or other permitted predominant materials.
30. Sidewalks shall be constructed along all public streets, if not already installed, per TMC§1107.1303. Shall be clarified on a revised site plan.
31. At least one main entrance of any commercial building shall face and open directly onto a 5 foot walkway leading to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route. There must be safe, adequate, and convenient arrangement of pedestrian walkways, bikeways, and driveways within the site, per TMC§1109.0204.A and TMC§1107.1904. Given the location of the canopy and the fact that automobile traffic is expected to be high in front of the site, Plan Commission supports a direct path leading from the building entrance to the sidewalk on Council Street to the south of the site. This direct path shall be clearly articulated using brick pavers, concrete, or another material which differentiates from the asphalt. Shall be shown on a revised site plan.
32. Litter receptacles, for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910. Shall be shown on a revised site plan.

STAFF RECCOMENDATION (Cont'd)
Plan Commission (Cont'd)

33. Bicycle parking shall be relocated as to not obstruct handicap accessible parking spaces.
34. 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. Plan Commission supports the use of a decorative fence in lieu of the required fifteen (15) feet wide frontage greenbelt. Decorative black wrought iron or black heavy gauge aluminum tube fencing shall be installed in the landscape areas abutting Detroit Ave. Fencing shall be at least four (4) feet in height. Brick columns shall be included and may be spaced no more than sixty (60) feet apart, and at each endpoint and vertex. Columns shall be at least four feet six inches (4'6") in height. Acceptable as shown on landscape plan.
 - b. A frontage greenbelt is required and shall include one (1) tree for every thirty (30) feet of frontage. Because the site is existing and being brought closer to compliance, Plan Commission staff is requiring six (6) canopy trees within the frontage greenbelt along Detroit Ave. The five (5) trees shown along both sides fronting Council St are acceptable as presented. (TMC§1108.0202)
 - c. Dumpster screening shall be provided and shall include a solid masonry wall made of brick to match the building, or a combination of wood or wood-like fencing and solid evergreen landscaping. Plan Commission supports a landscape bed surrounding the dumpster to aid in providing landscaping at the end of the parking row, and surrounding the dumpster. (TMC§1108.0203.G)
 - d. The site plan shows eleven (11) parking spaces. Interior parking lot landscaping shall include three (3) trees and seven (7) shrubs, and a landscaping island/peninsula shall be provided at the end of every parking row, including the row of accessible parking spaces. (TMC§1108.0204)
 - e. Continuous shrubs are shown surrounding the site and meet the perimeter parking lot landscaping requirements. (TMC§1108.0204)
 - f. Foundation plantings are acceptable as presented. (TMC§1108.0205)
 - g. Because the building is two thousand eight hundred (2,800) square feet in area, an additional three (3) trees shall be provided within the site. (TMC§1108.0205)

STAFF RECCOMENDATION (Cont'd)
Plan Commission (Cont'd)

- h. Plan Commission shares concerns addressed by Engineering Services in Condition #13 that the stormwater management area may be insufficient for a site this size which is almost entirely impervious. Underground detention is recommended to alleviate these concerns.
 - i. 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'.
 - j. 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.
 - k. Irrigation shall be required for projects over ½ acre in site area. Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. An irrigation plan shall be submitted with final site plans for review and approval. (TMC§1108.0406)
 - l. Landscaping shall be installed and maintained indefinitely.
35. Window signage is limited to 25% of the total window area, per the Sign Code (TMC§1391.02.R).
36. No new free-standing signs greater than forty-two inches (42") from grade are permitted, subject to the approval of the Planning Director.
37. Canopies shall be set back a minimum of ten (10) feet from the property line, and shall be designed to be consistent with the building materials and colors of the principal building. Support columns shall be brick, brick base, or other durable materials compatible with the principal building. The Planning Director may require a peaked roof to compliment the principal building (TMC§1104.0903). The proposed canopy is set back at least ten feet and features columns that are fully wrapped in brick to match the principal building, and is approved as such.
38. Pump islands shall be set back a minimum of fifteen (15) feet from the property line (TMC§1104.0903). Acceptable as presented.
39. Non-petroleum displays must be within twenty-five (25) feet of the building but not within twenty-five (25) feet of any right-of-way. The maximum height of these displays shall not exceed five (5) feet.

STAFF RECCOMENDATION (Cont'd)
Plan Commission (Cont'd)

40. Free air (with the capacity of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
41. Hours of operation are limited to 5:30 am to 1 am, per TMC§1104.0601.
42. 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.
43. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
44. 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.
45. 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,

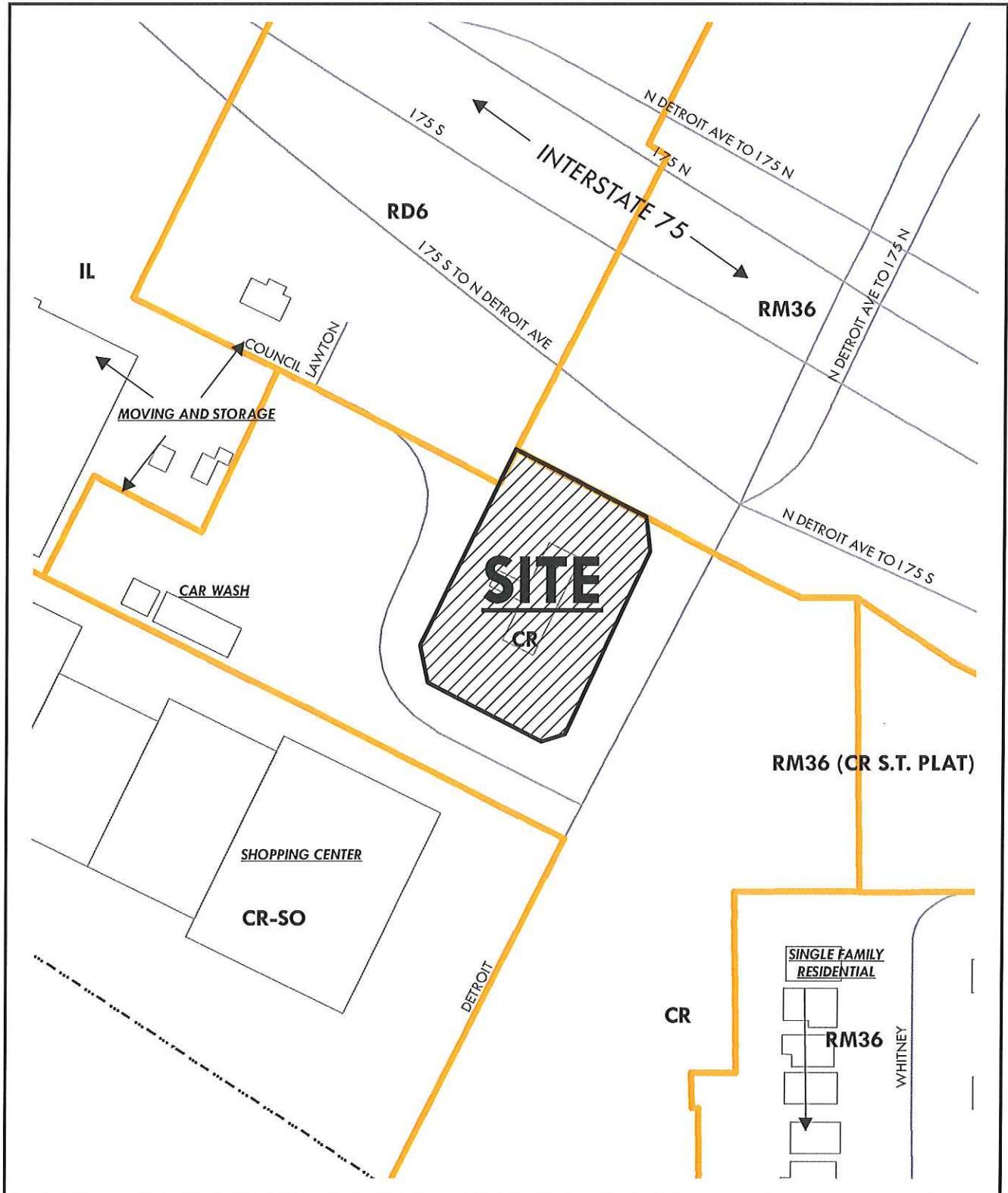


Thomas C. Gibbons
Secretary

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ZONING AND LAND USE

SUP-6002-20
ID 4



GENERAL LOCATION

SUP-6002-20
ID 4

