

# TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: February 10, 2023 REF: SUP-12003-22

TO:

President Matt Cherry and Members of Council, City of Toledo

FROM:

Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT:

Amendment to a Special Use Permit Originally Granted by Ordinance 524-85, and

Ordinance 852-86 for the raze and rebuild of a gas station and canopy at 950 W

Alexis Rd.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 9, 2023 at 2:00 P.M.

#### **GENERAL INFORMATION**

### Subject

Request - Amendment to a Special Use Permit Originally

Granted by Ordinance 524-85, and Ordinance 852-

86 for the raze and rebuild of a gas station and

canopy.

Location

950 W Alexis Road

**Applicant** 

Mike Singh

615 Oak St.

Toledo, OH 43605

Owner

EAG LLC

1752 Stanley Dollar Dr.

Apartment 2B

Walnut Creek, CA 94595

Engineer

Michael Cappelletty

Cappelletty Engineering

6145 Douglas Rd. Toledo, OH 43613 TO: President Cherry and Members of Council

February 10, 2023

Page 2

### GENERAL INFORMATION (cont'd)

### Site Description

Zoning - CR / Regional Commercial

Area  $\pm 0.83$  acres

Frontage  $\pm$  187' along Alexis Road

± 154' along Lewis Avenue

Existing Use - Gas Station
Proposed Use - Gas Station

Area Description

North - CR-SO / Bank, Alexis Park Shopping Center

South - CR / Vacant Gas Station

East - CR-SO / Drive-thru restaurant

West - CR / Gas Station

Parcel History

Z-178-65 - Rezoning from R-2 and C-3 to C-4 (PC Approved

3/10/66, CC Approved via Ordinance 584-66).

REF: SUP-12003-22

Deed Acceptance - Acceptance of a deed for public street and road

purposes (CC approved 7/29/68 via Ord. 677-68).

SUP-67-85 - Special Use Permit for Self Service Gasoline Sales

(PC Approved 6/20/85, CC Approved via Ordinance

524-85).

SUP-225-86 - Amendment to a special use permit for self-service

gasoline sales and mini-mart to add kiosk money machine (PC Approved 11/6/86, CC approved via

Ordinance 852-86).

## Applicable Plans and Regulations

Toledo Municipal Code Part Eleven: Planning and Zoning

• Toledo 20/20 Comprehensive Plan

#### STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a gas station at 950 W Alexis Road. The  $\pm 0.83$  acre site is currently occupied by a vacant gas station, originally constructed in 1986. The site, located on the north-east corner of Lewis and Alexis, is surrounding by a bank and shopping center to the north, a drive-thru restaurant to the east, Alexis Road and a gas station to the south, and Lewis Avenue and a gas station to the west. A special use permit is required in order to operate a gas station in CR Regional Commercial zoning.

REF: SUP-12003-22

The proposed gas station includes five (5) pump islands, for a total of ten (10) pumps, and a four-thousand (4000) square foot convenience store. A drive-thru window is planned for the northern wall of the convenience store.

### Use Regulations

Pursuant to TMC§1104.0900(C) – Gasoline and Fuel Sales, New Gasoline and Fuel Sales facilities that are proposed near the intersection of two major roads are presumed to be appropriately located. Alexis Road and Lewis Avenue are both major roads; by these parameters the site is acceptable for a gas station. Free air, water, and restrooms are required within all gas stations. Canopies shall be set back a minimum of ten (10') feet from the property line, and gas pump islands a minimum of fifteen (15') feet. The proposed site plan complies.

### Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, parking totals are calculated by the cumulative number required by all uses present on the site:

- Convenience Stores require one (1) parking space per three-hundred (300) square feet of floorspace.
- Gas Stations require one (1) parking space per three-hundred (300) square feet of floorspace, as well as one (1) parking space per pump, including the space at the pump.

The minimum number of spaces for the site is twenty (20) spaces. The site plan provides fifteen (15) parking spaces along the eastern property line, as well as one parking space at each pump, for a total of twenty-five (25) spaces.

The site is required to have a minimum of one (1) stacking space per gasoline pump island, which have been provided. The drive-thru is required to have seven (7) stacking spaces per TMC§1107.1601 – *Vehicle Stacking Area*. The site plan provides the appropriate quantity of stacking. Bicycle parking is required at a rate of one (1) per ten parking spaces. None are shown and shall be required on a revised site plan.

The site is required to provide safe flow per pedestrian use per 1109.0204. A revised site plan shall be required to depict at least one walkway connecting the sidewalk going along either Alexis or Lewis to the front door of the building.

Page 4

## STAFF ANALYSIS (cont'd)

### Landscaping

Pursuant to TMC§1108.0202 – Frontage Greenbelt, the site is required to have a fifteen-foot (15') planted landscape buffer along all street frontages. The buffer must contain at least one (1) tree for every thirty feet (30') of frontage. When a parking lot is proposed along the frontage greenbelt, there shall also be a solid evergreen hedge to screen the parking lot so that no headlights of any vehicles can be seen from the public street. A greenbelt is provided along Alexis and Lewis: as depicted it does not include all required plantings. In order to meet the requirement of one tree for every 30 feet (30') of frontage, seven (7) total trees shall be required along Alexis Road (four (4) are shown), and six (6) total trees along Lewis Avenue (four (4) are shown. A continuous line of shrubs is provided along the site, however gaps exist where the proposed rain gardens are located. The shrub line shall be required to be brought all the way along the parking area, and cannot be located within the rain garden. Corrections shall be shown on a revised landscape plan.

REF: SUP-12003-22

Mitigating the impacts of urban heat islands created by impermeable surfaces, as well as beautifying parking areas is an objective of the Zoning Code. A step towards achieving this goal is implemented in TMC§1108.0204 – *Parking Lot Landscaping (Interior and Perimeter)* which applies to CR-Regional Commercial off-street parking lots containing five (5) or more parking spaces. The total interior landscaping required for parking lots is twenty (20) square feet per parking space. The site's parking lot contains a total of fifteen (25) parking spaces, requiring a minimum of five-hundred (500) square feet of interior landscaping. The provided perimeter

landscaping meets this requirement. Landscape terminal islands must be provided at the end of each parking row, none are depicted and shall be required in a revised landscape plan. Additionally, two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces. A total of seven (7) trees and twenty-one (21) shrubs are required in the interior, which have been provided in the landscape plan.

Pursuant to TMC§1108.0205 – *Interior Site Landscaping*, new Commercial developments are required to provide one two-inch caliper tree for every 1,000 square feet of building coverage, as well as foundation plantings along all portions of the building visible from the public right of way, which has been provided for in the landscape plan.

Two (2) rain gardens are proposed within the frontage greenbelt. Said rain gardens may occupy up to 50% of the actual available greenspace, and are permissible as depicted. The stormwater treatment facility must be planted and landscaped, and may not reduce the other landscaping requirements provided within the TMC. The rain gardens must be planted with turf, trees, and/or perennial plant materials chosen from lists provided by the Rain Garden Initiative. The design of said rain gardens must be approved by the Department of Public Utilities. A revised landscape plan depicting the plantings within the rain gardens shall be submitted to the Plan Director for approval.

February 10, 2023

Page 5

## STAFF ANALYSIS (cont'd)

### Design Standards

Submitted elevations for the building meet the design standards of TMC§1109 – *Design Standards*. The designers have worked with Plan Commission Staff to create a functional, visually appealing, and compliant building within the geometric constraints of the site. A combination of brick, stucco, metal, and glass are utilized for the structure.

The south (front) elevation features two primary entrances, framed by a transparent glass storefront system. The top band around the building is stucco, with the rest being brick. Lighting is affixed to stucco banding. The façade is broken up by pillar projections to provide a more human-scale to the front.

The west elevation continuous the glass storefront system, and uses an architectural recession in the brick to match the cadence of the windows on the northern half. The east elevation mirrors the design without the inclusion of windows. The southern elevation is not easily visible from the right-of-way and is composed of an architectural block. The stucco banding and lights wrap around all four (4) elevations.

The proposed building design meets the standards and intent of TMC§1109, and all materials used are within the allowable limits as outlined in TMC§1109.05500 Building Façade Materials and Colors.

Gas station canopies are required to use support columns that are brick, brick base, or other durable material compatible with the principal building. Elevations for the proposed canopy have not been submitted and shall require approval from the plan director subject to these design requirements. No waiver to these design requirements shall be granted without amendment to the special use permit.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for regional commercial land uses. Regional and general commercial land uses are intended for predominantly large-scale commercial uses which can accommodate auto-oriented development. The proposed gas station conforms with the Toledo Comprehensive Plan.

February 10, 2023

Page 6

#### PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-12003-22, Amendment to a Special Use Permit Originally Granted by Ordinance 524-85, and Ordinance 852-86 for the raze and rebuild of a gas station and canopy at 950 W. Alexis, to Toledo City Council for the following two (2) reasons:

- 1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) *Review & Decision-Making Criteria*); and,
- 2. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC§1111.0706(C) *Review & Decision-Making Criteria*).

The Toledo City Plan Commission recommends approval of SUP-12003-22, Amendment to a Special Use Permit Originally Granted by Ordinance 524-85, and Ordinance 852-86 for the raze and rebuild of a gas station and canopy at 950 W. Alexis, to Toledo City Council subject to the following **forty-seven (47)** 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.

### Division of 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.
- 4. The stormwater plan can be considered substantially complete for site plan purposes, but further stormwater review is necessary for approval of a construction permit. The review necessary for it begins with a full submittal of multiple items as outlined on the regional submittal cover sheet, listed under the heading for submittal step 1: <a href="https://tmacog.org/water/stormwater-pollution-prevention-plan-swp3">https://tmacog.org/water/stormwater-pollution-prevention-plan-swp3</a>

## PLAN COMMISSION RECOMMENDATION (cont'd)

## <u>Division of Engineering Services</u> (cont'd)

5. Toledo infrastructure requirements for stormwater management of a project of this size are per the document available online in the drop down menu on this page: https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits

REF: SUP-12003-22

- 6. Following a stormwater review, additional new or updated items are needed to complete the applications:
  - a. As outlined on the stormwater submittal cover sheet, submittal step 2.
  - b. Fee and a Toledo Licensed Sewer Contractor for the construction permit.
- 7. 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.'
- 8. Sanitary sewer services for this development is available subject to the Rules and Regulations of the Department of Public utilities.
- 9. 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.
- 10. 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.
- 11. 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.

### Water Distribution

- 12. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
- 13. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.

## PLAN COMMISSION RECOMMENDATION (cont'd)

## Water Distribution (cont'd)

14. 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 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.

REF: SUP-12003-22

- 15. All commercial properties are required to have approved backflow protection devices
- 16. 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 (419-392-2032) to verify the backflow prevention requirements for the site.
- 17. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.

#### 18. Sheet C1:

- a. Under General Notes, #2 references Division of Engineering/Services in two locations. Please refer to the new division, Engineering and Construction Management.
- b. GIS shows a 1" possible lead service to the site. No tap card was able to be located. If the existing service is lead, that service will need to be abandoned and a new service installed by the City of Toledo at the Developer's expense.

### Sewer and Drainage Services (S&DS)

- 19. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
- 20. 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.

#### Bureau of Fire Prevention

21. The project shall comply with the requirements set for in OBC 2017 Chapter 4 and OFC 2017 Chapter 23.

### PLAN COMMISSION RECOMMENDATION (cont'd)

#### Division of 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.

REF: SUP-12003-22

- a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to the 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 work 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 infrastructure 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 low maintenance and non-invasive trees, shrubs and perennials.

  <a href="http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\_to\_ohio\_Invasive\_Plant\_Species.pdf">http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\_to\_ohio\_Invasive\_Plant\_Species.pdf</a>
- 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 Transportation**

- 27. Bicycle parking is required per TMC 1107.0900.
- 28. Pedestrian Crossing is required from the accessible parking loading area to the building sidewalk per TMC 1107.1602.

TO: President Cherry and Members of Council

February 10, 2023

Page 10

#### PLAN COMMISSION RECOMMENDATION (cont'd)

#### Plan Commission

29. At least one (1) van accessible parking space shall be provided (TMC§1107.1701). Acceptable as depicted.

REF: SUP-12003-22

- 30. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
- 31. Elevations shall meet the design criteria of TMC§1109.0501. At least 80% of each elevation visible from the right-of-way shall be composed of predominant materials and no greater than 20% shall be composed of accent materials. The provided elevations utilize glass storefronts, brick, stucco, and metal, in acceptable proportions. **Acceptable as depicted.**
- 32. Elevations for the canopy shall be required to be submitted. Said canopy shall use support columns that are brick, brick base, or other durable material compatible with the principal building.
- 33. Litter receptacles for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910.
- 34. Pedestrian connectivity from the sidewalk on Alexis or Lewis shall be provided to the primary entrance.
- 35. Window signage is limited to 25% of the total window area, per the Sign Code (TMC§1391.02.R).
- 36. Free air (with the capacity of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
- 37. Hours of operation are limited to 5:30 am to 1 am, per TMC§1104.0601.
- 38. 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 **Acceptable as depicted**.
- 39. The minimum number of parking spaces for this site as indicated in TMC§1107.0300 Off-street parking schedule "A" is twenty (20), including parking spaces at gas pumps. The site plan indicates twenty-five (25) parking spaces. **Acceptable as depicted.**
- 40. Bicycle parking shall be placed within proximity to the primary entrance of the building to allow for safe use of the facility for cyclists entering the site from either frontage. A minimum of three (3) bicycle parking spaces are required. **Acceptable as depicted.**

Page 11

### PLAN COMMISSION RECOMMENDATION (cont'd)

## Plan Commission (cont'd)

41. 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.

REF: SUP-12003-22

- 42. 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. Existing signage on site shall be considered abandoned and shall be removed.
- 43. 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 (15') foot landscape buffer along Lewis is required containing six (6) trees. Not acceptable as depicted, additional trees required.
  - b. A fifteen (15') foot landscape buffer along Alexis is required containing seven (7) trees. Not acceptable as depicted, additional trees required.
  - c. Perimeter landscaping is required around the parking lot to screen headlights from right of way. Additional shrubs stretching the entire length of the paved area along Lewis and Alexis are required. **Not acceptable as depicted.**
  - d. Twenty (20) square feet per parking space of internal landscaping is required. **Acceptable as depicted.**
  - e. Foundation plantings around all portions of the building visible from right-of-way is required. **Acceptable as depicted.**
  - f. Landscape islands/peninsulas are required at the end of each parking row. None depicted, not acceptable as depicted.
  - g. Landscape areas within the parking area must be peninsular or island types and must be constructed with six-inch (6") by eighteen-inch (18") concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;
  - h. All parking spaces must be within 100 linear feet of a landscaped area; acceptable as depicted.

February 10, 2023

Page 12

## PLAN COMMISSION RECOMMENDATION (cont'd)

### Plan Commission (cont'd)

- i. 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.
- j. Topsoil must be back filled to provide positive drainage for the landscape area.
- k. 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.
- 1. The location, height, and materials for any fencing to be installed and maintained; Pursuant to TMC§1105.0402(A)(1), fences may not exceed three and a half feet (3.5') in height in the required front setback.
- m. Rain gardens shall not occupy more than 50% of the actual available greenspace in the frontage greenbelt. **Acceptable as depicted.**
- n. The stormwater treatment facility must be planted and landscaped, and may not reduce the other landscaping requirements provided within the TMC.
- o. The bio-retention facility must be designed to infiltrate to drain dry or have a bottom slope minimum of 1% to drain dry.
- p. Side slopes shall have a maximum side slope no more than 3:1 (three units horizontal to one unit vertical).
- q. Concrete drainage structures must be located to provide maximum benefit for stormwater treatment effectiveness, and must also be mostly concealed within the side slope, and be surrounded by landscape screening rather than visibly protruding into the landscaping.
- r. Rock shall only be permitted when designed for dissipation of velocity at locations of concentrated stormwater runoff or for pretreatment considerations according to design guidelines.

February 10, 2023

Page 13

### PLAN COMMISSION RECOMMENDATION (cont'd)

## Plan Commission (cont'd)

- s. The design of the bioretention area must be approved by DPU & the Plan Director, including but not limited to: a maintenance-free outlet, no stone, riprap, concrete or other impervious materials unless required by the ODNR Rainwater and Land Development manual and approved by the Division of Engineering services, and a design which is in accordance to the State of Ohio Construction General Permit and the City Storm Water Management Plan.
- t. A detailed planting plan for the proposed rain gardens is required. The rain gardens must be planted with turf, trees, and/or perennial plant materials chosen from lists provided by the Rain Garden Initiative. The design of said rain gardens must be approved by the Department of Public Utilities. **No planting plan submitted.**
- u. 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.**
- v. 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'.
- 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. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 46. 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.
- 47. 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,

Zhth

Thomas C. Gibbons

Secretary

Page 14

JGL

Five (5) sketches follow

Cc:

Applicants

Lisa Cottrell, Administrator

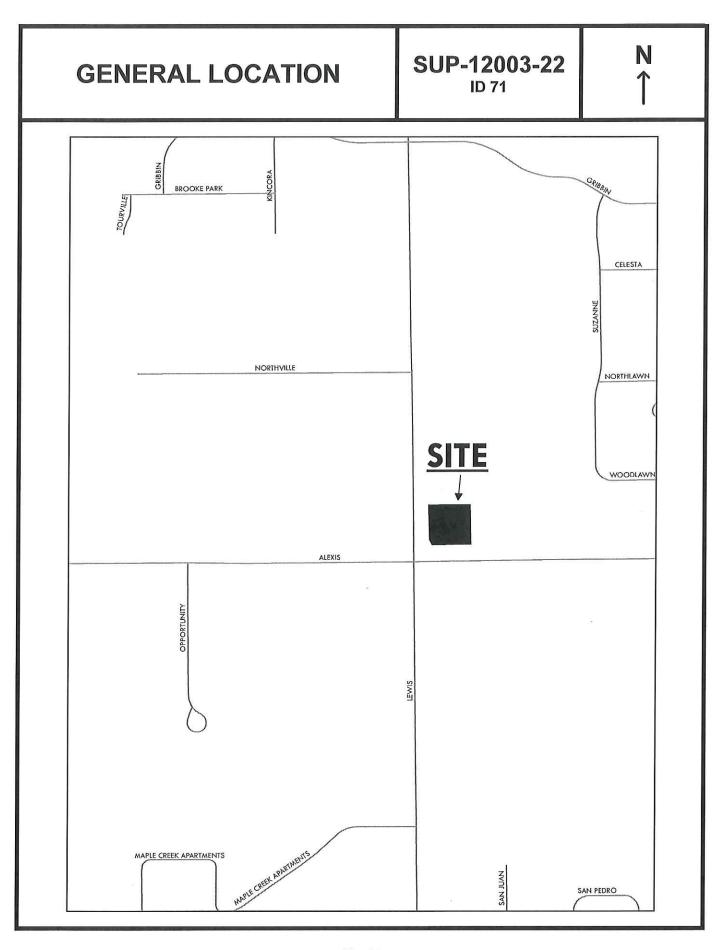
Jonny Latsko, Planner

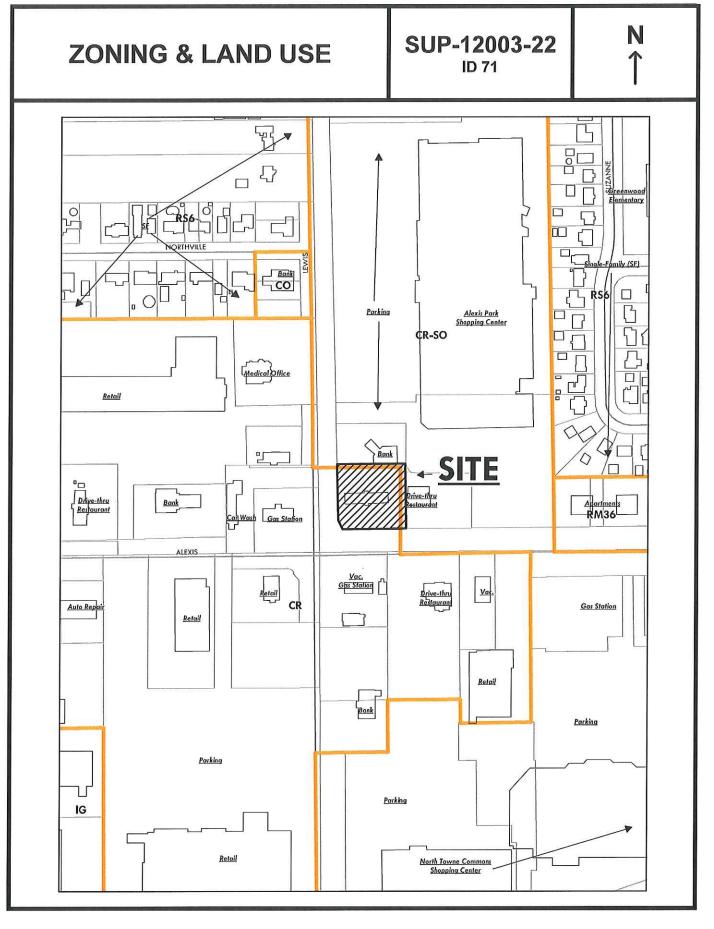
Commissioner, Division of Engineering Services Environmental Services (digital)

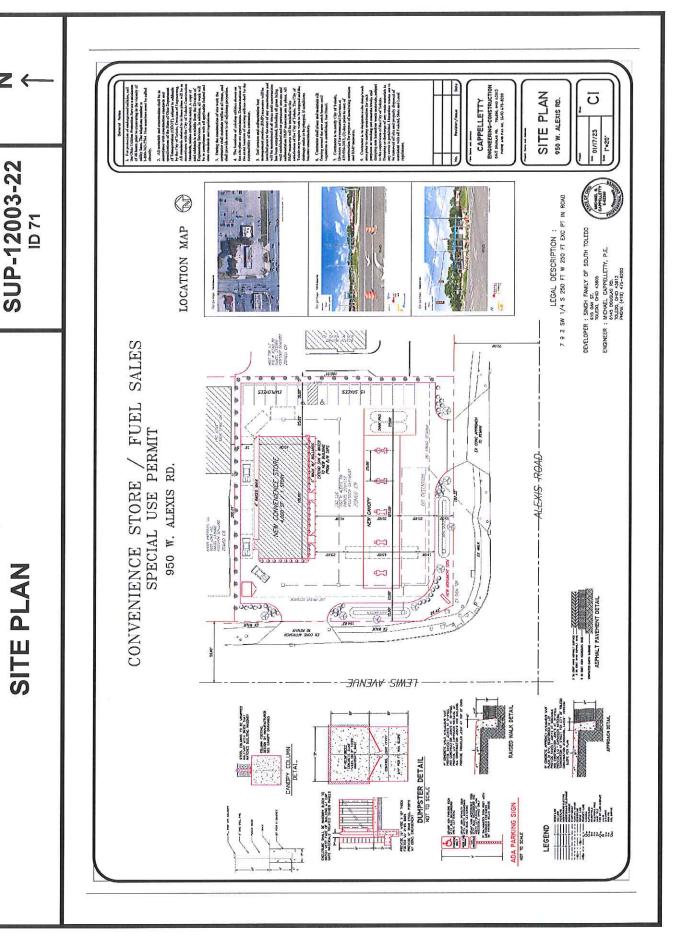
REF: SUP-12003-22

Sewer & Drainage Services

Commissioner, Division of Transportation







Z

SITE PLAN

