



## 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: March 15, 2019

REF: SUP-1004-19

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

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

SUBJECT: Request for an Amendment to Special Use Permit for gas station & convenience store at 3023 Dorr Street.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 14, 2019 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Amendment to Special Use Permit for gas station & convenience store
Location	-	3023 Dorr Street
Applicant	-	Ashland Bancroft, LLC 1133 Buck Road Rossford, OH 43460
Engineer	-	Cappelletty Engineering 6145 Douglas Road Toledo, OH 43613

#### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.52 acres
Frontage	-	± 170' along Dorr Street ± 135' along Brookley Boulevard
Existing Use	-	Gas station/convenience store
Proposed Use	-	Gas station/convenience store
Required Parking	-	17 spaces
Proposed Parking	-	16 spaces
Neighborhood Org.	-	Secor Gardens Neighborhood Association & United Neighborhood Residential Association
Overlay	-	None

## GENERAL INFORMATION (cont'd)

### Area Description

North	-	University of Toledo / CR
South	-	Single-family dwellings / RS6
East	-	Church / CR
West	-	Single-family dwellings / CR

### Parcel History

Z-44-77	-	Special Use Permit for existing service station (C.C. approved on 1/10/78 by Ord. 16-78).
SUP-5005-02	-	Special Use Permit to raze and rebuild gas station and convenience store (P.C. rec. approval on 7/11/02, C.C. approved on 8/27/02 by Ord. 684-02).
M-18-10	-	Dorr Street Corridor Vision Plan as amendment to Toledo 20/20 Comprehensive Plan (P.C. rec. approval on 11/4/10, C.C. approved on 12/21/10 by Ord. 668-10).

### Applicable Regulations

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

## STAFF ANALYSIS

The applicant is requesting an amendment to a Special Use Permit, originally approved by Ord. 684-02, for a gas station & convenience store at 3023 Dorr Street. The site measures ±0.52 acres with frontages along Dorr Street and Brookley Boulevard. Surrounding land uses include; the University of Toledo to the north; a church to the east; and single-family residential dwellings to the south and west.

The applicant is requesting the amendment to the Special Use Permit (*SUP-5005-02*) in order to construct a new access drive on Brookley Boulevard. Traffic and safety concerns are cited, by the applicant, as reasons for the proposed drive. Ingress/egress to the site is currently via two access drives off of Dorr Street. A center median stretches along Dorr Street in front of the subject site preventing exiting motorists from making a left (westbound) turn onto Dorr.

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

### Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access – Schedule A*, a convenience store with fuel sales is required to have one (1) parking space per pump (count as if parked at pump) plus one (1) parking space per 300 square feet of building area. The submitted plan indicates that a 2,640 square foot building and eight (8) pumps on site; therefore, seventeen (17) parking spaces are required for the site. The site plan submitted indicates that eight (8) parking spaces are available with one (1) at each of the eight (8) fuel pumps, resulting in a total of sixteen (16) parking spaces on site. Staff is satisfied with the existing number of parking spaces on site considering the limited area available for additional parking spaces.

In addition to required off-street parking, the minimum number of accessible parking spaces that must be provided is one (1) van-accessible space. Accessible spaces should be located closest to the door in order to provide more appropriate access for persons with disabilities. The site plan submitted depicts the minimum number of accessible spaces required.

Furthermore, bicycle parking is also required for the convenience store land use. Per TMC§1107.0300 – *Off-Street Parking Schedule "A"*, a minimum number of one (1) bicycle slot shall be provided per ten (10) parking spaces. The minimum number of bicycle parking required on site is two (2) spaces, measured at least two-feet (2') by six-feet (6') per slot. A revised site plan shall be submitted depicting the minimum number of bicycle parking spaces and listed as a condition of approval.

### Landscaping

Per the approved conditions and landscaping plan of the existing SUP, a five-foot (5') greenbelt was to be placed along both frontages and maintained indefinitely. The greenbelt was required to have an extensive row of plantings with fifteen (15) shrubs along the Dorr Street frontage, and twenty-one (21) shrubs with four (4) trees along the Brookley Boulevard frontage. Additionally, the approved landscaping plan included a row of seven (7) trees along the southern property line abutting the residential property. Upon site inspection, the landscaping has not been maintained or installed per the approved landscaping plan.

The submitted site plan did not include landscaping improvements or adequately comply with the original approval and therefore not acceptable. A revised landscaping plan shall be submitted depicting plantings per the approved plan and/or compliance with TMC§1108.0200 and listed as a condition of approval.



## STAFF ANALYSIS (cont'd)

### Building Materials

If the existing building is rebuilt or modified in the future, the design and materials shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Moreover, pursuant to TMC§1104.0903(A), canopies 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. If the existing canopy is altered or modified in the future, the support columns shall be constructed of durable materials (i.e. brick) compatible with the principal building. Both items are listed as conditions of approval.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan identifies the future land use designation as Neighborhood Commercial. The intent of the neighborhood commercial future land use designation is to encourage predominantly small and medium scale commercial uses to serve the nearby neighborhoods.

Staff recommends approval of the amendment to the Special Use Permit because the Division of Transportation does not object to the new access drive. Additionally, the City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property while maintaining sufficient levels of service for existing development (TMC§1108.0706(E)).

## PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-1004-19, an amendment to a Special Use Permit for a gas station and convenience store at 3023 Dorr Street, to Toledo City Council for the following three (3) reasons:

1. The proposed amendment meets the approval of the Division of Transportation.
2. The proposed use meets all applicable provisions of the Zoning Code (TMC§1111.0706(C) – *Review & Decision-Making Criteria*); and
3. The City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property while maintaining sufficient levels of service for existing development (TMC§1108.0706(E) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of SUP-1004-19, an amendment to a Special Use Permit for a gas station and convenience store at 3023 Dorr Street, to Toledo City Council subject to the following **thirty-two (32)** conditions:

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

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. 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.
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.

5. Brookley Blvd is an unimproved, uncurbed street. There is no formal gutter flow line; stormwater drainage flows down the street at the edge of pavement (EOP). A new drive approach on an unimproved street could impede the drainage flow path at the EOP and create a nuisance of stagnant backed up storm drainage. To minimize the chance of creating this condition, be aware that the approach detail showing a raised lip for the concrete approach at the EOP is not required. Rather, the concrete at the EOP can be flush or even set lower compared to the asphalt.



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

Division of Engineering Services (cont'd)

6. Flow at the EOP appears to flow from south to north, from the 98.83 elevation at the southwest corner of the proposed drive approach to the 98.62 elevation at the northwest. The 98.40 elevation in between means that a 2" deep puddle will result in the middle of the approach. Resubmit a minor revision to Engineering Services that shows grading for positive flow across the approach.
7. A catch basin (CB) exists at the corner of Dorr and Brookley. Consider extending a new storm line, or a perforated underdrain from the CB to the south limit of the proposed drive approach to provide drainage for any impounded water that forms there. If such work is added to the project, submit permit drawings for approval to the stormwater engineer.
8. Owner may be required to remove and reinstall the drive approach if nuisance drainage condition results from inattention to above drainage concerns.

Sewer & Drainage Services

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

Fire Prevention

No comments or concerns.

Division of Environmental Services

11. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
12. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

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

Division of Environmental Services (cont'd)

13. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
14. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
15. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged. <http://ohiodnr.gov/portals/0/pdfs/invasives/ohio-invasive-plants-0400.pdf>
16. Applicant shall maintain compliance with the City of Toledo and 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 Anti-Noise Laws.

Division of Transportation

17. New driveway needs to be a minimum of 25 feet wide to facilitate two-way traffic per TMC 1107.

Plan Commission

18. The right-of-way encroachment permit will not be issued until landscaping has been installed per the original Special Use Permit (*Ord. 684-02*).
19. All lots of the development site shall be combined into a single taxable parcel identification number.
20. All parking spaces reserved for use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; **acceptable as depicted on site plan.**
21. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces. **A minimum of two (2) bicycle spaces shall be provided and depicted on a revised site plan.**

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

Plan Commission (cont'd)

22. 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.
23. 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)).
24. 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.
25. If the existing façade is altered or modified in the future, the building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.
26. If the existing canopy is altered or modified in the future, the support columns shall be constructed of durable materials (i.e. brick) compatible with the principal building. Pursuant to TMC§1104.0903(A), canopies 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.



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

Plan Commission (cont'd)

27. 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. The approved conditions and landscaping plan for the existing Special Use Permit (*Ord. 684-02*) indicated a five-foot (5') greenbelt was to be installed along both frontages and maintained throughout the year. The greenbelt was to have an extensive row of plantings with fifteen (15) shrubs along the Dorr Street frontage, and twenty-one (21) shrubs with four (4) trees along the Brookley Boulevard frontage. Additionally, a row of seven (7) trees was required along the southern property line abutting the residential property. Upon site inspection, the landscaping has not been maintained or installed per the approved landscaping plan. **A revised landscaping plan shall be submitted depicting plantings per the approved plan and/or compliance with TMC§1108.0200.**
- b. All parking spaces must be within 100 linear feet of a landscaped area.
- c. Topsoil must be back filled to provide positive drainage of the landscape area.
- 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.
- e. 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.
- f. If site is ½ acre or larger, 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.
- g. The location, height and materials for any fencing to be installed and maintained. Pursuant to TMC§1105.0302(A)(1), fences may not exceed 3½ feet (42") in height in the required front (20') setback; and
- h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

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

Plan Commission (cont'd)

28. 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.**
29. 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.
30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
31. 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.
32. 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,



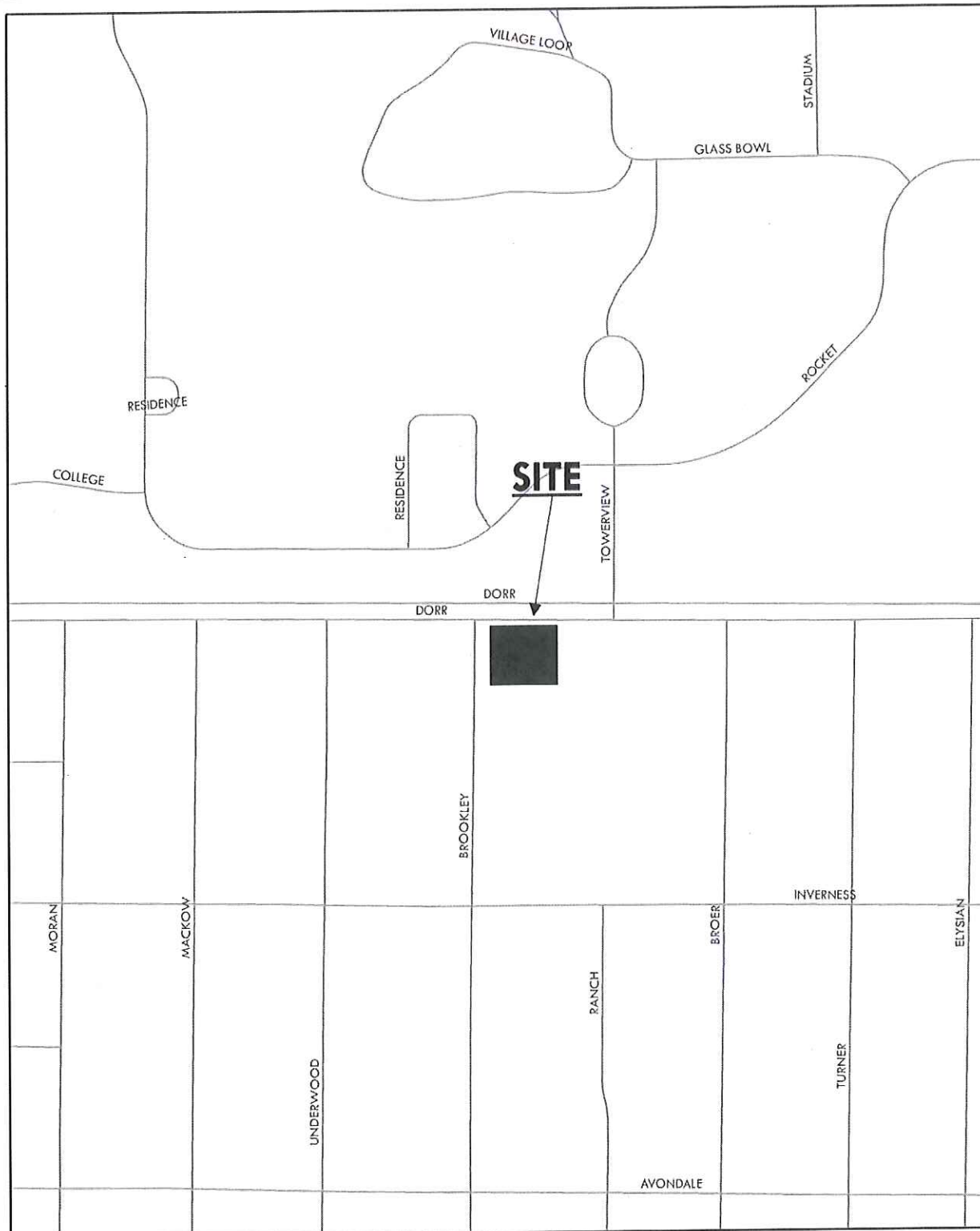
Thomas C. Gibbons  
Secretary

Three (3) sketches follow

Cc: Ashland Bancroft, LLC; 1133 Buck Road, Rossford, OH 43460  
Mike Cappelletty; Cappelletty Engineering, 6145 Douglas Road, Toledo, OH 43613  
Lisa Cottrell, Administrator  
Ryne Sundvold, Planner

# GENERAL LOCATION

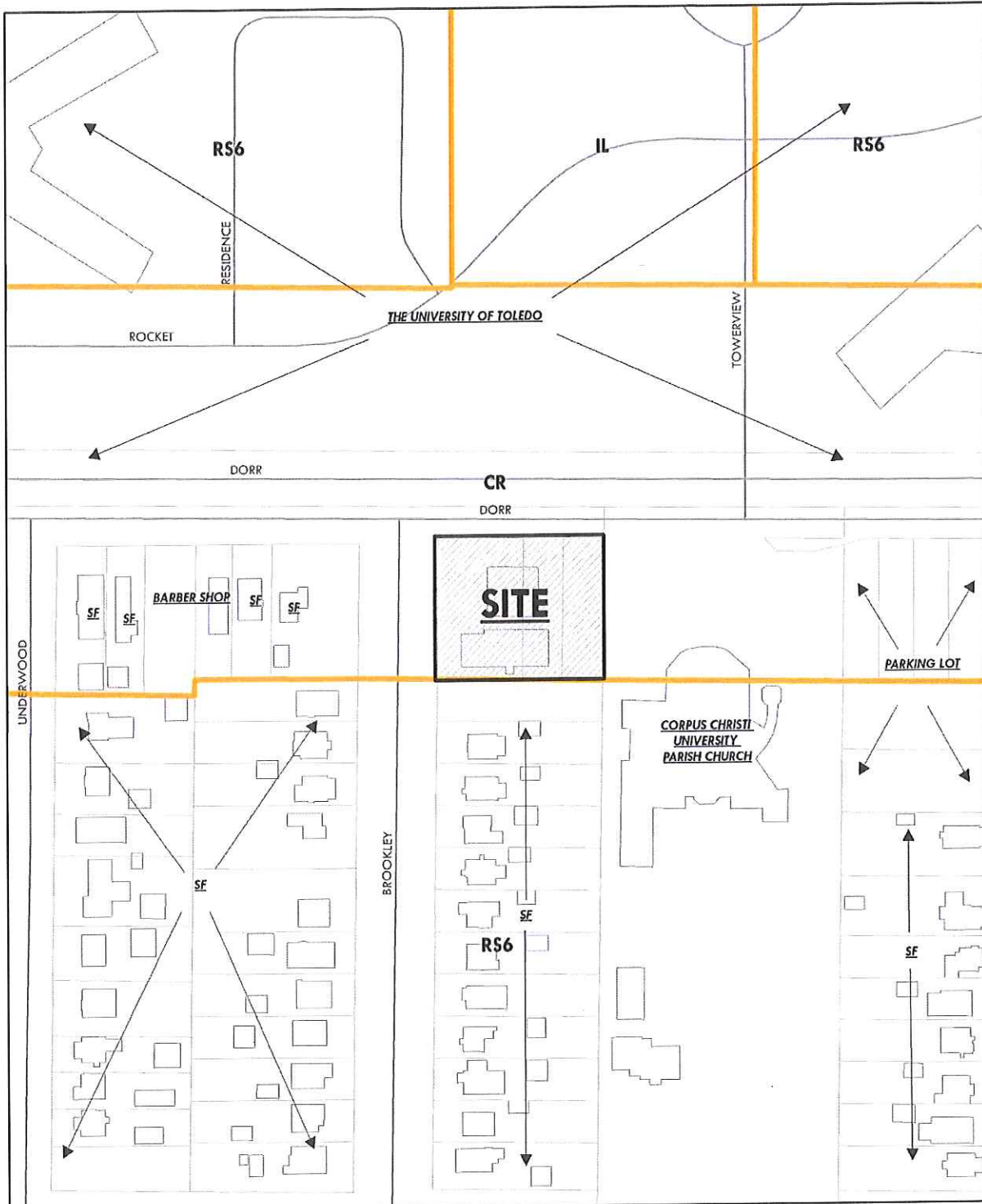
SUP-1004-19  
ID 52



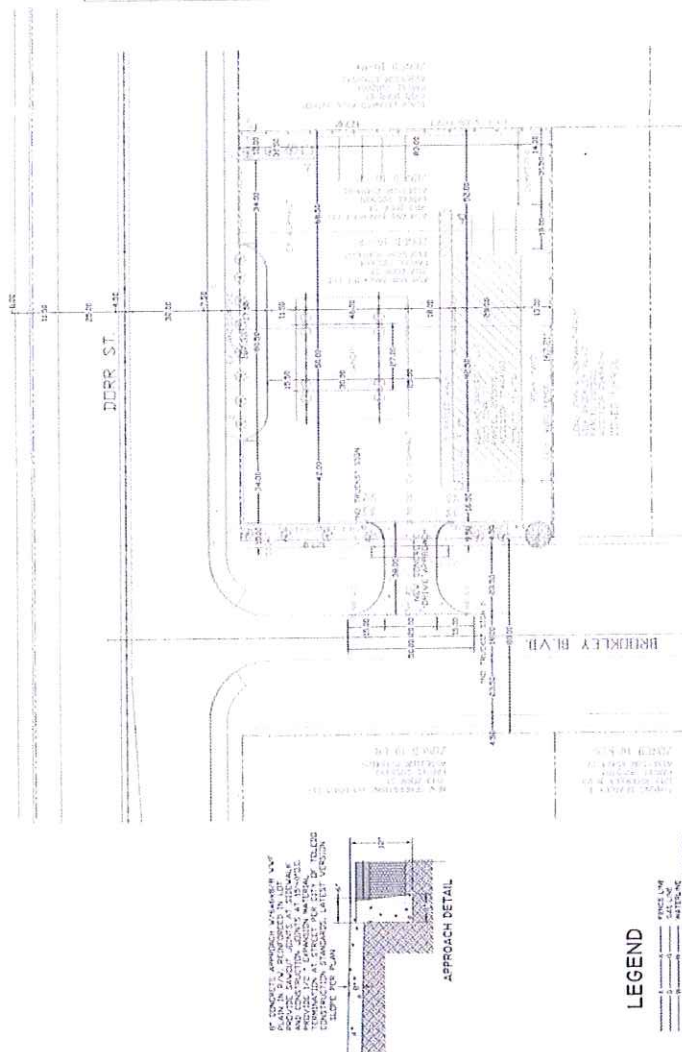


# ZONING AND LAND USE

SUP-1004-19  
ID 52



**SUP-1004-19**  
**ID 52**

[illegible]

LEGAL DESCRIPTION :  
PALMER PARK LOT 3  
PARCEL NO. 2055007  
ASSESSOR NO. 0544003

DEVELOPER : ASHLAND BANCROFT LLC  
MS. JANN POWELL  
1410 STARR AVENUE  
TOLDO, OHIO 43103  
PHONE (513) 686-8426

ENGINEER : MICHAEL CAPPELLITTO, P.E.  
2145 DOUGLAS RD.  
TOLDO, OHIO 43113  
BROCKTON, MASS 01460

**CAPPELLETY**  
ENGINEERING-CONSTRUCTION

SITE PLAN

01/13/19	1
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1. For a more detailed discussion of the various methods of data collection, see the following references: (a) *Handbook of Survey Research*, 2nd ed., by D. T. Campbell and P. S. Eklund, 1986; (b) *Handbook of Survey Research*, 3rd ed., by D. T. Campbell and P. S. Eklund, 1990; (c) *Handbook of Survey Research*, 4th ed., by D. T. Campbell and P. S. Eklund, 1994; (d) *Handbook of Survey Research*, 5th ed., by D. T. Campbell and P. S. Eklund, 1998; (e) *Handbook of Survey Research*, 6th ed., by D. T. Campbell and P. S. Eklund, 2002; (f) *Handbook of Survey Research*, 7th ed., by D. T. Campbell and P. S. Eklund, 2006; (g) *Handbook of Survey Research*, 8th ed., by D. T. Campbell and P. S. Eklund, 2010; (h) *Handbook of Survey Research*, 9th ed., by D. T. Campbell and P. S. Eklund, 2014; (i) *Handbook of Survey Research*, 10th ed., by D. T. Campbell and P. S. Eklund, 2018; (j) *Handbook of Survey Research*, 11th ed., by D. T. Campbell and P. S. Eklund, 2022.
2. *Handbook of Survey Research*, 2nd ed., by D. T. Campbell and P. S. Eklund, 1986.
3. *Handbook of Survey Research*, 3rd ed., by D. T. Campbell and P. S. Eklund, 1990.
4. *Handbook of Survey Research*, 4th ed., by D. T. Campbell and P. S. Eklund, 1994.
5. *Handbook of Survey Research*, 5th ed., by D. T. Campbell and P. S. Eklund, 1998.
6. *Handbook of Survey Research*, 6th ed., by D. T. Campbell and P. S. Eklund, 2002.
7. *Handbook of Survey Research*, 7th ed., by D. T. Campbell and P. S. Eklund, 2006.
8. *Handbook of Survey Research*, 8th ed., by D. T. Campbell and P. S. Eklund, 2010.
9. *Handbook of Survey Research*, 9th ed., by D. T. Campbell and P. S. Eklund, 2014.
10. *Handbook of Survey Research*, 10th ed., by D. T. Campbell and P. S. Eklund, 2018.
11. *Handbook of Survey Research*, 11th ed., by D. T. Campbell and P. S. Eklund, 2022.