



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: April 12, 2019

REF: SUP-2001-19

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

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

SUBJECT: Request for Special Use Permit to add a second drive-through lane to an existing fast food restaurant

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 11, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Request for Special Use Permit to add a second drive-through lane to an existing fast food restaurant
Location	-	1540 Broadway Street
Owner	-	McDonalds Corporation 2 Eaton Oval – Suite 200 Columbus, OH 43219
Consultant	-	Katie Getz 319 Elaine's Court Dodgeville, WI 53533
Architect	-	The Mannik & Smith Group, Inc Greg Schunck, P.E., P.S. 20600 Chagrin Blvd, Suite 500 Shaker Heights, OH 44122

GENERAL INFORMATION (cont'd)

Site Description

Zoning	-	CS / Storefront Commercial District
Area	-	.627 acres
Frontage	-	117' along Broadway St, 91' along South Ave, and 193' along Frank St
Existing Use	-	Existing fast food restaurant with one drive-through lane
Proposed Use	-	Existing fast food restaurant to add a second drive-through lane parallel to the existing drive- through lane
Neighborhood Organization Overlay	-	Broadway Corridor Coalition Heritage South Neighborhood Business District

Area Description

North	-	Commercial plaza and single-family houses/ CS & RM36
South	-	Drug store and bank / CS
East	-	Grocery Store and single-family houses / CS & RD6
West	-	Medical offices and gas station / CS

Parcel History

M-7-97	-	C-6 Review Heritage South Shopping Center in block bounded by Broadway, South, Frank and Walbridge. Plan Commission approved on 12/3/87. City Council approved Ord. 1093-87 on 12/17/87.
D-6-90	-	Drive-up review for Rally's restaurant. Approved by Plan Commission on 6/7/90.
D-12-02	-	Drive-through for McDonald's was disapproved by Staff's recommendation and Plan Commission Approved with conditions on 12/5/02.

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

M-1-17	-	Assist, review and the adoption of the Old South End Master Plan. Plan Commission approved on 4/13/17. City Council approved Ord. 556 on 5/30/17.
HS-2-18	-	Minor site modifications for the existing McDonalds site (431 Frank St) and companion case to SPR-24-18. Plan Commission approved on 7-12-2018.
SPR-24-18	-	Minor Site Plan Review for site modifications at the existing McDonalds site (431 Frank St) and companion case to HS-2-18. Approval letter sent to applicant on 7/13/18.

Applicable Plans and Regulations

- Toledo Municipal Code (TMC), Chapter Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- C-6 VIVA South Toledo Neighborhood Business District
- Old South End Master Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit to add a second drive-through lane to an existing fast food restaurant located at 1540 Broadway Street. The additional lane will be located parallel to the existing drive-through lane. The site is zoned CS, Commercial Storefront. A restaurant with a drive-through lane is a permitted use in this zoning district, subject to approval of a Special Use Permit. The subject site occupies the out lot of a multi-tenant strip center.

The second drive-through lane is eleven (11) feet wide and is matching in width to the existing drive through lane that is parallel to the structure. A twelve (12) feet wide by-pass lane for customers and emergency response vehicles will be available for the ability to go around both drive-through lanes. An additional order board will be located in the second drive-through lane.

STAFF ANALYSIS (cont'd)

Site improvements include replacing the asphalt ADA spaces with concrete paving in order to better distinguish the designated parking area. Extending from this area is a concrete pedestrian walkway leading to the restaurant. Other improvements are pedestrian walkways on the western side of the building, and a bike rack located at the front of the building.

The multi-tenant shopping plaza was developed via M-7-87 as part of one all-inclusive development plan. The subject site was developed in 1990. There is cross-access and shared parking between the two because of the earlier development plan (see Exhibit A).

Surrounding land uses include a multi-tenant shopping plaza to the north and single-family houses; to the south of the site across Broadway Street is a Rite Aid Drug Store and single-family houses behind the store; and to the west across Broadway Street is medical office known as Southside Physician Center. To the east of the site across the shopping center's parking lot, is a Taco Bell fast-food restaurant.

Parking and Circulation

As outlined in the Land Development Standards and Guidelines for VIVA South Toledo Neighborhood Business District – Section IV Subsection B – Off-Street Parking Requirements: sit-down restaurants require one (1) parking space per every two-hundred (200) square feet of floor area. Calculations conclude that a total of seventeen (17) parking spaces are required for the 3,337 square feet of floor area. The site plan depicts a total of nineteen (19) parking spaces and is in compliance with this regulation.

Parking lots shall have a minimum of five (5%) percent, but at least one (1) of the parking spaces located near or adjacent to a walkway or drive and identified as reserved for physically handicapped persons. Each reserved parking space shall be surfaced suitably for wheelchair travel and shall be at least (12') feet wide, unless paralleling a walkway or drive. The site plan submitted depicts two (2) ADA parking spaces and is in compliance. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. The site plan submitted depicts a seven (7) slot bike rack located at the front of the structure and is in compliance with this regulation.

Landscaping and Screening

In the C-6 "Primary Retail Areas", no off-street parking shall be permitted for a distance or five (5') feet from the front lot line or intrude into the front yard setback of the building, whichever is greater. Lots having frontage on more than one (1) street shall adhere to these requirements on all streets. A planting strip shall be properly landscaped and maintained. Additionally, 200 square feet of landscaped area is required, D-12-02, included a landscape plan that met these criteria and shall remain in effect.

All off-street parking lots shall be effectively screened from adjoining residential districts and streets. Screening shall consist of a masonry wall, decorative fencing, or combination thereof, not less than three (3') feet nor more than four (4') in height, together with a planting strip on the outside of such wall or fence. Said planting strip shall be a least four (4') feet wide with suitable planting materials. Screening and landscaping shall be maintained good condition and shall be so designed and placed so as not to obstruct vehicle sight distances at entrances and exists. If both the Director of the Plan Commission and the Board of Trustees of the Broadway Corridor Coalition determine that the planting strip provides sufficient screening, the requirement for a masonry wall or fence for the off-street parking lot may be eliminated.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Plan targets this site for Urban Village in order to provide neighborhood commercial uses. The Southside list of recommendations encourages developing strong, economically viable and diverse neighborhood commercial activity along Broadway. Encourage infill housing where appropriate and enforce the housing code aggressively.

Staff recommends approval of the Special Use Permit since the proposed use complies with all applicable provisions of the zoning code (TMC 1111.0706.B *Special Uses - Review and Decision-Making Criteria*). Second, the site is located on the same parcel as a multi-tenant strip center and another fast food restaurant with a drive-through. Finally, the use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC 1111.0707.C *Special Uses – Review and Design-Making Criteria*).

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommended approval of SUP-2001-19, a request for a Special Use Permit to add a second drive-through lane to an existing fast-food restaurant located at 1540 Broadway Street, to the Toledo City Council, for the following three (3) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(B) *Special Uses - Review & Decision-Making Criteria*).
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C) *Review & Decision-Making Criteria*); and
3. The proposed use is consistent with the goals of the 20/20 Comprehensive Plan.

The Plan Commission recommended approval of SUP-2001-19, a request for Special Use Permit to add a drive-through lane to an existing fast-food restaurant at 1540 Broadway Street, to the Toledo City Council, subject to the following twenty-four (24) 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 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. **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.

Sewer and Drainage Services

6. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. S&DS recommends 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 S&DS demonstrating the lines cleaning and integrity.

Division of Transportation

8. If not already established, cross access agreements shall be formalized with adjacent property owner to the Northeast.

Environmental Services

9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

Environmental Services (cont'd)

12. 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 modifications, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
13. Any effort made to plant non-invasive trees, shrubs and perennials is highly encourage.<http://ohiodnr.gov/portals/0/pdfs/invasive/AlternativestoOhioInvasivePlantSpecies.pdf/>
14. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

Fire Prevention

15. The increase to 12 feet to the bypass lane will meet the needs for Fire/EMS accessibility.

Plan Commission

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. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC 1111.0707 have not been met.
18. 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)) **(Acceptable depicted on site plan).**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

19. Landscaping for the site shall adhere to the approved Landscape Master Plan via case D-12-02. The applicant shall obtain a copy of said plan from the Plan Commission and submit a final landscape plan that is compliant with the original approval and the Historic South guidelines. Screening shall be shown on revised site plan.
20. Illumination of parking facilities shall be arranged so as not to reflect direct rays of light into any adjacent residential area. In no case shall direct and indirect illumination from the source of light exceed an illumination level maximum of one/half foot-candle when measured at the nearest point of the lot line in a residential area. Illumination of all parking lots shall be required.
21. Provide at least seven bicycle parking slots as required for the off-street parking Schedule A (**Acceptable depicted on site plan**).
22. Litter receptacles, for the use of parking area users and others, must be provided in off-street parking areas in accordance with the provisions of Part 9 Street, Utilities and Public Services Code, Section 963.22. A litter receptacle is treated as an accessory structure and must adhere to the criteria outlined in (TMC§1107.1910).
23. 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.
24. 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

TO: Matt Cherry and Members of City Council
April 12, 2019
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MLM

Three (3) sketches follow and one (1) exhibit follows

Cc: McDonalds Corporation, 2 Eaton Oval – Suite 200, Columbus, OH 43219

Katie Getz, 319 Elaine's Court, Dodgeville, WI 53533

The Mannik & Smith Group, Inc, Greg Schunck, P.E., P.S., 20600 Chagrin Blvd, Suite 500

Shaker Heights, OH 44122

Larson Architects, Ken Esry, 12506 Edge Water, Suite 10, Lakewood, OH 44107

Engineering Services

Sewer and Drainage Services

Division of Transportation

Environmental Services

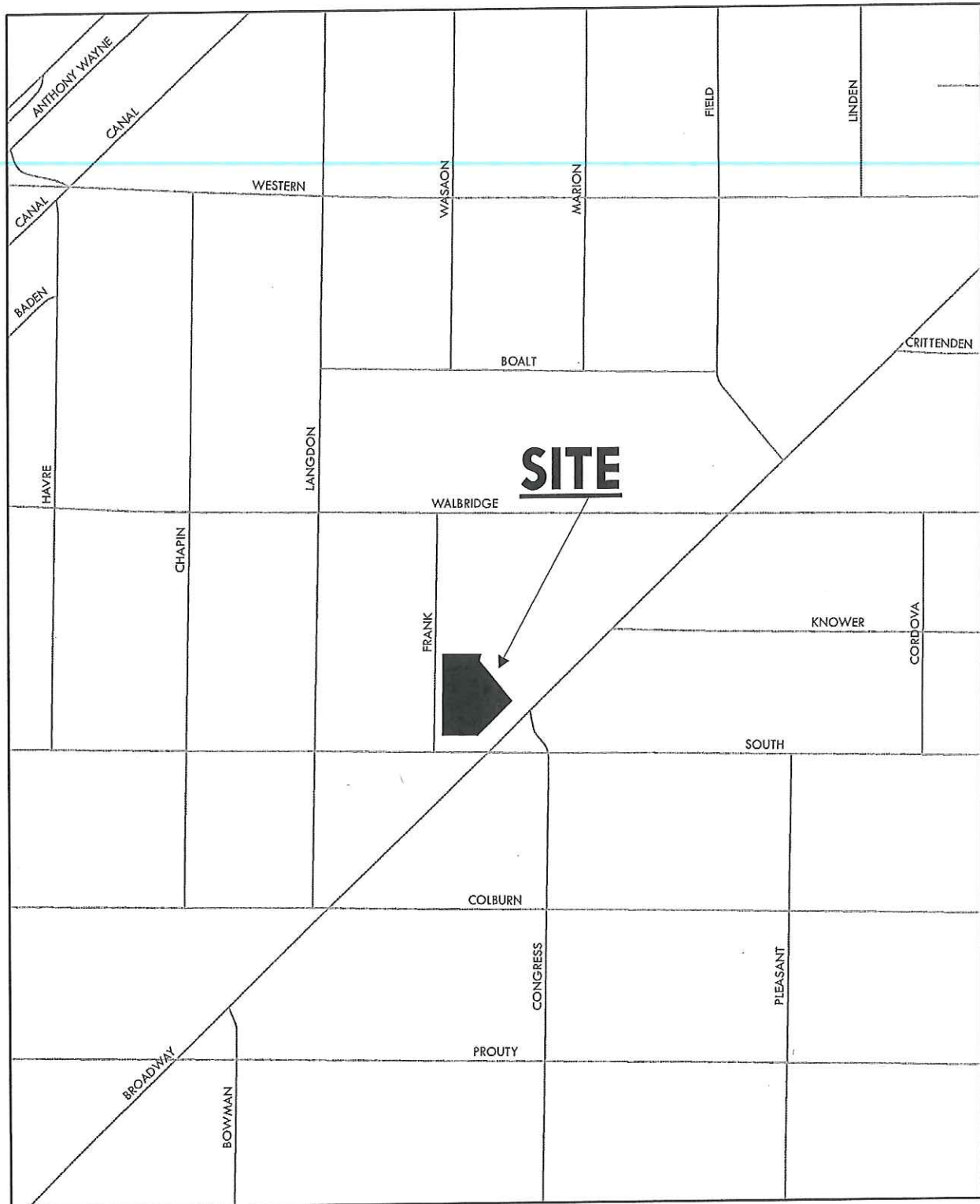
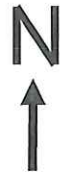
Fire Prevention

Lisa Cottrell, Administrator

Molly Maguire, Principal Planner

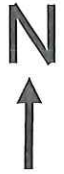
GENERAL LOCATION

SUP-2001-19
ID 12



ZONING AND LAND USE

SUP-2001-19
ID 12



SITE PLAN

SUP-2001-19
ID 15

