

## GENERAL INFORMATION

### Subject

Request	-	Minor Site Plan review for patio expansion with landscape waivers
Location	-	5717 Secor Road
Applicant	-	Monnette's Market 5717 Secor Road Toledo, OH 43623
Owner	-	5717 Secor Road Investors LLC 5717 Secor Road Toledo OH 43623
Attorney	-	Jerome Parker Gressley, Kaplin & Parker LLP One SeaGate, Suite 1645 Toledo, OH 43604
Engineer	-	Nicholas Bidlack Architecture by Design 5622 Mayberry Square Sylvania, OH 43560

### Site Description

Zoning	-	CR Regional Commercial
Area	-	±1.68 Acres
Frontage	-	±296' along Secor Road
	-	±317' along Coral Avenue
Existing Use	-	Grocery Store
Proposed Use	-	Grocery Store

### Area Description

North	-	Pharmacies / CR
East	-	Undeveloped land, retail / CR
South	-	Single family dwellings, apartments, restaurant, used car dealer / RS6 & CR
West	-	Single family dwellings and apartments / RS6 & CR

**GENERAL INFORMATION (cont'd)**Parcel History

Z21-C207	-	Request for C-2 Zoning for lot 25; PC approved, Township disapproved (1959).
Z21-C231	-	Request for C-3 Zoning for lots 22, 23, 24, and 25; PC recommended disapproval, Township disapproved (1960).
Z21-C372	-	Request for C-3 Zoning for lots 22, 23, 24, and 25; PC recommended disapproval, Township disapproved (1963).
Z-316-68	-	Request for C-3 Zoning for lots 22, 23, 24, and 25; PC recommended disapproval, CC disapproved (1968).
Z-21-82	-	Zone Change from R-2 to C-3 for multiple parcels on Coral Avenue west of Secor Road near Alexis Road.
S-22-05	-	Preliminary Drawing for Saxton at 5717, 5733 & 5741 Secor, 3316, 3322, 3326 & 3332 Coral Avenue. PC approved 08/11/05.
S-22-05	-	Final Plat for MONNETTE'S MARKET PLACE PLAT. PC approved 06/08/06.
SPR-44-05	-	Major Site Plan Review for Monnette's Market at 5717 Secor Road. PC approved 08/11/05.

Applicable Plans and Regulations

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

**STAFF ANALYSIS**

The applicant is requesting a Minor Site Plan Review for a patio expansion with landscape waivers at 5717 Secor Road. The site is Zoned CR-Regional Commercial and is the current location of Monnette's Market on Secor Road. The ±1.68-acre site was constructed in 2006 and is a 10,980 square-foot grocery store. Surrounding land uses include two (2) pharmacies to the north (Rite-Aid abutting and Walgreens across Alexis Road); single family homes and an apartment complex to the west; single family homes and an ice cream store to the south; and a small-box discount store to the east.

## STAFF ANALYSIS (cont'd)

The plans propose a patio expansion along the eastern perimeter of the existing building and relocating an existing fence to accommodate the proposed patio. The fence will be located in the front setback, and with the inclusion of a patio there will not be space adequate for the frontage greenbelt landscaping that is required in CR-Regional Commercial Zoning Districts. A landscape waiver has been requested and the Minor Site Plan Review is being heard by Plan Commission for approval of the waiver.

The patio expansion will occur along Secor Road and be for outdoor dining, merchandise display, and occasional live music. An existing walkway of ten feet (10') has served customers entering the north end of the site. This walkway will be expanded by about eight feet, seven inches ( $\pm 8'7''$ ) and abut the existing sidewalk. There is an existing slope which will be accounted for to make the patio level. Lastly, an existing six foot (6') tall decorative fence will be relocated to enclose the patio. On 06/04/2021, the Board of Zoning Appeals approved a waiver of TMC§1105.0302(A)(1) to allow the relocated, six foot (6') tall fence in the front setback.

### Parking and Circulation

No changes or adjustments to the existing parking lot or circulation are being proposed. The Division of Transportation provided conditions of approval with the intension of bringing the site closer into compliance as construction is being done.

### Landscaping

Per TMC§1108.0202 – *Frontage Greenbelts*, sites over five (5) acres are required to provide a thirty-foot (30') frontage greenbelt and contain at least one (1) tree for every thirty feet (30') of frontage. The frontage greenbelt shall also include a solid evergreen hedge to screen the parking lot so that no headlights of any vehicles can be seen from the public street. Due to the location of the patio, the applicant is requesting that ninety-five feet (95') of the site's frontage be exempt from the frontage greenbelt landscaping. In lieu of the frontage greenbelt along Secor Road, the applicant will be adding a greenbelt along the western seventy-nine feet (79') of Coral Avenue consisting of three (3) trees, twelve (12) shrubs, and a three and a half foot (3'6") tall decorative fence. This proposed landscaping meeting the requirements.

Per TMC§1108.0203 – *Buffer and Screening Requirements*, a Type A Landscape Buffer is required where Commercially zoned sites abut Residential. The western portion of the site abuts RS6-Single Family Residential. The applicant is proposing a Type A Landscape Buffer consisting of five (5) trees and fifteen (15) shrubs. An existing wood fence will remain. The applicant is proposing Prairifire Flowing Crabapple trees and Sunburst St. John's Wort shrubs for both the Type A Landscape Buffer and the frontage greenbelt. The additional landscaping meets the buffering requirements.

### Building Design & Materials

No changes to the existing building's facades were proposed.

## STAFF ANALYSIS (cont'd)

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional and General Commercial land uses. The Regional Commercial land use is intended to accommodate predominantly large-scale commercial uses intended to accommodate auto-oriented development such as malls, big box retail stores, and mixed-use developments. The site's current use is not changing under this review and is compatible with the future land use designation.

Staff recommends approval of the Minor Site Plan Review for a patio expansion with landscape waivers at 5717 Secor Road. The proposed land use is allowed within the current zoning district of the property.

## STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve SPR-23-21, a Minor Site Plan Review for a patio expansion with landscape waivers for the following reason:

1. The proposed land use is allowed in the zoning district which it is located (TMC§1111.0809(B)).

The staff recommends that the Toledo City Plan Commission take the following action on the proposed waivers:

### Chapter 1108 Landscaping and Screening

Sec. 1108.0202(A)– An extensively landscaped frontage greenbelt shall be provided along public right-of-ways, but not including alleys. Plantings required to meet this section shall not be located within the public right-of-way. This requirement applies to all zoning districts except those districts defined in Sec. 1108.0300.

Approve a waiver to allow an existing patio to be expanded by eight feet seven inches (8'7"), up to the right-of-way and omit the required frontage greenbelt. The patio will be used for outdoor dining, merchandise displays, and outdoor music. Businesses are encouraged to provide outdoor space following the COVID-19 pandemic. Additionally, the applicant is bringing the site into landscaping compliance where the site abuts Residential Zoning.

The staff further recommends that the Toledo City Plan Commission recommend approval of SPR-23-21, a request for a Minor Site Plan Review for a patio expansion with landscape waivers subject to the following **twenty-four (24)** conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

**STAFF RECOMMENDATION (cont'd)**

Division of Engineering

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.

Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

5. Proposed landscaping changes in southern landscape areas must continue to accommodate stormwater drainage through swale that was installed during past site development. Landscape architect must provide plants suitable for the occasional inundation of the planting areas, to be approved by plan commission.
6. The swale outlet at the southeast corner shall be protected from the entry of mulch as proposed in the drainage swale. A small amount of rock in front of the pipe will filter against mulch entering the city storm system. The site grounds crew will need to regularly check and remove mulch to keep the rock from becoming clogged.
7. The patio expansion is proposed to drain across the right of way line, which is an exception to the rule for internal drainage. Engineering does not object to the exception because the amount proposed is below the 2,500 Square Foot stormwater engineering plan approval threshold.

**STAFF RECOMMENDATION (cont'd)**

Division of Engineering (cont'd)

8. Sanitary sewer located under sidewalk, along Secor. If the fence is moved to proposed location, the fence will need to be removed and replaced by owner if work is required on sewer.



Sewer and 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 S&DS demonstrating the lines cleaning and integrity.

Division of Environmental Services

11. 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.

**STAFF RECOMMENDATION (cont'd)**

Division of Environmental Services (cont'd)

12. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
13. Applicant is strongly encouraged to install permanent inlet filters to capture trash and oil contaminants and other measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
14. 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](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
15. 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

No comments or concerns.

Division of Transportation

16. Wheel stops are required at all parking spots abutting property lines, sidewalk, planting strips, and buildings per TMC 1107.1907.
17. Bicycle parking is required per TMC 1107.900.
18. One van and two car accessible parking spots are required per TMC 1107.1701.
19. Where there is one-way traffic flow directional arrows and one-way signage is required to prevent traffic flowing the wrong way.

Plan Commission

20. 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:

**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- a. A thirty-foot (30') greenbelt is required along public right-of-ways, and shall include one (1) tree per every thirty feet (30') of frontage. The portions of the site with a parking lot facing right-of-way shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street; **A waiver shall be obtained to permit an outdoor patio in lieu of a frontage greenbelt along Secor Road.**
  - b. Per TMC§1108.0203, A Type A landscape buffer shall be provided where the site abuts Commercial Districts with four (4) canopy trees and fifteen (15) shrubs every 100 linear feet with a solid fence or wall; **acceptable as depicted,**
  - c. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public rights-of-way. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches; **acceptable as depicted, the applicant is bringing the existing site closer into compliance,**
  - d. Topsoil must be back filled to provide positive drainage of the landscape area;
  - e. 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;
  - f. 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;
  - 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 in height in the required front setback; **BZA waived TMC§1105.0302(A)(1) for the proposed six foot (6') tall fence on 06/04/2021;** and,
  - h. 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.
21. No new free-standing signs greater than forty-two (42) inches from grade are permitted – any proposed signage must meet the requirements of Toledo Municipal Code Title Nine – Sign Code.



**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

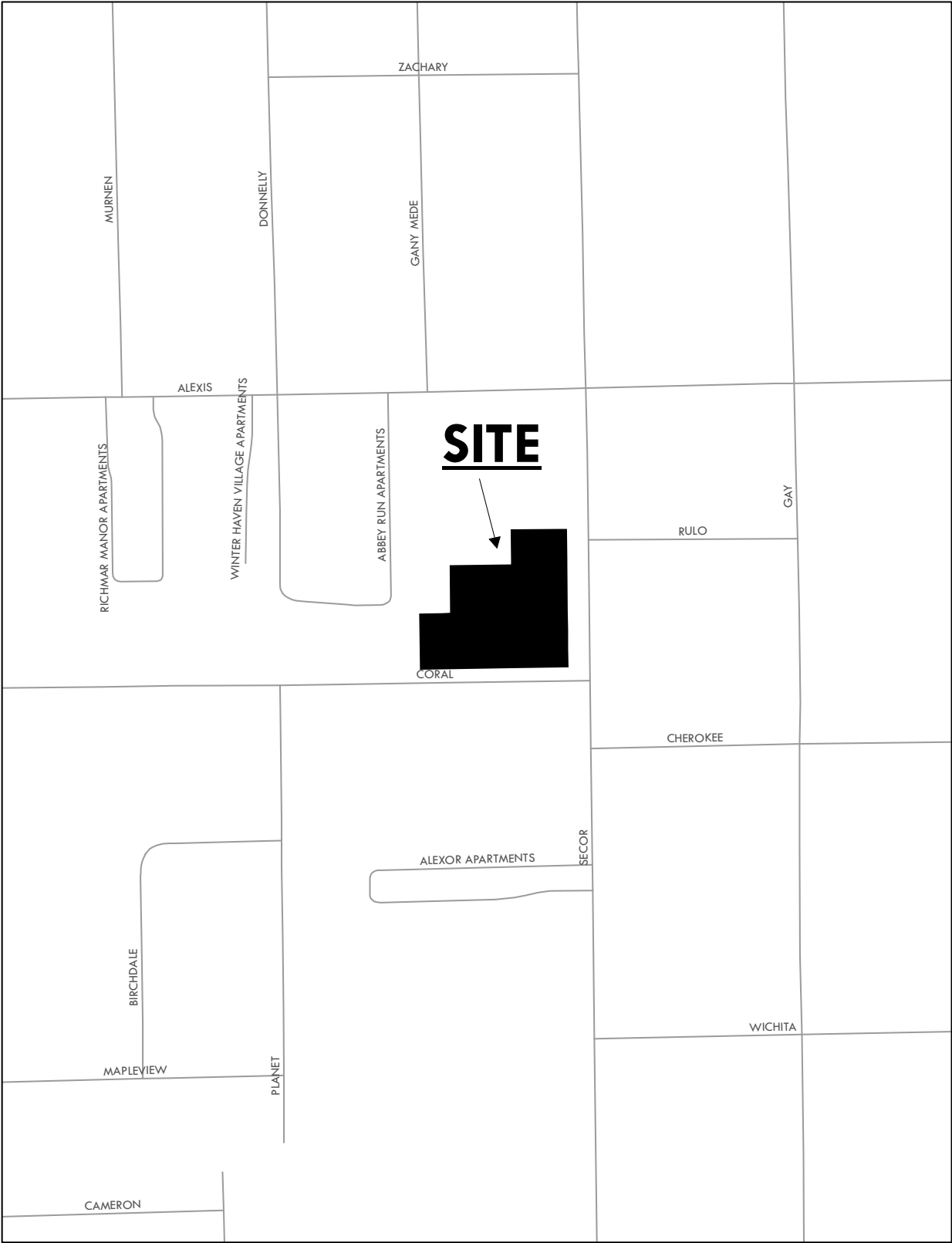
22. Minor adjustments to the Site Plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
23. Per TMC§1111.0814, if a building permit is not issued within one (1) year of this approval date (**07/08/2021**) then the site plan approval shall become null and void.
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.

MINOR SITE PLAN REVIEW  
TOLEDO CITY PLAN COMMISSION  
REF: SPR-23-21  
DATE: July 8, 2021  
TIME: 2:00 P.M.

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Three (3) sketches follow

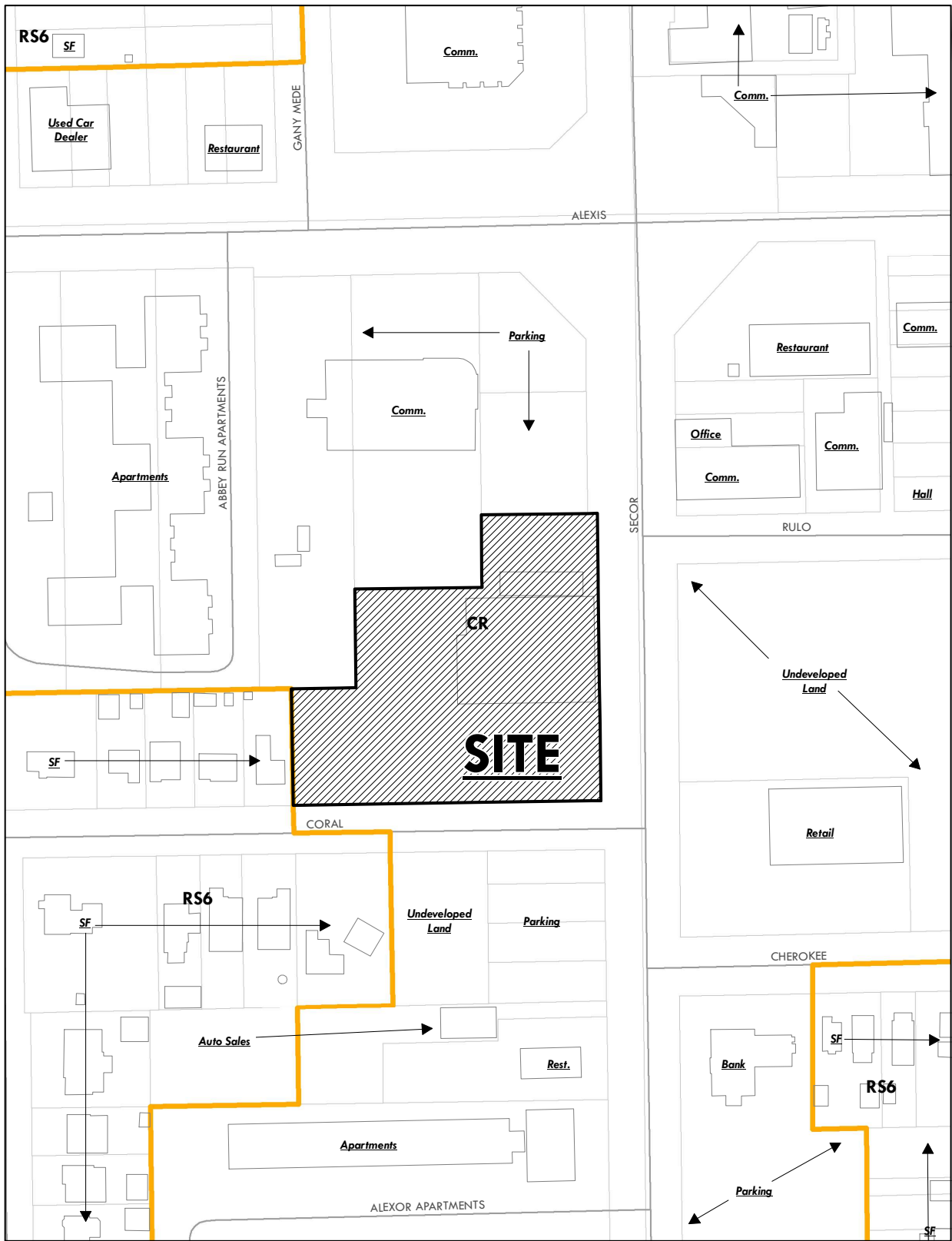
GENERAL LOCATION

SPR-23-21  
ID 76



# ZONING & LAND USE

SPR-23-21  
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