



Legislation Details (With Text)

File #: O-158-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 3/15/2023 **In control:** City Council
On agenda: 3/21/2023 **Final action:** 3/21/2023
Title: Granting an amendment to a Special Use Permit, originally granted by Ord. 524-85 and Ord. 852-86 to raze and rebuild a gas station and canopy for a site located at 950 W. Alexis Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
3/21/2023	1	City Council	Suspension	Pass
3/21/2023	1	City Council	Emergency	Pass
3/21/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

Granting an amendment to a Special Use Permit, originally granted by Ord. 524-85 and Ord. 852-86 to raze and rebuild a gas station and canopy for a site located at 950 W. Alexis Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-12003-22) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit, originally granted by Ord. 524-85 and Ord. 852-86 to raze and rebuild a gas station and canopy for a site located at 950 W. Alexis Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 9, 2023, the Toledo City Plan Commission recommended approval for the request for an amendment to a Special Use Permit, originally granted by Ord. 524-85 and Ord. 852-86 to raze and rebuild a gas station and canopy for a site located at 950 W. Alexis Road, in the City of Toledo, Lucas County, Ohio.

On March 15, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved an amendment to a Special Use Permit, originally granted by Ord. 524-85 and Ord. 852-86 to raze and rebuild a gas station and canopy for a site located at 950 W. Alexis Road, in the City of Toledo, Lucas County, Ohio and all other things required by law to be done, have been done.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That an amendment to a Special Use Permit, originally granted by Ord. 524-85 and Ord. 852-86 to raze and rebuild a gas station and canopy for a site located at 950 W. Alexis Road, in the City of Toledo, Lucas County, Ohio be and the same is hereby approved, subject to the conditions contained in Section

2 hereof which must be complied with, as to the property more fully described as follows:

7 9 2 SW 1/4 S 250 FT W 250 FT EXC PT IN ROAD

SECTION 2. That the approval of an amendment to a Special Use Permit, originally granted by Ord. 524-85 and Ord. 852-86 to raze and rebuild a gas station and canopy for a site located at 950 W. Alexis Road, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 47 conditions as follows:

The following forty-seven (47) conditions 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: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
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>
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.
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.
15. 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 (419-392-2032) to verify the backflow prevention requirements for the site.
16. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
17. 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)

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

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

Division of Environmental Services

21. 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 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.
22. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
23. 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.
24. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_ohio_Invasive_Plant_Species.pdf
25. 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

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

Plan Commission

28. At least one (1) van accessible parking space shall be provided (TMC§1107.1701). Acceptable as depicted.
29. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.

30. 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.
31. 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.
32. Litter receptacles for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910.
33. Pedestrian connectivity from the sidewalk on Alexis or Lewis shall be provided to the primary entrance.
34. Window signage is limited to 25% of the total window area, per the Sign Code (TMC§1391.02.R).
35. Free air (with the capacity of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
36. Hours of operation are limited to 5:30 am to 1 am, per TMC§1104.0601.
37. 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.
38. 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.
39. 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.
40. 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.
41. The signage shall be subject to the review and approval of the Plan Director. Existing signage on site shall be considered abandoned and shall be removed.
42. 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.
- 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.
- l. 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.
- 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'.

- 43. 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.
- 44. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 45. 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.
- 46. 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.
- 47. All conditions previously set forth in Ordinances 524-85 and 852-86 are still in effect unless in conflict with this ordinance.

SECTION 3. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 10, nays 0.

Passed: March 21, 2023, as an emergency measure: yeas 10, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

March 21, 2023
Wade Kapszukiewicz
Mayor