



Legislation Details (With Text)

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Title: Granting a Special Use Permit, for a Gas Station with Convenience Store for a site located at 2441 S. Reynolds Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Audio: City Council 9/28/2021

Date	Ver.	Action By	Action	Result
9/28/2021	1	City Council	Suspension	Pass
9/28/2021	1	City Council	Emergency	Pass
9/28/2021	1	City Council	Passed	Pass

Zoning & Planning Committee

Granting a Special Use Permit, for a Gas Station with Convenience Store for a site located at 2441 S. Reynolds Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-5002-21) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Gas Station with Convenience Store for a site located at 2441 S. Reynolds Rd, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 12, 2021, the Toledo City Plan Commission recommended approval for a Gas Station with Convenience Store for a site located at 2441 S. Reynolds Rd, in the City of Toledo, Lucas County, Ohio.

On September 22, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Gas Station with Convenience Store for a site located at 2441 S. Reynolds Rd, 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 a Special Use Permit, for a Gas Station with Convenience Store for a site located at 2441 S. Reynolds Rd, in the City of Toledo, Lucas County, Ohio 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:

Parcel no. 20-01904

2 24 SW 1/4 S 200 FT W 200 FT SUBJ TO HEATHERDOWNS BLVD WDNG

SECTION 2. That the approval of the Special Use Permit, for a Gas Station with Convenience Store for a site located at 2441 S. Reynolds Rd, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 42 conditions as follows:

The following forty-two (42) 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. 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: 419-245-1341

Roadway: 419-245-1344

Water: 419-936-2163

Stormwater Drainage: 419-245-3221; 419-245-1338

Sanitary Sewers: 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. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. If existing water service lines are not to be reused, they will be abandoned by the City of Toledo at the developer's expense.
7. If new water service taps are required, they will be installed by City of Toledo at the developer's expense.

8. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Water Distribution for review and approval.
9. 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 43602 for review and approval.
10. 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 this site.
11. In the event of site plan approval as-is without stormwater planning shown, future site plan changes made during the process of stormwater plan finalization shall be done with the Plan Commission included. Stormwater approval will be dependent on their approval of site plan changes.
12. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more be reviewed and approved by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.) Stormwater detention and a stormwater pollution prevention plan (SWP3) are required regardless of pre- and post- construction land use, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, which is available at <https://cdn.toledo.oh.gov/uploads/documents/Public-Utilities/Engineering-Services/2014-infrastructure-requirements.pdf>
13. Submittals needed to initiate stormwater review are:
 - a. Engineering drawings and calculations compliant with previous comment.
 - b. Long term operations and maintenance (O&M) plan for Detention and Post-Construction BMP's.
 - c. A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.
14. No record for the existing storm sewer system is on file with the City. Per the City's MS4 permit all storm sewers must be mapped. Locate all existing storm sewers. Surrounding sewer mapping and a city technician can be available on request to assist.
15. Following the review process, the following will be needed for final stormwater approval:
 - a. Fee for the sewer construction permit, which also requires a sewer contractor, licensed with the City of Toledo, to be named for the project.
 - b. Completed form for responsible parties for SWP3 implementation.
 - c. Covenant for the approved O&M plan.

- d. NOI, depending on final area of earth disturbance.
16. At the time of approval of stormwater plans, the applicant will likely be eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program. Information on the application process can be found at <https://toledo.oh.gov/business/environment/storm-water-program>
17. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
18. 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.
19. 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.
20. 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.

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 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 working 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 infra-structure 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 native, 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.

Sewer & Drainage

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

28. Transportation does not object to the approval of the revised site plan.

Plan Commission

29. Stacking spaces must be a minimum of 10' by 20' in size and a minimum quantity of one per gasoline pump island per TMC§1107.1601: acceptable as depicted on revised site plan.
30. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulation's approval of the Department of Public Utilities TMC§1107.1906; acceptable as depicted on revised site plan.
31. 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; acceptable as depicted on revised site plan.
32. Designated pedestrian crossings at least 5 feet wide must be provided to ensure pedestrian safety. Per TMC§1107.1602.B pedestrian walkways that cross vehicle stacking lanes must be clearly marked though the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt: not acceptable as depicted on site plan.
33. Per TMC§1107.1911 A aisle width for all new or altered off-street parking areas must be 25' minimum for 90-degree angled parking spaces; acceptable between building and pumps as depicted on revised site plan.
34. 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; location and pad are

acceptable as depicted on revised site plan. However, enclosure materials and landscaping must be indicated.

35. Per TMC§1109.0204(A), at least one (1) main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route; acceptable as depicted on revised site plan. Pedestrian access has been provided for the proposed building from Heatherdowns Blvd.
36. The building design shall meet the requirements of TMC§1109.0502 *Building Façade Materials and Color Requirements*. Building material standards apply to all facades that are visible from the right-of-way. Percentages apply to each façade individually. Under the building material matrix up to 20% of each elevation may be comprised of stucco, wood, architectural concrete masonry units, fiber cement board, EIFS, ceramic, vinyl or composite siding or glass block; acceptable as presented on the west and north elevations only. Both the east and south elevations are visible from the right-of-way and must be constructed with 80% predominant building material to be compliant.
37. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director. Façade building materials and colors shall be indicated on revised building elevations.
38. Per TMC 1103.0708 One high profile sign may be installed as an alternative and substitute fascia or wall sign for business establishments. A high-profile sign shall not exceed twelve (12) feet in height above the grade elevation of the nearest right-of-way; not acceptable as presented. The existing sign post must be brought into compliance.
39. 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-foot (15') greenbelt is required along S Reynolds Road and Heatherdowns Blvd frontages and shall include one (1) tree for every thirty (30') of lot frontage; not acceptable as depicted.
 - b. Interior parking lot landscaping required in parking lots is 20 square feet per parking and stacking space. Based on the indicated parking spaces abutting the convenience store, the parking at six (6) pumps, and stacking, there should be 460 square feet of landscaping; not acceptable as depicted.
 - c. The following shall be provided for interior site landscaping: one (1) two-inch (2") caliper tree for every 1000 square feet of building coverage (footprint); foundation plantings along all portions of the building that are visible from the public rights-of-way and at all major building entrances. Landscape plan depicts no 2" caliper trees or foundation plantings needed to meet interior site landscaping requirements; not acceptable as depicted.
 - d. Perimeter landscaping must consist of a landscape area at least 10 feet in width, exclusive of sidewalks, walkways, trails, or right-of-way and must be located between the parking lot and the property line; not acceptable as depicted on revised plan.
 - 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 (including the proposed dumpster screenings.)

- 40. 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.
- 41. 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.
- 42. 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.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2441 S. Reynolds Rd, in the City of Toledo, Lucas County, Ohio:
1104.0603 Spacing Requirements.

A. A convenience store shall not be located within a 2,000 foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit.

SECTION 4. 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 5. 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 12, nays 0.

Passed: September 28, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

September 28, 2021
Wade Kapszukiewicz
Mayor