



## Legislation Details (With Text)

**File #:** O-149-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Failed  
**File created:** 3/18/2022      **In control:** City Council  
**On agenda:** 3/29/2022      **Final action:** 3/29/2022

**Title:** Granting a Special Use Permit, for a convenience store for a site located at 2067 Airport Highway, 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, 2. Audio: Agenda Review 3/22/2022

Date	Ver.	Action By	Action	Result
3/29/2022	1	City Council	Suspension	Pass
3/29/2022	1	City Council	Emergency	Pass
3/29/2022	1	City Council	Passage	Fail

Zoning & Planning Committee

**Granting a Special Use Permit, for a convenience store for a site located at 2067 Airport Highway, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-12002-21) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a convenience store for the property located at 2067 Airport Highway, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 10, 2022, the Toledo City Plan Commission recommended disapproval for the request for a Special Use Permit for a convenience store for the property located at 2067 Airport Highway, in the City of Toledo, Lucas County, Ohio.

On March 16, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and recommended disapproval of the request for a convenience store for the property located at 2067 Airport Highway, 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 convenience store for the property located at 2067 Airport Highway, 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:

FEARING HEIGHTS EXTN LOT 357

SECTION 2. That the approval of the Special Use Permit for a convenience store for the property located at 2067 Airport Highway in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 27 conditions as follows:

The following twenty-seven (27) conditions 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: 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 (419) 245-1341 for inspection of above-mentioned items.

5. Applicant is responsible for preventing stormwater pollution by using erosion and sediment control construction practices.

#### Sewer and Drainage Services

6. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

#### Environmental Services

8. 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.

9. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
10. 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.
11. 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)
12. 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 Department

13. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
14. Approved premise identification is required.

#### Transportation

15. Bicycle parking must be shown per TMC 1107.
16. Dumpster location must be shown on the site plan.
17. Parking on the concrete area cannot block the garage entrances.
18. Business access drives shall not be located across from a residential zone property. (Concrete Driveway and Alley)
19. Business parking cannot block residential on street parking.
20. Parking spaces shall not be allowed directly off of alley. Alley not wide enough for two-way traffic.

#### Plan Commission

21. The hours of operation of a convenience store shall be limited to 5:30 a.m. to 1 a.m. per TMC. 1104.0601.
22. Dumpsters shall be screened from view and may not be located in any required setback or landscape buffers and as far from residential areas as possible. TMC 1108.0203.G: Shall be indicated on a revised site plan.
23. If applicable, new ground signage shall be limited one (1) low-profile monument sign per TMC 1387.02(2).
24. In addition to the existing landscaping at the site, a Type A landscape buffer of two (2) new canopy trees and eight (8) shrubs along the property line abutting the eastern residence to bring the site closer to compliance with the requirements of TMC§1108.0202: Shall be indicated on a full landscaping site plan.

25. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
26. 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. Major adjustments will require an amendment to the Special Use Permit.
27. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. That when the Ordinance is passed 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.

Failed: March 29, 2022, yeas 0: nays 12.of Council