



## Legislation Details (With Text)

**File #:** O-219-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 4/18/2019      **In control:** City Council  
**On agenda:** 4/30/2019      **Final action:** 4/30/2019  
**Title:** Granting an amendment to a Special Use Permit for Gas Station and Convenience store for a site located at 3023 Dorr Street, 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 4/23/2019, 3. Audio: City Council 4/30/2019

Date	Ver.	Action By	Action	Result
4/30/2019	1	City Council	relieve of Committee	Pass
4/30/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
4/30/2019	1	City Council	declare emergency	Pass
4/30/2019	1	City Council	passage	Pass

### Zoning & Planning Committee

### **Granting an amendment to a Special Use Permit for Gas Station and Convenience store for a site located at 3023 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-1004-19) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit for a Gas Station and Convenience store for a site located at 3023 Dorr Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 14, 2019, the Toledo City Plan Commission recommended approval for a request for an amendment to a Special Use Permit for a Gas Station and Convenience store for a site located at 3023 Dorr Street, in the City of Toledo, Lucas County, Ohio.

On April 17, 2019, Toledo City Council, Planning and Zoning Committee reviewed a request for an amendment to a Special Use Permit for a Gas Station and Convenience store for a site located at 3023 Dorr Street, 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 request for an amendment to a Special Use Permit for a Gas Station and

Convenience store for a site located at 3023 Dorr Street, 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:

The South 115 feet of the North 775 feet of the East 200 feet of the West 230 feet of that part of the West ½ of the Northwest ¼ of Section 2, Town 2 in the Unites States Reserve of 12 miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, lying East of the centerline of the Holland-Sylvania Road.

SECTION 2. That the approval of the amendment to a Special Use Permit for a Gas Station and Convenience store for a site located at 3023 Dorr Street, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 32 conditions as follows:

The following thirty-two (32) 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.
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. Brookley Blvd is an unimproved, uncurbed street. There is no formal gutter flow line; stormwater drainage flows down the street at the edge of pavement (EOP). A new drive approach on an unimproved street could impede the drainage flow path at the EOP and create a nuisance of stagnant backed up storm drainage. To minimize the chance of creating this condition, be aware that the approach detail showing a raised lip for the concrete approach at the EOP is not required. Rather, the concrete at the EOP can be flush or even set lower compared to the asphalt.
6. Flow at the EOP appears to flow from south to north, from the 98.83 elevation at the southwest

corner of the proposed drive approach to the 98.62 elevation at the northwest. The 98.40 elevation in between means that a 2" deep puddle will result in the middle of the approach. Resubmit a minor revision to Engineering Services that shows grading for positive flow across the approach.

7. A catch basin (CB) exists at the corner of Dorr and Brookley. Consider extending a new storm line, or a perforated underdrain from the CB to the south limit of the proposed drive approach to provide drainage for any impounded water that forms there. If such work is added to the project, submit permit drawings for approval to the stormwater engineer.
8. Owner may be required to remove and reinstall the drive approach if nuisance drainage condition results from inattention to above drainage concerns.

#### Sewer & 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

#### Division of Environmental Services

11. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
12. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
13. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
14. 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 modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
15. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.  
<http://ohiodnr.gov/portals/0/pdfs/invasives/ohio-invasive-plants-0400.pdf>
16. Applicant shall maintain compliance with the City of Toledo and 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 Anti-Noise Laws.

#### Division of Transportation

17. New driveway needs to be a minimum of 25 feet wide to facilitate two-way traffic per TMC 1107.

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18. The right-of-way encroachment permit will not be issued until landscaping has been installed per the original Special Use Permit (*Ord. 684-02*).
19. All lots of the development site shall be combined into a single taxable parcel identification number.
20. All parking spaces reserved for use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; acceptable as depicted on site plan.
21. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces. A minimum of two (2) bicycle spaces shall be provided and depicted on a revised site plan.
22. 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.
23. 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)).
24. 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.
25. If the existing façade is altered or modified in the future, the building design shall meet the requirements of TMC§1109.0500 *Building Façade Materials and Color*. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.
26. If the existing canopy is altered or modified in the future, the support columns shall be constructed of durable materials (i.e. brick) compatible with the principal building. Pursuant to TMC§1104.0903 (A), canopies shall be designed to be consistent with the building materials and colors of the principal building. Support columns shall be brick, brick base, or other durable materials compatible with the principal building.
27. 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. The approved conditions and landscaping plan for the existing Special Use Permit (*Ord. 684-02*) indicated a five-foot (5') greenbelt was to be installed along both frontages and maintained throughout the year. The greenbelt was to have an extensive row of plantings with fifteen (15) shrubs along the Dorr Street frontage, and twenty-one (21) shrubs with four (4) trees along the Brookley Boulevard frontage. Additionally, a row of seven (7) trees was required along the southern property line abutting the residential property. Upon site inspection, the landscaping

has not been maintained or installed per the approved landscaping plan. A revised landscaping plan shall be submitted depicting plantings per the approved plan and/or compliance with TMC§1108.0200.

- b. All parking spaces must be within 100 linear feet of a landscaped area.
  - c. Topsoil must be back filled to provide positive drainage of the landscape area.
  - d. 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.
  - e. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards.
  - f. 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.
  - 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 (42”) in height in the required front (20’) setback; and
  - h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
1. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.
  2. 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.
  3. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
  4. 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.
  5. 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. All conditions set forth in Ordinance 16-78 and Ordinance 684-02, that have not been amended, altered or deleted by this Ordinance shall remain in effect, for the property located at 3023 Dorr Street, in the City of Toledo, Lucas County, Ohio.

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 10, nays 0.

Passed: April 30, 2019, as an emergency measure: yeas 10, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 30, 2019  
Wade Kapszukiewicz  
Mayor