



## Legislation Details (With Text)

**File #:** O-202-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Reported to Council  
**File created:** 4/14/2022      **In control:** Zoning & Planning Committee12324  
**On agenda:** 4/26/2022      **Final action:** 4/26/2022  
**Title:** Granting a Special Use Permit, for a Propane Station, CDL Driving Pad & Bus Storage for a site located at 222 McTigue Drive, 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 |
|-----------|------|--------------|------------|--------|
| 4/26/2022 | 1    | City Council | Suspension | Pass   |
| 4/26/2022 | 1    | City Council | Emergency  | Pass   |
| 4/26/2022 | 1    | City Council | Passage    | Fail   |

Zoning & Planning Committee

**Granting a Special Use Permit, for a Propane Station, CDL Driving Pad & Bus Storage for a site located at 222 McTigue Drive, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-11004-20) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Propane Station, CDL Driving Pad & Bus Storage for a site located at 222 McTigue Drive, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 13, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a Propane Station, CDL Driving Pad & Bus Storage for a site located at 222 McTigue Drive, in the City of Toledo, Lucas County, Ohio.

On February 16, 2022, Toledo City Council, Planning and Zoning Committee deferred the case until March 16, 2022.

On March 16, 2022 Toledo City Council, Planning and Zoning Committee deferred the case until April 13, 2022, at the request of the applicant.

On April 13, 2022 Toledo City Council, Planning and Zoning Committee reviewed, and sent without a recommendation, a request for a Special Use Permit for a Propane Station, CDL Driving Pad & Bus Storage for a site located at 222 McTigue Drive, 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 Propane Station, CDL Driving Pad & Bus Storage for a site located at 222 McTigue Drive, 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:

2 2 SE 1/4 W 1/4 ALSO E 1/4 SW 1/4 SE C SUBJ TO W 30 FT ST & SUBJ TO LEGAL HWYS & EXC P T IN RD

SECTION 2. That the approval of the Special Use Permit for a Propane Station, CDL Driving Pad & Bus Storage for a site located at 222 McTigue Drive in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 36 conditions as follows:

The following thirty-six (36) 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: Mike 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.
5. The existing private fire line located east of the proposed storm water management area and west of Deline

Ditch shall be shown on the plans.

6. Maintain a minimum of 18 inches of vertical clearance between the existing fire line and the proposed storm sewer.
7. Verify that the existing fire hydrant located just north of the existing Rogers High School Entrance Drive is connected to an operational fire line. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
8. Stormwater design appears substantially complete; in the unlikely need for stormwater design completion to necessitate a site plan change it shall be made in coordination with the Plan Commission. Pond footprint could possibly be too small depending on final design of the

bottom elevation in relation to the hydraulic grade of the receiving stream as per the Infrastructure Design Requirements. However, this site design simultaneously lends itself to a reduction in required pond size by way of the Ohio calculator (spreadsheet) for volume credit. Minor site changes may be needed for scour protection, but would not necessitate coordination with Plan Commission.

9. A full stormwater review requires submittal of the following:

- a) Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
- b) Long term operations and maintenance (O&M) plan for Post-Construction BMP's.
- c) A Storm Water Pollution Prevention Plan (SWP3) including a completed Ohio EPA SWP3 checklist.

10. 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) SWP3 contact list for responsible parties. (TMACOG form)
- c) Covenant for the approved O&M plan and incorporate into the TPS list of sites' stormwater maintenance plans and scheduled activities.

11. 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>

12. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
13. 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.

#### Fire Prevention

14. Permit is required to install, alter, place temporarily out of service, remove, abandon or otherwise dispose of a flammable or combustible liquid tank or any line or dispensing device connected thereto. Permits to install a flammable or combustible liquid tank or any line or dispensing device connected thereto shall be obtained from the Toledo Fire Prevention Bureau.
15. Construction documents for the installation of the LP gas tank and all related equipment are required. Per the Ohio Fire Code 6101.3, these documents shall be submitted by the installer of the equipment.
16. All LPgas equipment shall be installed in accordance with the International Fuel Gas Code, NFPA 58 and the Ohio Fire Code.
17. Fire Department accessibility. Plans indicate the bus parking area and tank area are to be enclosed by fencing. Key boxes will be required at all locked gates for emergency access to these areas.

#### Division of Environmental Services

18. 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.
19. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

20. 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.
21. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. [Information is at https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants](https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants); a list of invasive plants and alternative species can be downloaded from [https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives\\_to\\_ohio\\_invasive\\_plant\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
22. 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

23. Existing parking to the north shall be used as bus staging area.

Plan Commission

24. The portion of the property identified as the site for purposes of the improvements shall be separated from the parcel with the High School via a lot split or replat.
  - An updated legal description reflecting the split shall be submitted to the Plan Commission Office prior to the approval of any building permits.
  - A cross access agreement shall be established for all properties sharing drives.
25. A minimum of One (1) van accessible spaces shall be provided on a revised site plan TMC§1107.1701. Not acceptable as depicted.
26. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
27. 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 (if applicable).
28. 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. Acceptable as depicted on site plan.
29. A minimum of one litter receptacle shall be provided near the employee parking area. Not acceptable as

depicted, none provided.

30. The relocated pedestrian walkway shall be designed in such a way as to be fully accessible to people with physical disabilities.
31. No free-standing signs greater than forty-two inches (42") from grade are permitted - any proposed signage must meet the requirements of signs per Toledo Municipal Code Title Nine - Sign Code.
32. 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 each frontage, and shall include one (1) tree per every thirty feet (30') of frontage. The portion 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. Acceptable as depicted.
  - b. The solid evergreen hedge plantings shall be extended eastward along Hill avenue to also screen the storm water management and sliding gate from the sidewalk and road way. Not acceptable as depicted
  - c. All parking areas visible from the right-of-way or adjacent properties shall be screened from view using an evergreen hedge line so that no headlights of any vehicle can be seen. Acceptable as depicted.
  - d. The total interior landscaping required in parking lots is twenty (20) square feet per parking and stacking space; Acceptable as depicted.
  - e. 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;
  - f. Six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot. One (1) canopy tree may substitute for three shrubs. Thirty (30) shrubs required, twenty (20) shrubs and five (5) trees are provided. Acceptable as depicted.

- g. The thirty (30) instances of *Euonymus alatus* 'Pipzam' (Pipsqueak Burning Bush) shall be replaced with a non-invasive alternative. Not acceptable as depicted.
  - h. All parking spaces must be within 100 linear feet of a landscaped area; acceptable as depicted.
  - i. Topsoil must be back filled to provide positive drainage for the landscape area.
  - j. 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.
  - 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. Location acceptable as depicted. Discrepancy between six-foot (6') and seven-foot (7') fence on spec-sheet and site plan shall be clarified.
33. 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.
34. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
35. 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.
36. 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. 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 \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council