



Legislation Text

File #: O-291-21, **Version:** 1

Zoning & Planning Committee

Granting an Amendment to a Special Use Permit, originally approved by Ord. 183-03, for a convenience store for the property located at 1119 W. Alexis Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-2002-21) filed with the City of Toledo Central Permit Center, a request for an Amendment to a Special Use Permit, originally approved by Ord. 183-03, for a convenience store for the property located at 1119 W. Alexis Rd in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 8, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for an Amendment to a Special Use Permit, originally approved by Ord. 183-03, for a convenience store for the property located at 1119 W. Alexis Rd, in the City of Toledo, Lucas County, Ohio.

On May 12, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for an Amendment to a Special Use Permit, originally approved by Ord. 183-03, for a convenience store for the property located at 1119 W. Alexis 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 an Amendment to a Special Use Permit, originally approved by Ord. 183-03, for a convenience store for the property located at 1119 W. Alexis Rd, 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:

PARCEL 2304161: ARCO IND PARK NORTH LOT 2

SECTION 2. That the approval of the Amendment to a Special Use Permit, originally approved by Ord. 183-03, for a convenience store for the property located at 1119 W. Alexis Rd, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 23 conditions as follows:

The following twenty-three (23) 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: J419-245-1341

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.

Division of Environmental Services

5. 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.

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

7. 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.

8. 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

9. 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

10. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
11. 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

12. If one is not already established, a cross access agreement is required with the adjacent property owners per TMC 1107.

Plan Commission

13. 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 site plan.
14. 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 site plan.
15. 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 on revised site plan.
16. 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; Not acceptable as depicted on site plan. Pedestrian access shall be provided for the proposed building and depicted on revised site plan.
17. 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; As presented on the elevations, fiber cement board accounts for approximately 38% of the façades facing West Alexis Road; Acceptable as indicated on building elevations submitted.
18. 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.

19. 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 West Alexis Road frontage and shall include one (1) tree for every thirty (30') of lot frontage. The proposed landscape plan depicts eight-feet (8') along West Alexis Road with wrought iron or aluminum tubing fencing; Staff supports this waiver for the 8' setback.
 - b. Interior parking lot landscaping requires two (2) canopy trees and six (6) shrubs for each ten (10) parking spaces within the parking lot. Landscape plan depicts two (2) understory trees and eight (8) shrubs. Provided the site constraints; 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 needed to meet interior site landscaping requirements but does include two (2) understory trees and nine (9) foundation plantings; 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. With the expansion of the existing buffer from the street to the business frontage; Acceptable as depicted on revised landscaping 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).
20. 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.
21. 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.
22. 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.
23. 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 12, nays 0.

Passed: May 25, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

May 26, 2021
Wade Kapszukiewicz
Mayor