



## Legislation Text

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**File #:** O-557-19, **Version:** 1

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Zoning & Planning Committee

**Granting an Amendment to a Special Use Permit, for a Convenience Store Expansion for a site located at 822 Monroe Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-8010-19) filed with the City of Toledo Central Permit Center, a request for an Amendment to a Special Use Permit, for a Convenience Store Expansion for a site located at 822 Monroe Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On October 10, 2019, the Toledo City Plan Commission recommended approval for the request for an Amendment to a Special Use Permit, for a Convenience Store Expansion for a site located at 822 Monroe Street in the City of Toledo, Lucas County, Ohio.

On November 13, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for an Amendment to a Special Use Permit, for a Convenience Store Expansion for a site located at 822 Monroe 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 an Amendment to a Special Use Permit, for a Convenience Store Expansion for a site located at 822 Monroe 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:

This property is zoned CD Downtown Commercial. It is occupied by a Truenorth/Shell gas station, car wash, and convenience store, with an address of 822 Monroe Street. It sits on the northeast side of Monroe Street, extending from North Michigan Street to North Ontario Street. It consists of three parcels, in the Port Lawrence Division, City of Toledo, Lucas County, as follows:

- Parcel 1216211, being all of lots 361 and 362
- Parcel 1217557, being all of lot 536
- Parcel 1217567, being the SW 20 feet of lot 537

SECTION 2. That the approval of an Amendment to a Special Use Permit, for a Convenience Store Expansion for a site located at 822 Monroe Street in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 17 conditions as follows:

The following Seventeen (17) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

### Engineering Division

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.
5. Contact (419) 245-1341 for inspection of above mentioned items.

### Division of Sewer and Drainage

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

### Division of Transportation

8. Wheel Stops required at all parking spaces abutting sidewalk and building locations per TMC 1107.

### Plan Commission

9. 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)]. Shall be shown on a revised site plan.

10. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
11. 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. Decorative black wrought iron or black heavy gauge aluminum tube fencing shall be installed in the landscape areas abutting Michigan Street and Monroe Street, subject to the approval of The Director. Shall be depicted on a landscape plan.
  - b. In addition to the landscaping which is presented, three (3) new trees shall be added to the Monroe Street frontage. Two (2) trees shall be located in the central landscape bed, and one (1) tree shall be located in the western landscape bed, as was approved in case SUP-1004-01. Landscaping shall be located between the decorative fencing and the right-of-way. Shall be depicted on a landscape plan.
  - c. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches and evergreen trees must be a minimum of 5'.
  - d. Per TMC§1108.0204(B)(6), 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 cover, unless approved as part of the stormwater treatment facility. Shall be depicted on a landscape plan.
  - e. Landscaped areas must be watered as necessary to maintain required plant materials in good and healthy condition.
  - f. 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. Dumpster is existing and is acceptable.
1. No new free-standing signs greater than forty-two inches (42") from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
2. 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.

3. 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.
4. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
5. 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.
6. 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