



Legislation Text

File #: O-506-23, **Version:** 1

Zoning & Planning Committee

Granting an amendment to a Special Use Permit, originally granted by Ordinance 619-84 and 53-95, for Gas Station Modifications, for a site located at 310 W. Alexis Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-5009-23) filed with the City of Toledo Central Permit Center, a request for granting an amendment to a Special Use Permit, originally granted by Ordinance 619-84 and 53-95, for Gas Station Modifications, for a site located at 310 W. Alexis Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 13, 2023, the Toledo City Plan Commission recommended approval for the request for granting an amendment to a Special Use Permit, originally granted by Ordinance 619-84 and 53-95, for Gas Station Modifications, for a site located at 310 W. Alexis Road, in the City of Toledo, Lucas County, Ohio.

On August 16, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval a request granting an amendment to a Special Use Permit, originally granted by Ordinance 619-84 and 53-95, for Gas Station Modifications, for a site located at 310 W. Alexis Road, 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 granting an amendment to a Special Use Permit, originally granted by Ordinance 619-84 and 53-95, for Gas Station Modifications, for a site located at 310 W. Alexis Road, 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:

Part of Lot 7 in the subdivision of the west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of Section 2. Town 9 south range 7 east, City of Toledo, Lucas County Ohio.

SECTION 2. That the approval of the granting an amendment to a Special Use Permit, originally granted by Ordinance 619-84 and 53-95, for Gas Station Modifications, for a site located at 310 W. Alexis Road, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 33 conditions as follows:

The following thirty-three (33) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering and Construction Management

1. 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.
2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at toledo.oh.gov search: Right of Way opening permit.
4. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
5. Existing grease trap is located on east side of building in area of new addition. Contact Division of Engineering and Construction Management to clarify whether plans are to build on top of existing grease trap and sewer or relocate them.

Environmental Services

6. Applicant must prove the existing Stormwater Control Measure on site is in effective operational condition, and if not, restored to proper functioning. This shall be determined by a registered professional.
7. 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
10. 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>; 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.

11. 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 Services

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

Traffic Management

14. Vehicle stacking must be clearly shown per TMC 1107.1602. (Gas pumps locations must be shown for vehicle stacking requirement.)
15. One van accessible parking spot is required to be shown with an 8' loading aisle per TMC 1107.1701 & 1107.1202.
16. Accessible parking sign is required for accessible parking spaces per TMC 1107.1704.
17. The accessible parking space must be the closest space to the accessible entrance per the Americans with Disabilities Act (ADA).
18. A 25' drive aisle is required for two-way traffic between vehicle stacking and the building per TMC 1107.1911.
19. Drive approaches must be clearly dimensioned per TMC 1107.1911.
20. Garbage enclosure gates are not allowed to swing into a parking spot.
21. Existing drive approach and curb cut closest to Stockbridge Drive on West Alexis Road must be removed with new grass and curb installed to match adjacent curb and grass areas.

Plan Commission

22. Parcel 22-01597 shall be combined with Parcel 22-01581. Contact the Lucas County Auditor's Office for a Lot Combination Form.
23. Any non-petroleum displays must be within twenty-five feet (25') of the building but not within twenty-five feet (25') of any right-of-way. The maximum height of such displays shall not exceed five feet (5').

24. Free air (with the capability of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
25. Gas stations require one parking space per gas pump plus one (1) parking space per 300 square feet of the building footprint. Acceptable as depicted.
26. One (1) accessible space is required with an eight-foot (8') aisle abutting the parking space. Not acceptable as depicted. Proposed accessible space shall be removed to allow space for dumpster enclosure gates, and two (2) existing spaces shall be utilized for a van accessible parking space.
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. Landscaping shall be installed and maintained indefinitely. Such plan shall include:
 - a. A fifteen (15) foot wide frontage greenbelt consisting of one (1) tree for each thirty feet (30') of frontage along Alexis Road. Eight (8) trees shall be depicted along Alexis Road on a landscape plan.
 - b. The northern perimeter of the site is adjacent to RS6-Single Family Residential. A Type A landscape buffer consisting of a solid fence, plus four (4) trees and fifteen (15) shrubs per each 100 linear feet along the edge of the property is required. Twelve (12) trees and forty-five (45) shrubs shall be depicted on a landscape plan along the northern property line.
 - c. Perimeter parking lot landscaping is required to shield headlights from adjacent properties and rights-of-way. A continuous shrub row is required along all parking spaces, and trees shall be installed along Stockbridge Drive frontage. Three (3) trees and a continuous shrub row is required where parking spaces face Stockbridge Drive.
 - d. Dumpster screening per TMC§1108.0203(G) is required. Dumpster enclosure details shall be provided on a revised site plan or landscape plan.
 - 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.
 - f. 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.
 - g. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches, evergreen trees must be a minimum of 5', and shrubs must be at least 18 inches in height or 24 inches in spread when installed.
 - h. 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.
 - i. All landscape material must be properly maintained. The landowner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.

28. Per TMC§1109.0500, predominant building materials shall include brick, stone, glass, architectural metal, concrete cladding, or terra cotta. Not acceptable as depicted. Revised elevations showing at least 80% predominant material(s) is required.
29. Per TMC§1109.0205(C)(3), transparent windows shall occupy at least forty percent (40%) of the area between two (2') and ten feet (10') at grade from the base of the southern elevation facing Alexis Road, and transparent windows shall occupy twenty percent (20%) of the area between two (2') and ten feet (10') at grade from the base of the eastern elevation facing Stockbridge Drive. Not acceptable as depicted. Revised elevations depicting windows on the southern and eastern elevations are required.
30. Effort shall be made to make the addition compatible in design to the existing structure. Staff recommend the addition have a pitched roof. If rooftop equipment is proposed, TMC§1109.0306 (C) applies. Not acceptable as depicted, final elevations subject to Director's approval.
31. 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.
32. 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.
33. 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 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: September 12, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

September 12, 2023
Wade Kapszukiewicz

Mayor