



## Legislation Text

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**File #:** O-032-21, **Version:** 1

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Zoning & Planning Committee

**Granting an amendment to a Special Use Permit, originally granted by Ord. 367-08 for a Gas Station and a Convenience Store for a site located at 2315 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-6002-20) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit, originally granted by Ord. 367-08 for a Gas Station and Convenience store for a site located at 2315 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On December 3, 2020, the Toledo City Plan Commission recommended approval for the request for an amendment to a Special Use Permit, originally granted by Ord. 367-08 for a Gas Station and a Convenience Store for a site located at 2315 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio, in the City of Toledo, Lucas County, Ohio.

On January 6, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for an amendment to a Special Use Permit, originally granted by Ord. 367-08 for a Gas Station and Convenience Store for a site located at 2315 N. Detroit Avenue, 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 granted by Ord. 367-08 for a Gas Station and Convenience Store for a site located at 2315 N. Detroit Avenue, 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 no. 18-43256

7 9 27 SE 1/4 IRREG PCE LYING E & N OF R /W LINE COUNCIL ST & W OF R/W LINE DETROIT AVE  
& S O F R/W LINE I-75

SECTION 2. That the approval of the amendment to a Special Use Permit, originally granted by Ord. 367-08 for a Gas Station and Convenience Store for a site located at 2315 N. Detroit Avenue, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 45 conditions as follows:

The following forty-five (45) 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.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Detailed plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
8. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with [BSIonlinetracking.com](http://BSIonlinetracking.com) @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
9. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
10. If existing fire and domestic service lines are not to be reused, they shall be abandoned by the City of Toledo at the developer's expense.
11. If new water service taps are required, they will be installed by the City of Toledo at the

developer's expense.

12. Do not place water services through or beneath detention pond.
13. The footprint of the storm water feature is not defended with calculations and may be too small. Stormwater detention and post-construction stormwater best management practices (BMP's) must comply with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements, for all area(s) disturbed regardless of pre and post construction land use. <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>. The building roof must drain to the stormwater feature. A detailed grading plan that shows the proposed areas of earthwork and the drainage areas to be directed to the stormwater feature must accompany the detention calculations.
14. No construction work, including any earth disturbing work will be permitted without approved site plans. Submit the following for review & approval:
  - Engineering drawings and calculations compliant with the City of Toledo Infrastructure Design and Construction Requirements.
  - Detailed site grading plan.
  - Plans and calculations for storm sewer service, stormwater detention and post-construction BMP's.
  - A Storm Water Pollution Prevention Plan (SWP3) including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
  - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-construction BMP's are required to be maintained into perpetuity.
15. City of Toledo does not have a complete record for the existing storm sewer system on the site and per the City's MS4 permit all storm sewers must be mapped. The Developer/Owner/Consultant shall verify the location and outlet of the storm system and provide that information to the City of Toledo Division of Engineering Services. A copy of the City of Toledo's current records of the private storm sewer can be provided for reference.
16. Drainage Plans that incorporate low impact development solutions such as indicated on this proposal are eligible for a reduction in the property's stormwater utility fee through the Stormwater Credit Program, upon application to the program as explained at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit->
17. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
18. A single sanitary sewer tap shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
19. If there any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developer's cost.

20. Any previous kills that were not done at the right-of-way line shall be re-killed at the right-of-way to eliminate any active pipes on the property.
21. All sanitary sewer manholes in the project area shall have solid lids installed on them.

#### Environmental Services

22. 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.
23. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
24. 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.
25. 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](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
26. 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

Upon the removal of the fourth pump island, Transportation recommends approval.

#### Fire and Rescue

Fire and Rescue recommends approval.

#### Plan Commission

27. 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.

28. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
29. Elevations show a brick façade with storefront glazing on the east and south elevations and stucco columns. East, south, and north elevations acceptable as presented. The west elevation shown unfinished concrete block to be painted. Because the elevation is still visible from the right-of-way, unfinished concrete block is not a permitted material, regardless of paint. Staff supports the use of integrally colored concrete block to match the color of the brick on the other three elevations, brick, or other permitted predominant materials.
30. Sidewalks shall be constructed along all public streets, if not already installed, per TMC§1107.1303. Shall be clarified on a revised site plan.
31. At least one main entrance of any commercial building shall face and open directly onto a 5 foot walkway leading to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route. There must be safe, adequate, and convenient arrangement of pedestrian walkways, bikeways, and driveways within the site, per TMC§1109.0204.A and TMC§1107.1904. Given the location of the canopy and the fact that automobile traffic is expected to be high in front of the site, Plan Commission supports a direct path leading from the building entrance to the sidewalk on Council Street to the south of the site. This direct path shall be clearly articulated using brick pavers, concrete, or another material which differentiates from the asphalt. Shall be shown on a revised site plan.
32. Litter receptacles, for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910. Shall be shown on a revised site plan.
33. Bicycle parking shall be relocated as to not obstruct handicap accessible parking spaces.
34. 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. Plan Commission supports the use of a decorative fence in lieu of the required fifteen (15) feet wide frontage greenbelt. Decorative black wrought iron or black heavy gauge aluminum tube fencing shall be installed in the landscape areas abutting Detroit Ave. Fencing shall be at least four (4) feet in height. Brick columns shall be included and may be spaced no more than sixty (60) feet apart, and at each endpoint and vertex. Columns shall be at least four feet six inches (4'6") in height. Acceptable as shown on landscape plan.
  - b. A frontage greenbelt is required and shall include one (1) tree for every thirty (30) feet of frontage. Because the site is existing and being brought closer to compliance, Plan Commission staff is requiring six (6) canopy trees within the frontage greenbelt along Detroit Ave. The five (5) trees shown along both sides fronting Council St are acceptable as presented. (TMC§1108.0202)

- c. Dumpster screening shall be provided and shall include a solid masonry wall made of brick to match the building, or a combination of wood or wood-like fencing and solid evergreen landscaping. Plan Commission supports a landscape bed surrounding the dumpster to aid in providing landscaping at the end of the parking row, and surrounding the dumpster. (TMC§1108.0203.G)
- d. The site plan shows eleven (11) parking spaces. Interior parking lot landscaping shall include three (3) trees and seven (7) shrubs, and a landscaping island/peninsula shall be provided at the end of every parking row, including the row of accessible parking spaces. (TMC§1108.0204)
- e. Continuous shrubs are shown surrounding the site and meet the perimeter parking lot landscaping requirements. (TMC§1108.0204)
- f. Foundation plantings are acceptable as presented. (TMC§1108.0205)
- g. Because the building is two thousand eight hundred (2,800) square feet in area, an additional three (3) trees shall be provided within the site. (TMC§1108.0205)
- h. Plan Commission shares concerns addressed by Engineering Services in Condition #13 that the stormwater management area may be insufficient for a site this size which is almost entirely impervious. Underground detention is recommended to alleviate these concerns.
- i. 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'.
- j. 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.
- k. Irrigation shall be required for projects over ½ acre in site area. Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. An irrigation plan shall be submitted with final site plans for review and approval. (TMC§1108.0406)
- l. Landscaping shall be installed and maintained indefinitely.

35. Window signage is limited to 25% of the total window area, per the Sign Code (TMC§1391.02.R).

36. No new free-standing signs greater than forty-two inches (42”) from grade are permitted, subject to the approval of the Planning Director.
37. Canopies shall be set back a minimum of ten (10) feet from the property line, and 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. The Planning Director may require a peaked roof to compliment the principal building (TMC§1104.0903). The proposed canopy is set back at least ten feet and features columns that are fully wrapped in brick to match the principal building, and is approved as such.
38. Pump islands shall be set back a minimum of fifteen (15) feet from the property line (TMC§1104.0903). Acceptable as presented.
39. Non-petroleum displays must be within twenty-five (25) feet of the building but not within twenty-five (25) feet of any right-of-way. The maximum height of these displays shall not exceed five (5) feet.
40. Free air (with the capacity of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
41. Hours of operation are limited to 5:30 am to 1 am, per TMC§1104.0601.
42. 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.
43. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
44. 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.
45. 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