



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Approved  
**File created:** 7/12/2019      **In control:** City Council  
**On agenda:** 7/23/2019      **Final action:** 7/23/2019

**Title:** Granting a Special Use Permit, for a Convenience Store for a site located at 2222 N. Reynolds Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: ZPC 7/17/2019, 3. Audio: TCPC 6/13/19

Date	Ver.	Action By	Action	Result
7/23/2019	1	City Council		
7/23/2019	1	City Council		
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7/23/2019	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit, for a Convenience Store for a site located at 2222 N. Reynolds Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-3009-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Convenience Store for a site located at 2222 N. Reynolds Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 13, 2019, the Toledo City Plan Commission recommended disapproval for request for a Special Use Permit, for a Convenience Store for a site located at 2222 N. Reynolds Road, , in the City of Toledo, Lucas County, Ohio.

On July 17, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Convenience Store for a site located at 2222 N. Reynolds Road, 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 Convenience Store for a site located at 2222 N. Reynolds Road, 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:

That part of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$  of section 26, Town 9 South, Range 6 East in the city of Toledo, Lucas county, Ohio, bounded and described as follows:

BEGINNING AT POINT on the south line of said Section 26 that is 475.0 feet west of the East line of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of said southeast  $\frac{1}{4}$  of section 26, thence North on the West line of the East 475.0 feet of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of said South-east  $\frac{1}{4}$  of section 26, a distance of 315.0 feet, thence West on a line parallel with the south line of said section 26, a distance of 200.0 feet (Deed Record ) and 198.20 feet by measurement to the centerline of Reynolds Road, thence South along the centerline of Reynolds Road, a distance of 315.0 feet to the south line of said section 26, thence East along said south line of section 26 a distance of 200.38 feet to Point OF BEGGINNING, excepting there - from that part of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of section 26, bounded and described as follows:

BEGINNING in the centerline of Bancroft Street ( 60 feet wide ) 1150.28 feet S 85° 25' 00" W from the East line of section 26, thence continuing along the centerline of said Bancroft Street S 85° 25' 00" W a distance of 200.38 feet to its intersection of the centerline of Reynolds road, thence N 4° 57' 00" W along the centerline of said Reynolds Road, a distance of 177.50 feet thence N 85° 25' 00" E, a distance of 198.90 feet, thence S 5° 27' 00" E a distance of 177.49 feet to the POINT OF BEGINNING.

Subject to legal highways and all easements of Record.

SECTION 2. That the approval of the Special Use Permit for a Convenience Store for a site located at 2222 N. Reynolds Road, Special Use Permit, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 11 conditions as follows:

The following eleven (11) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### 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: 419-936-2276

#### Sewer & Drainage Services

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

#### Transportation

4. One van accessible parking space with 8' wide aisle required per TMC 1107.
5. All parking spaces required to be a minimum of 9'x18' per TMC 1107.
6. Three bicycle parking spaces required per TMC 1107.
7. Wheel stops required at all parking spaces that are abutting sidewalk and building per TMC 1107.
8. Existing sign location in parking lot needs to be shown where parking space is not used due to existing sign.
9. 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.
10. 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. Major adjustments will require an amendment to the Special Use Permit.
11. 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. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2222 N. Reynolds Road, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

1104.0600 Convenience Stores

1104.0603 Spacing Requirements

A. A convenience store shall not be located within a 2,000 foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit.

B. A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

Approve a waiver to allow a convenience store to be located with 2,000 feet of another convenience store and 1,000 feet of a school, public park, licensed child day care center, or other use established specifically for the activities of minors.

SECTION 4. 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 5. 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