



## Legislation Details (With Text)

**File #:** O-033-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Second Reading  
**File created:** 1/8/2021      **In control:** City Council  
**On agenda:** 2/2/2021      **Final action:** 2/2/2021  
**Title:** Granting an amendment to a Special Use Permit, originally granted by Ord. 505-80 and 347-87 for a Gas Station located at 1201-1211 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: Agenda Review 1/27/2021

Date	Ver.	Action By	Action	Result
2/2/2021	1	City Council		
2/2/2021	1	City Council		
2/2/2021	1	City Council		
1/19/2021	1	City Council		

Zoning & Planning Committee

**Granting an amendment to a Special Use Permit, originally granted by Ord. 505-80 and 347-87 for a Gas Station located at 1201-1211 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-11002-19) filed with the City of Toledo Central Permit Center, a request for an amendment to a Special Use Permit, originally granted by Ord. 505-80 and 347-87 for a Gas Station located at 1201-1211 Dorr Street, 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. 505-80 and 347-87 for a Gas Station located at 1201-1211 Dorr Street, 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 a amendment to a Special Use Permit, originally granted by Ord. 505-80 and 347-87 for a Gas Station located at 1201-1211 Dorr Street, 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. 505-80 and 347-

87 for a Gas Station located at 1201-1211 Dorr Street, 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 02-26121

BROWNS HOAG ST ADDN LO T 1 E 16.66 FT & 1/2 VAC ALLEY S & ADJ EXC PT IN RD

Parcel no 02-26124

BROWNS HOAG ST ADDN LOT 1 W 8 1/3 FT & LOT 2 & 1/2 VAC ALLEY S & ADJ

Parcel no 02-26127

BROWNS HOAG ST ADDN LOT 3 & 1/2 VAC ALLEY S & ADJ

Parcel no 02-26131

BROWNS HOAG ST ADDN LOT 4 & E 5 FT 5 & 1/2 VAC ALLEY S & ADJ

Parcel no 02-26134

BROWNS HOAG ST ADDN LOT 5 W 15 FT & 6 & 1/2 VAC ALLEY S & ADJ

SECTION 2. That the approval of the amendment to a Special Use Permit, originally granted by Ord. 505-80 and 347-87 for a Gas Station located at 1201-1211 Dorr Street, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 19 conditions as follows:

The following nineteen (19) 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

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

### Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. 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.

### Environmental Services

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.
  - 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
10. 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)

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.

Plan Commission

12. Curbing shall be installed along the western property adjacent to the gravel area to restrict parking on a parcel that is not an approved material or approved for use with the SUP.
13. 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 10' perimeter landscape buffer shall be installed along the south of the property adjacent to proposed parking areas and include (2) canopy trees and a solid row of evergreen shrubs.
  - b. A 10' perimeter landscape buffer shall be installed along east of the property adjacent to proposed parking areas with canopy trees and a solid row of evergreen shrubs.
  - c. Pervious area shall be maintained and expanded along the east property line to a minimum of 10' and shall be correctly displayed on a plan. Impervious area shall not be expanded.
  - d. 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.
  - 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. 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.
14. Free air (with the capability of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.
15. 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.
16. 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.

- 17. 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.
- 18. 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.
- 19. 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 \_\_\_\_\_, 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