



## Legislation Details (With Text)

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<b>On agenda:</b>	8/17/2021	<b>Final action:</b>		8/17/2021	
<b>Title:</b>	Granting an Amendment to a Special Use Permit, originally granted by Ord. 503-80 and 977-00, for a Gas Station and Convenience Store, for a site located at 750 E. Central Avenue, 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: City Council August 17, 2021

Date	Ver.	Action By	Action	Result
8/17/2021	1	City Council		
8/17/2021	1	City Council		
8/17/2021	1	City Council		

### Zoning & Planning Committee

**Granting an Amendment to a Special Use Permit, originally granted by Ord. 503-80 and 977-00, for a Gas Station and Convenience Store, for a site located at 750 E. Central Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-4001-21) filed with the City of Toledo Central Permit Center, a request for an Amendment to a Special Use Permit, originally granted by Ord. 503-80 and 977-00, for a Gas Station and Convenience Store, for a site located at 750 E. Central Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 10, 2021, the Toledo City Plan Commission recommended disapproval for the request for an Amendment to a Special Use Permit, originally granted by Ord. 503-80 and 977-00, for a Gas Station and Convenience Store, for a site located at 750 E. Central Avenue, in the City of Toledo, Lucas County, Ohio

On July 14, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and deferred for the next zoning meeting, an Amendment to a Special Use Permit, originally granted by Ord. 503-80 and 977-00, for a Gas Station and Convenience Store, for a site located at 750 E. Central Avenue, in the City of Toledo, Lucas County, Ohio.

On August 12, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved, an Amendment to a Special Use Permit, originally granted by Ord. 503-80 and 977-00, for a Gas Station and Convenience Store, for a site located at 750 E. Central 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. 503-80 and 977-00, for a Gas Station and Convenience Store, for a site located at 750 E. Central Avenue, in the City of Toledo, Lucas County, Ohio 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:

Douglass Addition LOT 1, LOT 2, LOT 3, Douglass Addition LOT 4 S 24 FT & N 8 FT 5

SECTION 2. That the approval of an Amendment to a Special Use Permit, originally granted by Ord. 503-80 and 977-00, for a Gas Station and Convenience Store, for a site located at 750 E. Central Avenue, 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.

Division of 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.
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. 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 @ 800-414-4990. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified

and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.

#### Division of Environmental Services

8. 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.
9. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
10. 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.
11. 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)
12. 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

13. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
14. 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 (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

#### Division of Transportation

15. All vehicle stacking must be shown for gas pumps and is required to meet TMC 1107

16. A 25' drive aisle is required for two-way traffic per TMC 1107. (That requirement is with the vehicle stacking at gas pumps).
17. The parallel parking shown will not permit for a 25' drive aisle with gas pump stacking requirements per TMC 1107.
18. A pass around aisle is required around vehicle stacking at gas pumps and must meet TMC 1107.
19. A parking spot is required for the air station and must adhere to TMC 1107.

Plan Commission

20. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
21. Applicant shall submit elevations of the building expansion. Elevations shall be required to follow all standards outline in TMC§1109.
22. 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.
23. 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 or wall in lieu of the required fifteen (15) feet wide frontage greenbelt. Decorative black wrought iron or black heavy gauge aluminum tube fencing or stone to match the existing planter shall be installed in the landscape areas abutting Central Ave and Stickney Ave. Fencing shall be at least four (4) feet in height. Continuous shrubs shall be placed around the perimeter of the parking lot. Not acceptable as depicted.
  - 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 four (4) canopy trees within the frontage greenbelt along Stickney Ave. The two (2) trees shown along Central Avenue are acceptable as presented. (TMC§1108.0202) Acceptable as depicted.
  - c. In lieu of a Type "A" buffer, a continuous solid privacy fence, made of wood or vinyl, shall be installed along the property lines to screen abutting residential properties. Existing fencing along the western property line shall be repaired and extended to meet this requirement. Not Acceptable as depicted.
  - d. 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. (TMC§1108.0203.G) Acceptable as depicted.

- e. 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'.
- f. 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.
- g. Landscaping shall be installed and maintained indefinitely.

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

25. Plan Commission shares concerns addressed by Transportation that traffic flow may be insufficient.

26. Pump islands shall be set back a minimum of fifteen (15) feet from the property line (TMC§1104.0903). Acceptable as depicted.

27. 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.

28. Free air (with the capacity of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station.

29. Hours of operation are limited to 5:30 am to 1 am, per TMC§1104.0601.

30. 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.

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

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 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 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 12, nays 0.

Passed: August 17, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

August 17, 2021  
Wade Kapszukiewicz  
Mayor