

**GENERAL INFORMATION**

Subject

- Request - Special Use Permit for Gasoline and Fuel Sales
- Location - 1322 Bernath Parkway
- Applicant + Design Professional - Matt Davis  
CESO, Inc.  
2800 Corporate Exchange Drive, STE 400  
Columbus, OH 43231
- Developer - 7-Eleven, Inc.  
3200 Hackberry Road  
Irving, TX 75063
- Owner - Akaashaman, LLC  
3550 Mowry Ave, STE 301  
Freemont, CA 94538

Site Description

- Zoning - RM12 / Multi-Dwelling Residential (CN Pending)
- Area - ±2.44 acres
- Frontage - ±389.21' along Bernath Parkway  
±277.76' along Airport Highway  
±225' along Tibaron Lane
- Existing Use - Vacant restaurant
- Proposed Use - Gas Station with Convenience Store

Area Description

- North - RM12, POS / Condominiums, Apartments, Open Space
- South - CN, RD6 / Offices, Shopping Center, Condominiums, Apartments
- East - CR, CN, CO / Bank, Restaurants, Offices, Retail
- West - RM12, POS, CR / Condominiums, Apartments, Open Space, Retail

**GENERAL INFORMATION (cont'd)**Parcel History

- Z-39-76 - Request for Zone Change from R-A to R-2A. Plan Commission approved on 5/13/76, City Council approved on 5/25/76 by Ord. 362-76.
- Z-40-76 - Request for Community Unit Plan for 55-acre Tibaron site. Plan Commission approved on 05/13/76, City Council approved on 5/25/76 by Ord. 363-76.
- S-12-76 - Request for preliminary drawing review for Tibaron plat. Plan Commission approved on 5/13/76.
- S-34-76 - Request for preliminary drawing review for Tibaron plat, Plan Commission approved on 6/30/77.
- Final Tibaron Plat 1 approved by Plan Commission on 10/6/77.
- Z-269-76 - Request for amendment to Community Unit Plan, originally granted by Ord. 363-76. Plan Commission approved on 10/28/76, City Council approved on 11/23/76 by Ord. 870-76.
- Request for amendment to Community Unit Plan, originally granted by Ord. 363-76 and amended by Ord. 870-76. Plan Commission approved on 6/30/77, City Council approved on 7/19/77 by Ord. 509-77.
- CUP-4-78 - Request for amendment to Community Unit Plan, originally granted by Ord. 363-76 and amended by Ord. 870-76 and Ord. 509-77. Plan Commission approved 6/29/78, City Council approved on 7/17/78 by Ord. 476-78.
- CUP-85-79 - Request for amendment to Community Unit Plan, originally granted by Ord. 363-76 and amended by Ord. 870-76, Ord. 509-77, and Ord. 476-78. Plan Commission approved on 5/3/79, City Council approved on 6/12/79 by Ord. 372-79.

**GENERAL INFORMATION (cont'd)**Parcel History (cont'd)

- CUP-4-78
- Request for amendment to Community Unit Plan, originally granted by Ord. 363-76, as amended, to modify condition number four (4) of Ord. 363-76 as pertaining to the commercial center development. Plan Commission recommended to reduce the number of units required to be built prior to the construction of the commercial center on 10/4/79. City Council voted to remove the condition requiring completion of 400 residential units prior to the construction of the commercial development on 11/20/79 by Ord. 741-79.
  - Request for amendment to the Tibaron Community Unit Plan, originally granted by Ord. 363-76, as amended, pertaining to the development of the commercial center intended to serve the CUP. Plan Commission approved on 7/24/80.
  - Request for minor change to Community Unit Plan, originally granted by Ord. 363-76, as amended, to adjust the driveway on Tibaron Lane. Plan Commission approved on 6/4/81, City Council approved on 6/23/81 by Ord. 384-81.
- CUP-40-76
- Request for minor change to Community Unit Plan, originally granted by Ord. 363-76, as amended, for expansion of the restaurant by less than 1,000 ft located on Lot 1 of Tibaron Plat 1. Plan Commission approved on 7/11/1991, City Council approved on 7/30/91 by Ord. 607-91.
- Z-5062-94
- Request for Zone Change from R-2A (Restricted Multi-Family) to C-3 (Commercial) at 1334 Bernath Parkway to allow for a pole sign. Plan Commission on 10/6/94 recommended to disapprove the Zone Change request and instead approve an amendment to the Tibaron CUP to permit a pole sign. City Council accepted the recommendation to deny the Zone Change and approved an amendment to the CUP granted by Ord. 363-76, as amended, to permit a pole sign at on 10/25/94 by Ord. 609-94.

**GENERAL INFORMATION (cont'd)**Parcel History (cont'd)

- |            |   |  |
|------------|---|--|
| Z25-0038   | - | Request for Zone Change from RM12 (Multi-Family Residential) to CN (Neighborhood Commercial) at 1322 Bernath Parkway ( <i>companion case</i> ).  |
| PUD26-0005 | - | Removal of Lot 1 of the Tibaron Plat 1 from the Community Unit Plan originally approved by Ord. 373-76 and as amended ( <i>companion case</i> ). |

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit for a new gas station and convenience store at 1322 Bernath Parkway. The ±2.44-acre site is occupied by a vacant restaurant and is currently zoned RM12 (Multi-Dwelling Residential), which does not permit Gasoline and Fuel Sales. The applicant has applied for companion cases *Z25-0038*, a Zone Change from RM12 (Multi-Dwelling Residential) to CN (Neighborhood Commercial); and *PUD26-0005* a request to remove the subject site from a Community Unit Plan. The CN (Neighborhood Commercial) district permits Gasoline and Fuel Sales with an approved Special Use Permit. This Special Use Permit review is based on the standards of the CN (Neighborhood Commercial) district and will be contingent on the approval of companion cases *Z25-0038* and *PUD26-0005*.

North of the site across Tibaron Lane are condominiums, apartments, and open space, to the south of the site across Airport Highway are offices, shopping center, apartments, and condominiums, to the east across Bernath Parkway is a bank, restaurants, auto repair, offices and retail; and to the west are apartments, condominiums, open space, and retail.

Gasoline and Fuel Sales

TMC§1104.0900 - *Gasoline and Fuel Sales* outlines specific site design criteria for gas stations. The section does not permit gas pumps and pump islands in the front yard within fifty (50') feet of a residential district. The section also requires pump islands be set back a minimum of fifteen (15') feet from the property line, that canopies be set back a minimum of ten (10') feet from the property line and support columns shall be brick or brick base compatible with the principal building, and that non-petroleum displays be set back a minimum of twenty-five (25') feet from the right-of-way and be limited to a height of five (5') feet. Free air, water and restrooms shall also be provided and maintained during the hours of operations of the gas station. Additionally, in the CN (Neighborhood Commercial) district, Gasoline and Fuel Sales facilities must be located on a Major Street as classified by the Toledo-Lucas County Major Street and Highway Plan. The site has frontage along Airport Highway which is classified as a principal arterial. The submitted site plan meets the regulations for Gasoline and Fuel Sales.

**STAFF ANALYSIS (cont'd)**Intensity and Dimensional Standards

Pursuant to TMC§1106.0102 the maximum front setback within the CN (Neighborhood Commercial) district is limited to thirty-five (35') feet. The subject site has frontage along Airport Highway, Bernath Parkway, and Tibaron Lane. A maximum thirty-five (35') foot front setback is applicable along all three (3) frontages. The site plan proposes the front building setbacks to be roughly 145-feet from Airport Highway, 160-feet from Bernath Parkway, and 227-feet from Tibaron Lane. A waiver of TMC§1106.0102 must be obtained for the proposed building location. Staff is supportive of this waiver due to a fifty-foot (50') building setback restriction on the existing Tibaron Plat, the site has three (3) frontages, and to allow room for the canopy to be placed in the front of the site away from the adjacent residentially-zoned district to the west. The submitted site plan meets all other regulations of TMC Chapter 1106 – *Intensity and Dimensional Standards*.

Parking and Circulation

TMC§1107.0304 *Off-street parking Schedule "A"*, the maximum number of off-street parking spaces allowed for gas stations is one (1) per two-hundred (200) square feet of building area. The proposed building is 4,852 square feet thus, the maximum number of parking spaces allowed is twenty-five (25). The applicant has provided thirty-three (33) off-street parking spaces, exceeding the maximum by eight (8) spaces. Pursuant to TMC§1107.0302 *Maximums*, no use may provide more than the maximum off-street parking spaces allowed except through approval of an Alternative Parking Plan pursuant to TMC§1117.1400. Removal of eight (8) parking spaces, or approval of an Alternative Parking Plan, is listed as a condition of approval.

A minimum of one (1) bicycle space per ten (10) automobile parking spaces is required pursuant to TMC§1107.0300 *Off-Street Parking Schedule "A"*. A total of three (3) bicycle parking spaces are required and is listed as a condition of approval. The site plan depicts a bike rack located near the south west corner of the building however, the number of spaces provided is not shown.

Ingress/Egress to commercial parking lots such as the proposed must be from a major street or from a street without residential zoning on the opposite side of the street per TMC§1107.1203(A). Two curb cuts are proposed along Bernath Parkway where commercial zoning exists across the street. An existing curb cut along Tibaron Lane is proposed to remain. A waiver to permit this existing curb cut is required due to residential zoning across the street. Staff is supportive of this waiver because the existing Tibaron Lane curb cut serves as a drive access to the residential units adjacent westerly of the site, and the drive access is designed for vehicular traffic only with posted "no trucks" signs at the entrance from Tibaron Lane and within the site.

TMC§1107.1600 *Vehicle Stacking Areas* requires a minimum of one (1) ten- foot (10') by twenty-foot (20') stacking space at each pump island. Stacking spaces are not shown on the site plan. A revised site plan depicting such stacking spaces shall be submitted and is listed as condition of approval by the Division of Traffic Management.

**STAFF ANALYSIS (cont'd)**Parking and Circulation (cont'd)

The applicant has provided two (2) accessible parking spaces as required by TMC§1107.1700. One (1) of these spaces must be designed to accommodate an accessible van with an abutting eight-foot (8') wide aisle. The site plan indicates a five-foot (5') wide aisle between the two (2) proposed spaces. An eight-foot (8') wide abutting aisle shall be provided and is listed as a condition of approval. Lastly, these spaces must be identified with signs and pavement markings indicating them as reserved for persons with disabilities. Signs must be posted directly in front of the parking space at a height of no less than 60 inches and no more than 72 inches above pavement level.

Landscaping and Screening

An extensively landscaped frontage greenbelt is required along all public rights-of-ways. At least one (1) tree must be provided for every thirty feet (30') of lot frontage. Additionally, if the parking lot is proposed in the front of the property, the frontage greenbelt shall include a solid evergreen hedge planting to screen headlights of any vehicles. The submitted landscape plan depicts a solid evergreen hedge surrounding the entire perimeter of the site. There is a total of thirty (30) trees provided within the frontage greenbelts. The site has  $\pm 389.21'$  of frontage along Bernath Parkway,  $\pm 277.76'$  of frontage along Airport Highway, and  $\pm 225'$  of frontage along Tibaron Lane for a collective frontage total of  $\pm 891.97'$ . Thus, the submitted landscape plan meets the requirements of TMC§1108.0202.

A Type A landscape buffer is required along the western property line. This landscape buffer shall be a minimum ten (10') feet in width and include a solid fence or wall six (6') to eight (8') feet in height, and plantings of four (4) trees and fifteen (15) shrubs for every one hundred linear feet (100'). The western property line is  $\pm 488$  linear feet, requiring twenty (20) trees and sixty (60) shrubs. The landscape plan depicts a six (6') foot tall wall, with thirteen (13) trees and seventy-eight (78) shrubs. An additional seven (7) trees shall be provided as a part of the Type A landscape buffer along the western property line, and is listed as condition of approval.

Interior parking lot landscaping must be provided at a ratio of two (2) canopy trees and six (6) shrubs for each ten (10) parking spaces. With thirty-three (33) parking spaces proposed, a total of eight (8) trees and twenty-four (24) shrubs shall be provided. The submitted landscape plan meets the requirements of TMC§1108.0204

In addition to the other landscape requirements for buffer areas and frontage greenbelts, one (1) tree is required for every 1,000 square feet of building coverage, foundation plantings along the building where visible from the right-of-way, and landscaping at all major building entrances. Foundation plantings are provided along the western side of the building, the remaining building facades are adequately screened from the right-of-way however, plantings at the building entrance are not proposed and is listed as a condition of approval. The proposed building is 4,852 square feet requiring five (5) trees. The submitted landscape plan depicts a bioretention facility on the north portion of the site. This facility provides additional plantings of grass, shrubbery, and trees within the site and is replacing a substantial amount of asphalt in the existing parking lot.

**STAFF ANALYSIS (cont'd)**Landscaping and Screening

Bioretention filter beds must be planted with turf, trees, and/or plant materials chosen from lists provided by the Toledo-Lucas County Rain Garden Initiative. Additionally, the final design of the facility must be approved by the Department of Public Utilities.

Building Design and Materials

TMC§1109.0103 requires connecting walkways from the main building entrance to the street or place sidewalks while also connecting parking spaces. The submitted site plan meets this regulation as a sidewalk connection is proposed from the main entrance through the south of the site crossing near parking spaces and connecting into existing sidewalk along Airport Highway.

TMC§1109.0205 *Building Design Standards* requires variation in massing and wall articulation for facades facing streets and walkways. This section also requires the building's design to reduce its perceived height by dividing the building mass into smaller scale components. The proposed building elevations meets these design standards through a variation of parapet heights, wall plane offsets, changes in texture and color of wall surfaces, use of windows with mullions, and a three-foot (3') in height stone wainscoting. Additionally, transparent windows must occupy at least forty (40%) percent of the area between two (2') and ten (10') feet in height from the ground base of the primary elevation facing the right-of-way. For corner properties, transparent windows shall also occupy at least twenty (20%) percent of this area facing the side street. The primary building elevation facing east along Bernath Parkway proposes fifty-four (54%) window coverage between two (2') and ten (10') feet in height from the ground base. The south and north facades facing Airport Highway and Tibaron Lane depict window coverage of forty-one (41%) percent and twenty-seven (27%) percent respectively between two (2') and ten (10') feet in height from the ground base of the side elevations.

As required under TMC§1109.0500 *Building Façade Materials and Color*, all facades that are visible from the right-of-way must provide at least eighty (80%) percent of predominant building materials and no more than twenty (20%) percent accent materials. The submitted building elevations meets the regulations for *Building Façade Materials and Color*.

Proposed Building Façade Material Percentages
North façade (Tibaron Lane) 63% Brick, 10% Stone, 15% Fiber Cement Board, 12% Glass. Total: 85% predominant and 15% accent materials.
East façade (Bernath Parkway) 37% Brick, 27% Architectural Metal, 8% Stone, 8% Fiber Cement Board, and 20% Glass. Total: 92% predominant and 8% accent materials.
South façade (Airport Highway) 22% Brick, 37% Architectural Metal, 14% Stone, 12% Fiber Cement Board, and 15% Glass. Total: 88% predominant and 12% accent materials.
West façade (facing adjacent residential) 84% Brick, 13% Stone, and 3% Glass. Total: 100% of predominant materials.

## STAFF ANALYSIS (cont'd)

### Building Design and Materials (cont'd)

The proposed architectural metal is indicated as a twenty-four (24)-gauge face sheet. Per TMC§1109.0502(D)(4) – metal panels shall have a minimum twenty-two (22)-gauge face sheet. The use of twenty-four (24)-gauge architectural metal is not permitted and is listed as condition of approval.

### Signs

The Neighborhood Commercial zoning district permits one (1) medium profile ground sign per right-of-way frontage. The site plan indicates an eight-foot (8') EMC monument sign at the south east corner and near the north east corner of the site facing Airport Hwy and Bernath Pkwy respectively. The proposed sign package for the site includes wall signage. It appears that the proposed wall signs and medium profile EMC ground signs meet the regulations of TMC Chapter 1113 - *Signs*. Sign permits are required prior to installation for all site signage.

### Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Future Land Use Map targets this site for Neighborhood Mixed-Use land uses. This designation aims to preserve and promote pedestrian-oriented commercial and mixed-use areas. While auto-oriented uses such as gas stations are not preferable uses in Neighborhood Mixed-Use districts, several pedestrian-oriented features are built into the design of the proposed development, such as internal pedestrian walkways and bicycle parking. Additionally, the site plan proposes adding significant landscaping upgrades and decreasing the overall impervious surface within the site substantially, both of which meet goals laid out in the Forward Toledo Comprehensive Land Use Plan.

### Neighborhood Meeting

The applicant hosted a neighborhood meeting at AMCC Toledo Al-Madinah Community Center on Thursday, February 12<sup>th</sup>, from 5:30pm through 7:00pm. About fifteen (15) community members attended. The applicant presented the proposed development and held discussion surrounding concerns of the project and the development process. A few attendees were in support of the proposal however, majority expressed concerns in relation to traffic, crime, pollution, hours of operation, and clustering of gas stations in the area.

One major concern of community members is the proximity of a school bus stop near the site. Staff conducted a site visit from 6:30am to 9:00am on Wednesday, February 18<sup>th</sup>. During this time frame staff noted that various buses picked up children on the corner of Tibaron Lane and Bernath Parkway across from the site. A few parents parked their cars along Tibaron Lane while waiting for buses to arrive. It was noted that many vehicles cut-through the site to turn onto Bernath Parkway to avoid passing the parked cars along Tibaron Lane. Additionally, this corner lacks traffic signs or signals. Staff raised concerns of potential traffic incidents to the division of Traffic Management. Additionally, concerns were raised by community members of the influx of traffic into their neighborhood from the proposed development. Traffic Management believes the proposed site developments will not cause an increase of traffic into the neighborhood.

**STAFF ANALYSIS (cont'd)**

Neighborhood Meeting (cont'd)

Concerns regarding pollution such as environmental hazards, light, and noise should be mitigated by existing Ohio EPA and City regulations. TMC§1107.1908 requires site lighting to be arranged and directed away from any adjacent residential property, public ways, and from the sky above the light fixtures. The proposed site lighting plan meets this regulation. To help ease concerns regarding hours of operations, the hours shall be limited to 5:30am to 1:00am per TMC§1104.0901(H), and is listed as a condition of approval. Lastly, staff looked into the potential clustering of gas stations near the site. It appears that there are currently three (3) existing gas stations within a one (1)-mile radius of the site; and eight (8) existing gas stations within a two (2)-mile radius. A comprehensive review of gas stations and the effects on crime, environmental pollutants, and other geographical relations should be completed for the whole City to determine if there are any correlations. While some studies suggest that a higher density of gas stations may have a correlation to increased crime, other studies suggest that gas stations are not a causation and that a small number of gas stations represent a substantial portion of crimes committed at or near gas stations (Boehme, H. M. & et al., 2022).

Staff recommends approval of SUP25-0049, a Special Use Permit for a new gas station at 1322 Bernath Parkway because the proposed redevelopment of the site aligns with goals of the Forward Toledo Comprehensive Land Use Plan. Additionally, the proposal meets the stated purpose of the Zoning Code and complies with all applicable provisions of the Zoning Code.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend approval of SUP25-0049, a Special Use Permit for a new gas station at 1322 Bernath Parkway to the Toledo City Council, for the following two (2) reasons:

1. The proposed use is consistent with the Comprehensive Plan and the stated purpose of the Zoning Code (TMC§1111.0706(A)); and;
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B)).

The staff further recommends that the Toledo City Plan Commission recommend approval of the following **two (2) waivers**:

**Chapter 1106 – Intensity and Dimensional Standards**

**1106.0102 - Commercial Districts Standards**

Maximum Front Setback is limited to thirty-five (35') feet.

Approve a waiver to eliminate front setback requirements. The site has three (3) frontages, a fifty-foot (50') building line setback established through an easement on the Tibaron Plat 1 along Airport Highway, and to allow room for the canopy to be placed in the front of the site.

**STAFF RECOMMENDATION (cont'd)**

**Chapter 1107 – Parking, Loading and Access**

**1107.1203 – Street Access**

A. Ingress and egress to a parking lot in a Commercial or Industrial Zoning District must be from a major street or from a street located in a Commercial or Industrial District with Commercial or Industrial zoning on the opposite side of the street.

Approve a waiver to allow an access drive along Tibaron Lane. There is restricted access to the residential development adjacent westerly of the subject site. The apartment complex utilizes the existing drive-way along Tibaron to access their site, and the access drive is designed for vehicular traffic only restricting use by trucks.

The staff further recommends that the Toledo City Plan Commission recommend **approval** of SUP25-0049, a Special Use Permit for Gasoline and Fuel Sales at 1322 Bernath Parkway, to the Toledo City Council, subject to the following **forty-six (46)** conditions:

The following 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. 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 proposed 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 Steve Kessinger. He can be reached at (419) 245-1347 or Steve.Kessinger@toledo.oh.gov. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. No objection to the footprint shown for a detention basin, however its size will need confirmed, and possibly enlarged to provide for the required water quality volume, flood control, and restricted discharge rate. The footprint and geometrics need to also address the design guidance (Chapter 2.7 of the Ohio Rainwater Manual) including but not limited to side slopes, flow length, sediment storage, and wet forebay or alternative pretreatment.

**STAFF RECOMMENDATION (cont'd)**

Engineering Services (cont'd)

5. A full submittal for storm water requires submittal of the regional SWP3 submittal coversheet as provided to applicant, and its items 1.a. - 1.g. Following the stormwater review, comment and revisions, additional items needed to receive a stormwater construction permit are listed on the SWP3 submittal cover sheet, items 2.a. - 2.c., as well as the sewer fee for plan review and field inspection.
6. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
7. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
8. If there are 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 developers cost.
9. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
10. 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.
11. In easement area, fence and retaining wall and landscaping not allowed over top of public sanitary sewer. Free and clear access to sewer must be maintained at all times. Show location of easement on site plans.

Water Distribution

No comments at the time of publication.

Division of 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.

**STAFF RECOMMENDATION (cont'd)**

Division of Environmental Services

14. 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. (this comment is specific for sites above 2,500 square ft)
16. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
17. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.
18. 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.
19. 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](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.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
20. 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.

Bureau of Fire Prevention

21. The proposed new building will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
22. New and existing buildings shall be provided with approved address identification that meets Building & Fire Code requirements. (OBC 501.2 & OFC 505.1)

**STAFF RECOMMENDATION (cont'd)**

Division of Traffic Management

23. Vehicle stacking at gas pumps must be clearly shown on drawings per TMC1107.1601. Stacking must be dimensioned to the parked spaces to the west and to the parking lot curb to the east.
24. Accessible parking signage must be posted directly in front of the parking spaces at a height of no less than 60” and no more than 72” above pavement level per TMC 1107.1704.
25. If one does not already exist, a cross access agreement is required with the adjacent property owner to the West.

Plan Commission

26. Approval of companion cases Z25-0038 and PUD26-0005.
27. Free air, water, and restrooms shall be provided and maintained during operating hours of the station per TMC§1104.0903(D).
28. The hours of operation shall be limited to 5:30 a.m. to 1:00 a.m.
29. Support columns of gas canopies shall be brick, brick base, or other durable materials compatible with the principal building per TMC1104.0903(A). **Not depicted, revised canopy elevations depicting compatible building materials shall be submitted**
30. Pursuant to Off-Street Parking Schedule “A,” (TMC§1107.0304). A maximum of twenty-five parking spaces are allowed for this site. The submitted site plan shows thirty-three (33) parking spaces. **Not acceptable as depicted, removal of eight (8) spaces or an Alternative Parking Plan shall be provided.**
31. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A,” (TMC§1107.0300). Minimum number of bicycle parking slots required is one (1) bicycle parking per ten (10) auto parking spaces. Three (3) bicycle parking spaces are required. **Location acceptable as depicted.**
32. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. One (1) van accessible space with an eight-foot (8’) drive aisle and one (1) car accessible space with five-foot (5’) drive aisles are required. **Not acceptable as depicted, an eight-foot (8’) wide abutting aisle shall be provided.**
33. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater treatment facility subject to the regulations and approval of the Department of Public Utilities.

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

34. Wheel stops shall be provided whenever a parking lot extends to a property line, sidewalk, planting strip, or building per TMC§1107.1907. **Concrete curbing proposed on site plan is acceptable as depicted.**
35. A detailed site, lighting, fencing and landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A fifteen-foot (15') wide frontage greenbelt consisting of one (1) tree for every thirty-feet (30') of lot frontage and a solid evergreen hedge planting along Airport Hwy, Bernath Pkwy, and Tibaron Ln shall be provided. **Acceptable as depicted on landscaping plan submitted.**
  - b. A ten-foot (10') wide Type A landscape buffer consisting of a solid wall or fence six-feet (6') to eight-feet (8') in height, four (4) trees and fifteen (15) shrubs for every one-hundred (100) linear feet shall be provided along the western property line abutting the residential district. **The proposed width, wall, and number of shrubs is acceptable however, an additional seven (7) trees shall be provided.**
  - c. Two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot (existing trees may be used for credits). A total of eight (8) trees and twenty-four (24) shrubs are required for this site. **Acceptable as depicted.**
  - d. One 2-inch caliper tree for every 1,000 square feet of building coverage shall be required. Five (5) trees are required for this site. **Acceptable as depicted.**
  - e. Foundation plantings shall be required along the portions of the building visible from the right-of-way. **Acceptable as depicted.**
  - f. Plantings at the main entrance of the building shall be provided. **Not acceptable, shall be depicted on revised landscaping plan.**
  - g. Bioretention filter beds must be planted with turf, trees, and/or plant materials chosen from lists provided by the Toledo-Lucas County Rain Garden Initiative.
  - h. Topsoil must be back filled to provide positive drainage of the landscape areas.
  - i. 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.

**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- j. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards.
  - k. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
  - l. The location, height and materials for any fencing to be installed and maintained.
  - m. Because the site is greater than ½ acre, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details;
  - n. The location and direction of any proposed lighting. **Lighting is to be directed away from adjacent residential properties.**
  - o. Per TMC§1108.0203(G), dumpsters shall be screened on all four sides with materials of evergreen plantings, fencing, a wall, or a combination thereof with a minimum height of six (6') feet. **Not acceptable, dumpster screening detail and materials shall be submitted for approval on revised landscaping plan.**
36. Per TMC§1109.0204(A)(1) At least one (1) main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a 5-foot-wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route. **Acceptable as depicted.**
37. All internal pedestrian walkways that cross parking aisles or driveways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards.
38. TMC§1109.0500 *Building Façade Materials and Color*, all facades that are visible from the right-of-way must provide at least eighty (80%) percent of predominant building materials and no more than twenty (20%) percent accent materials. This applies to the facades facing Airport Hwy, Bernath Pkwy, and Tibaron Ln. **Acceptable as depicted.**

**STAFF RECOMMENDATION** (cont'd)

Plan Commission (cont'd)

39. Per TMC§1109.0502(D)(4) architectural metal panels shall have a minimum twenty-two (22)-gage face sheet. **Not acceptable as depicted on building elevations.**
40. Transparent windows must occupy at least forty (40%) percent of the area between two (2') and ten (10') feet in height from the ground base of the primary elevation facing the right-of-way. For corner properties, transparent windows shall also occupy at least twenty (20%) percent of this area facing the side street. **Acceptable as depicted.**
41. Applicant shall obtain appropriate permits for any proposed signage.
42. Internally-illuminated signage may only be illuminated when the business is open.
43. 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.
44. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
45. 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.
46. 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.

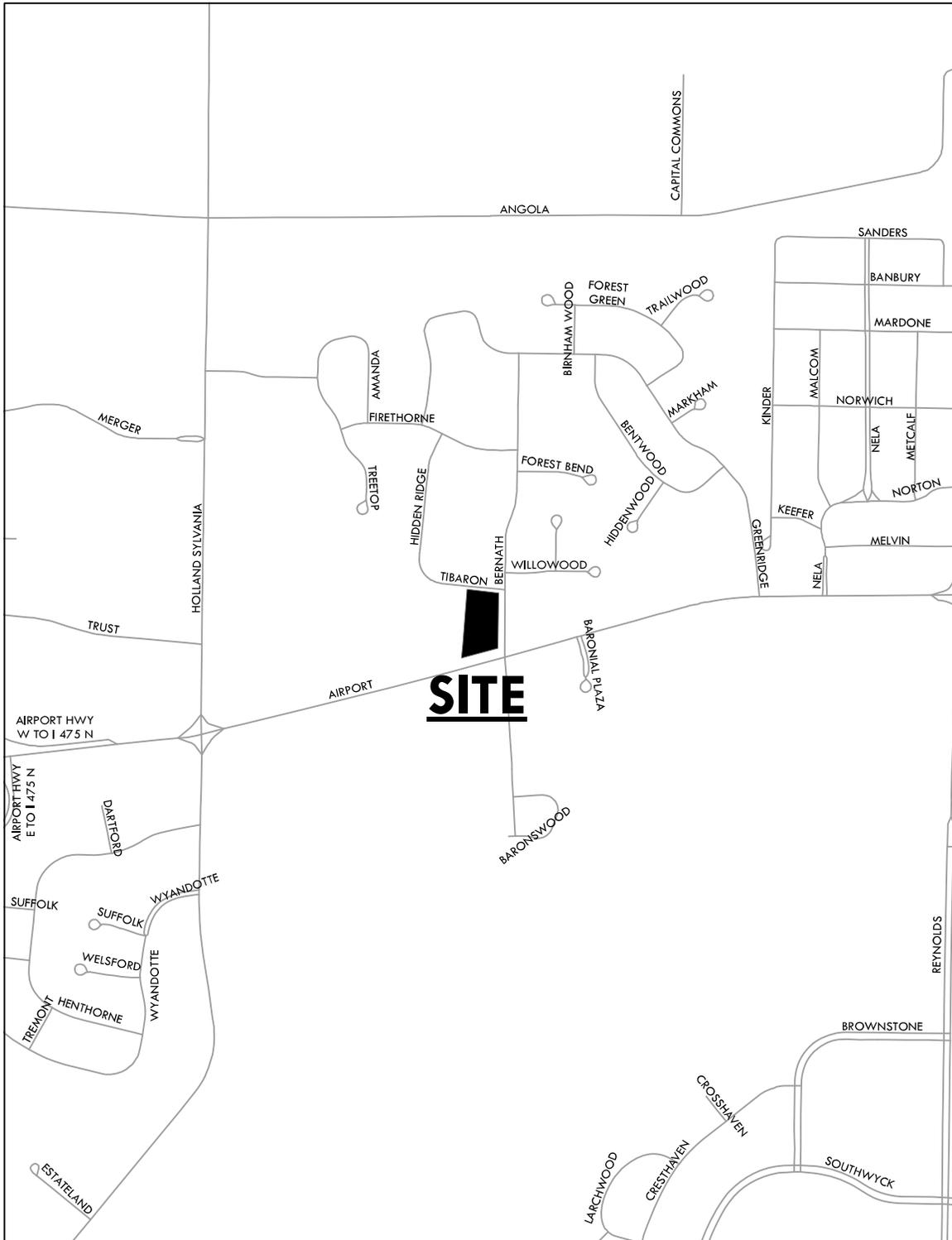
SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP25-0049  
DATE: March 12, 2026  
TIME: 2:00 P.M.

CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: April 15, 2026  
TIME: 4:00 P.M.

AV  
Five (5) sketches follow

# GENERAL LOCATION

SUP25-0049  
ID 139



# ZONING & LAND USE

SUP25-0049  
ID 139

