

GENERAL INFORMATION

Subject

Request - Zone Change from CO (Office Commercial) to CR (Regional Commercial)

Location - 3837 Secor Road

Applicant / Developer - Skilkengold Development, LLC
4270 Morse Rd
Columbus, OH 43230

Owner - DWJS LLC
3440 Secor Road, Suite 185
Toledo, OH 43606

Tenant - Sheetz, Inc.
5700 Sixth Ave
Altoona, PA 16602

Engineer - Mannik & Smith Group
1160 Dublin Road, Suite 100
Columbus, OH 43215

Site Description

Zoning - CO / Office Commercial (CR Pending)

Area - ±3.77 acres

Frontage - ±305 along Secor Road
±615 along Monroe Street

Existing Use - Undeveloped

Proposed Use - Gas Station with Convenience Store

Area Description

North - Gas Station, Vacant Drug Store, Car Wash / CR (Regional Commercial)

South - Senior Housing, I-475 / RM36 (Multi-Dwelling Residential), CO (Office Commercial), & RS9 (Single-Dwelling Residential)

East - Gas Station, Oil Service, Drug Store, Restaurants, Retail / CR (Regional Commercial)

West - Rehab Hospital, Day Care, & Notre Dame High School / CO (Office Commercial), RS9 (Single-Dwelling Residential)

GENERAL INFORMATION (cont'd)Parcel History

- PL-4-04 - Parking Lot Review for Revisions to the Existing Lot (Administratively Approved 07/07/04)
- Z-3003-15 - Zone Change from RS9 – Single-Dwelling Residential to CR – Regional Commercial (P.C. rec'd disapproval 6/11/15, Council disapproved 11/10/15)
- SPR-10-15 - Major Site Plan Review for a New Grocery Store and Outlots at 3835 Secor Road (Staff rec'd disapproval 6/11/15, P.C. approved 6/11/15)
- SPR-50-16 - Site Plan Review for a Grocery Store at 3835 Secor Road (Staff rec'd disapproval 2/9/17, P.C. disapproved 2/9/17)
- PUD-11002-16 - Planned Unit Development for New Grocery Store and Outlots (P.C. rec'd disapproval 2/9/17, Council approved 3/21/17, PUD expired 3/22/19)
- Z-11001-16 - Zone Change from RS9 – Single Dwelling Residential to CR – Regional Commercial (P.C. rec'd disapproval 2/9/17, Council approved 3/21/17, Zoning reverted 3/22/19)
- SPR-16-17 - Site Plan Review for a Grocery Store at 3835 Secor Road (Staff rec'd approval 5/24/17, P.C. rec'd approval 5/24/17, Council approved 3/21/17, Zoning reverted 3/22/19)
- T-43-19 - Lot Split for 8.35-acre parcel (P.C. approved 5/28/19)
- Z-4007-19 - Zone Change from RS9 – Single Dwelling Residential to CO – Office Commercial (P.C. rec'd approval 6/13/19, Council approved 7/23/19)
- S-33-20 - Preliminary Drawing Review for Secor Crossings (P.C. approved 1/14/21)
- S-12-22 - Final Plat of Secor Crossings (P.C. approved 10/13/22)

GENERAL INFORMATION (cont'd)

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Zone Change from CO (Office Commercial) to CR (Regional Commercial) at 3837 Secor Road to allow for the development of a Sheetz Gas Station & Convenience Store. The ±3.77 acre site is currently zoned CO (Office Commercial), which prohibits Gasoline and Fuel Sales. Gasoline and Fuel Sales is permitted by special use permit in CR (Regional Commercial) districts. The applicant has also applied for companion case SUP-5009-24, a Special Use Permit for a New Gas Station. To the north of the site is a gas station, a vacant drug store, and a car wash, to the south of the site is senior housing and I-475, to the east is another gas station, an oil service station, a drug store, restaurants, and retail, and to the west is a rehabilitation hospital, a day care, & Notre Dame Academy.

Site History

For many years this site – along with other properties to the south and west – hosted a convent for the Sisters of Notre Dame and was part of the larger Notre Dame Academy campus. As the convent became dated, the sisters decided to sell their property in favor of a larger location in western Lucas County. The purchaser of the property submitted an application to rezone the property to CR (Regional Commercial) in 2015 so they could develop a large grocery store with four (4) outlots. The Plan Commission and City Council ultimately denied this application citing nonconformance with the Toledo 20/20 Comprehensive Plan, incompatibility with the surrounding character and adjacent land uses, and the detrimental effects the rezone would have on existing nearby commercial properties.

A little over a year later, in 2016, the property owner resubmitted their application to rezone the property to CR (Regional Commercial) – although this application came with a PUD (Planned Unit Development) companion case. The PUD was intended to ease the Plan Commission's concerns by binding the developers to their proposed plan and requiring full council approval for any significant future site amendments. Again, the Plan Commission recommended disapproval of the application citing the same concerns as before, plus the site's unsuitability for a concentrated retail node and the oversaturation of CR (Regional Commercial) zoning and land uses in the Toledo market. City Council approved the rezoning request despite the Plan Commission's recommendation.

The developer never built the proposed grocery store and the site's zoning reverted to RS9 (Single-Family Residential). Between then and now the larger site has been subdivided into five parcels – three of which have been developed with non-commercial land uses which the Plan Commission has considered suitable for the site. A fourth parcel is the subject site for this rezone request, which was rezoned to CO (Office Commercial) in 2019 as part of the rehabilitation hospital's development.

STAFF ANALYSIS (cont'd)Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Plan Future Land Use Map targets this site for Institutional Campus land uses. The intent of the Institutional Campus designation is to accommodate large institutional uses in campus-like settings, such as hospitals, schools, and colleges. While the property is no longer part of the Notre Dame Academy Campus, its park-like residential setting surrounded by traditional commercial development is a unique feature which should be preserved. All previous developments since 2016 have made an effort to preserve this unique setting by preserving existing trees along the perimeter of the property. Previous developments since 2019 have also been uses which are compatible within the unique park-like/campus-like setting. The proposed development, while making an effort to preserve some trees to the northwest, would severely reduce the number of existing trees which contribute heavily to its park-like setting. Further, the proposed Regional Commercial use – along with other land uses permitted in the CR (Regional Commercial) zoning designation – is not compatible within the park-like/campus-like setting. The rezone request is not consistent with the Institutional Campus designation and it is not consistent with the Toledo 20/20 Plan.

Draft Forward Toledo Comprehensive Land Use Plan

The Draft Forward Toledo Comprehensive Land Use Plan was recently completed and is being considered for adoption as the City's new comprehensive plan. If adopted, the Forward Toledo Plan would replace the Toledo 20/20 Comprehensive Plan. While the Forward Toledo Plan is being considered, long-term planning decisions such as the requested zone change should consider both plans.

The Forward Toledo Plan Future Land Use Map targets this site for Neighborhood Mixed-Use land uses. The intent of the Neighborhood Mixed-Use designation is to preserve and promote pedestrian-oriented development with commercial and mixed-use areas. Pedestrian connectivity should be prioritized and individual parking lots for single commercial uses are discouraged. Per TMC§1102.1000, the CR (Regional Commercial) zoning district is intended to accommodate auto-oriented commercial development in areas already built in this manner. Uses permitted in the CR zoning district – including the proposed gas station – are antithetical to the Forward Toledo Plan's targeted use of Neighborhood Mixed-Use on this site. The proposed zone change is not consistent with the Neighborhood Mixed-Use designation.

The mature trees on this site create a unique place considering its context at the prominent intersection of Monroe Street and Secor Road. These trees take decades to grow as large as they are and cannot be easily replaced. The proposed development would remove the most visibly prominent feature of these unique trees in favor of a clean, modern, and utterly common suburban-style development. This type of change would be contrary to a number of Forward Toledo's goals – most prominently those of Create Unique Places, Attractive Place to Live, and Preserve Open Space. The proposal is not consistent with the goals of the Forward Toledo Plan.

STAFF ANALYSIS (cont'd)Zoning and Land Uses

This parcel is located at the intersection of Monroe Street and Secor Road. This is a significant intersection in West Toledo, not only in terms of daily traffic volumes, but also because of the configuration of zoning and land uses. The intersection serves as a dividing line between Regional Commercial zoning and land uses to the northwest and southeast and Residential and Office Commercial zoning and land uses to the west and southwest. The proposed site, while adjacent to Regional Commercial zoning, is located on the less intense residential and office commercial corridor portion of this intersection. It frames the end of an office corridor on the south side of Sylvania Avenue between Talmadge Road and Secor Road. Regional Commercial zoning and land uses would not be compatible with the lower intensity uses along this corridor and will pressure adjacent sites in the area given the proximity to Franklin Park Mall.

Additional Considerations

It is understood that this property is unlikely to remain undeveloped. This will ultimately mean the loss of some of these mature trees, but it does not have to result in the loss of this area's unique setting. The rehabilitation hospital and senior apartment developments were built within the setting's context and each preserved a number of mature trees on their parcels. On the other hand, these developments have been compatible within the residential and office corridor to the west. A continuation of this development pattern – preferably with more consolidated shared parking – is ideal to meet the goals of the Forward Toledo Plan. This can be achieved through uses permitted in the site's current zoning or by a rezone to a higher-intensity residential zoning district.

Staff recommends disapproval of the zone change request as the request is not consistent with the Toledo 20/20 Plan or the Forward Toledo Plan and it is out of character with adjacent land uses to the south and west.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z-5008-24, a Zone Change from CO (Office Commercial) to CR (Regional Commercial), to the Toledo City Council, for the following three (3) reasons:

1. The request is not consistent with the Toledo 20/20 Plan and goes against the Institutional Campus Future Land Use designation which reflects the desire to preserve a distinct area in Toledo (TMC§1111.0606(A)); and;
2. The request is not consistent with the Forward Toledo Plan and goes against the Neighborhood Mixed-Use Future Land Use designation; and
3. The request is out of character with adjacent land uses to the south and west. (TMC§1111.0706(B)).

REF: Z-5008-24...August 8, 2024

ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-5004-24
DATE: August 8, 2024
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: September 10, 2024
TIME: 4:00 P.M.

AS

Three (3) sketches follow

GENERAL LOCATION

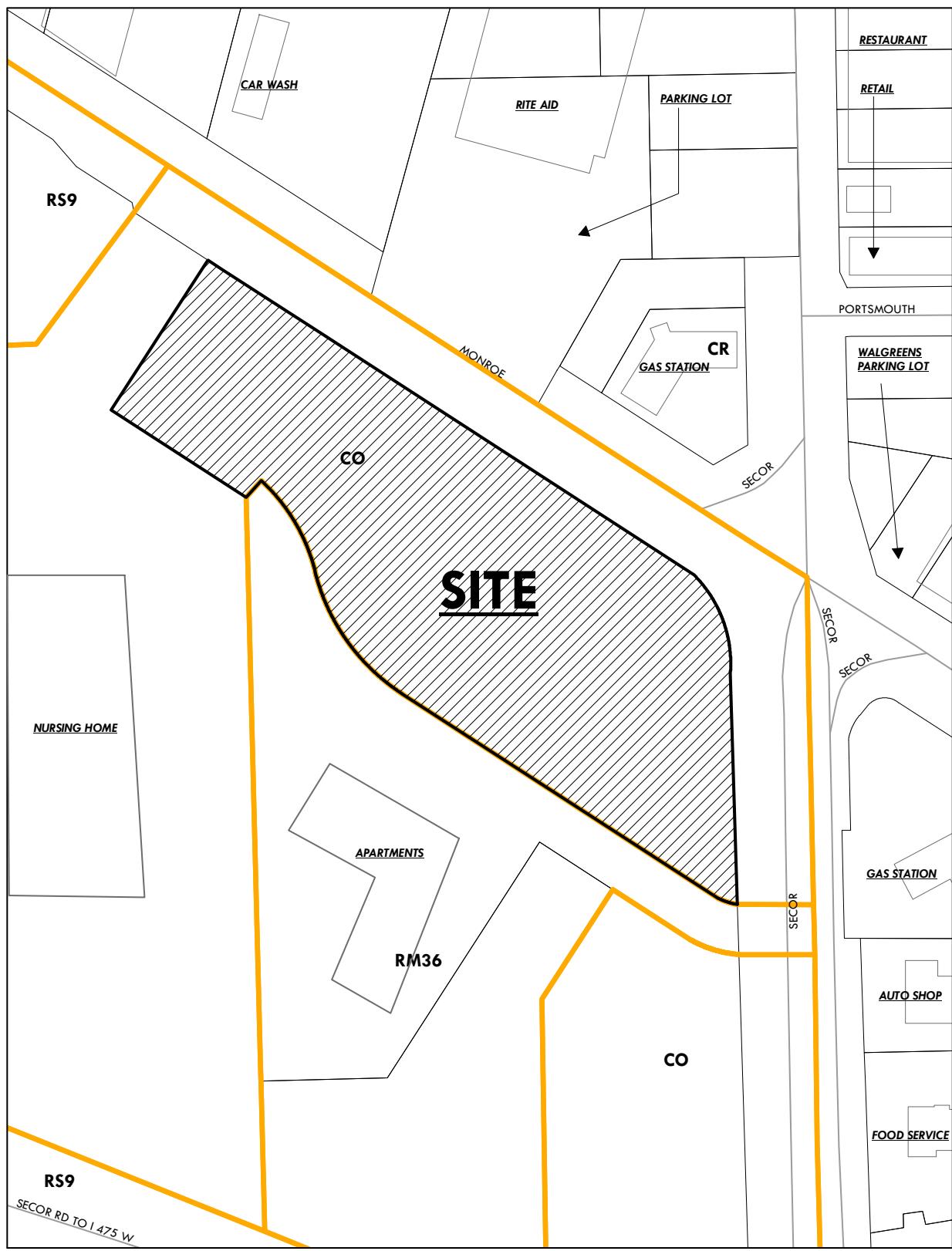
Z-5008-24
ID 78



ZONING & LAND USE

Z-5008-24
ID 78

N
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MASTER PLAN

Z-5008-24
ID 78

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