

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: October 11, 2024

REF: SUP-2004-24

TO: President Carrie Hartman and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Special Use Permit for a New Gas Station at 1405 Bernath Parkway (South-East Corner of Airport Highway and Bernath Parkway)

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, October 10, 2024 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a New Gas Station
Location	-	1405 Bernath Parkway (South-East Corner of Airport Highway and Bernath Parkway)
Applicant / Developer	-	Skilkengold Development, LLC 4270 Morse Rd Columbus, OH 43230
Owner	-	Sheetz, Inc. 5700 Sixth Ave Altoona, PA 16602
Engineer	-	Civil & Environmental Consultants, Inc. 250 W. Old Wilson Bridge Road, Suite 250 Worthington, OH 43085

Site Description

Zoning	-	CN (Neighborhood Commercial)
Area	-	± 2.11 acres
Frontage	-	± 305 along Bernath Parkway ± 275.29 along Airport Highway
Existing Use	-	Shopping Center
Proposed Use	-	Gas Station with Convenience Store

Area Description

North	-	CR, RM12 / Restaurants, Bank, AAA, Apartments
South	-	RD6 / Apartments and Condominiums

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GENERAL INFORMATION (cont'd)

Area Description (cont'd)

East	-	CN, CO / Offices
West	-	RD6, CN / Condominiums, Office

Parcel History

Z-325-68	-	Zone Change from R-A and R-B to R-3; from R-A to C-1 on the South side of Airport Hwy East of Holland-Sylvania (P.C. approved 1/30/69, Ord. 113-69)
Z-326-68	-	Community Unit Plan for a 909-unit apartment development known as Bernath Village (P.C. approved 1/30/69, Ord. 114-69)
Z-168-73	-	Amendment to a Community Unit Plan for a Convenience Commercial Center at the corner of Bernath Pkwy & Airport Hwy (P.C. approved 12/13/73, Council approved 1/15/74 Ord. 60-74)
Z-262-77	-	Amendment to a Community Unit Plan to bring the property at the corner of Bernath Pkwy & Airport Hwy out of the CUP. (P.C. disapproved 1/12/78, Council approved 2/13/78)
Z-263-77	-	Zone Change from R-B to C-1 at the corner of Bernath Pkwy & Airport Hwy (P.C. disapproved 1/12/78, Council approved 2/13/78 Ord. 74-78)
S-37-77	-	Preliminary Drawing of Muer's Addition, Plat 1 & Site Plan Review for Lot 1

Applicable Plans & Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan
- 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 1405 Bernath Pkwy. The ±2.11-acre site is zoned CN (Neighborhood Commercial), which permits Gasoline and Fuel Sales by Special Use Permit. To the North of the site are restaurants, apartments, a bank, and AAA, to the South of the site are apartments and condominiums, to the East are offices, and to the West are condominiums and an office.

STAFF ANALYSIS (cont'd)

Gasoline and Fuel Sales

TMC§1104.0900 *Gasoline and fuel sales* outlines additional design criteria for gas stations. The section does not permit gas pumps and pump islands in the front yard within fifty feet (50') of a residential district. The section also requires pump islands be set back a minimum of fifteen feet (15') from the property line, that canopies be set back a minimum of ten feet (10') from the property line, and that non-petroleum displays be set back a minimum of twenty-five feet (25') from the right-of-way and be limited to a height of five feet (5'). Free air, water and restrooms shall also be provided and maintained during the hours of operation of the gas station. The submitted site plan meets these requirements.

Intensity and Dimensional Standards

TMC§1106.0102 *Commercial Districts* requires a maximum front setback of thirty-five feet (35') in CN (Neighborhood Commercial) districts. The proposed building is set back one-hundred-twenty feet (120') from Bernath Parkway and one-hundred-sixty-seven feet (167') from Airport Highway. Board of Zoning Appeals (BZA) variances will be required in order to exceed these maximum front setbacks. Plan Commission supports a variance of this requirement from Airport Highway, but encourages the applicant to comply with this requirement along Bernath Parkway. Moving the building closer to Bernath Parkway could help alleviate some of the neighbor's concerns, discussed later. Approval of this special use permit will be contingent on approval of such BZA variances and/or revision of the site plan to move the building closer to Bernath Parkway, subject to the approval of the Plan Director.

Parking and Circulation

TMC§1107.0300 *Off-street parking Schedule "A"* requires a minimum of 38 off-street parking spaces for the proposed gas station / convenience store. The applicant has provided 56 off-street parking spaces. This meets TMC§1107.0302 *Maximums* which states that no use may provide more than 150 percent of the minimum.

The applicant has provided two accessible parking spaces as required by TMC§1107.1700. These spaces must be identified with signs and pavement markings identifying 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.

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"*. The site plan provides seven (7) bicycle parking spaces. Six (6) are required. The applicant provides a sufficient number of bicycle parking spots; however, they are located away from the building across a drive aisle. The applicant must ensure that bicycle parking is well-lighted, paved, and drained to be reasonably free of mud, dust, and standing water. The applicant must also ensure that the proposed walkway from the bicycle parking to the building is clearly marked though the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt.

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STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

TMC§1107.1202(B)(2) prohibits parking lots within twenty-five feet (25') of street rights-of-way when located within fifty feet (50') of a residential district that fronts on the same street. The parking lot shown on the site plan is set back seventeen feet (17') from the Bernath Parkway right-of-way. A Board of Zoning Appeals (BZA) variance will be required to set the parking lot back eight feet (8') less than required. Approval of this special use permit will be contingent on approval of such a BZA variance.

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. The applicant proposes an ingress/egress drive off Bernath Parkway, which has residential zoning and uses across the street. A waiver will be required. Staff is supportive of a waiver of this requirement because the site currently has two (2) non-conforming access points opposite residential across the street. The proposed waiver / access point will decrease this non-conformity. There are also no other appropriate access points to the site. Only a right-in right-out drive is permitted off Airport Highway.

TMC§1107.1300 *Sidewalks* requires commercial developments to construct sidewalks along all public streets. There are currently sidewalks along Bernath Parkway and Airport Highway; however, the Division of Traffic Management has requested the existing broken sidewalk along Bernath Pkwy be removed and replaced. This is depicted in the applicant's latest site plan.

Landscaping and Screening

An extensively landscaped frontage greenbelt is required along all public rights-of-way. At least one tree must be provided for every thirty feet (30') of lot frontage, rounded up. The lot has ±305 feet of frontage on Bernath Pkwy and ±275 feet of frontage on Airport Hwy, requiring eleven (11) trees and ten (10) trees respectfully. The site plan provides eleven (11) trees along Bernath Pkwy and ten (10) trees along Airport Hwy. This is acceptable; however, a solid evergreen hedge is required to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. There are two gaps in the evergreen hedge screening which are likely to cause headlights to be visible from Bernath Parkway. The applicant will need to submit a revised landscape plan removing these gaps.

A Type A landscape buffer is required along the southern property line. With a solid fence or wall, four (4) trees and fifteen (15) shrubs are required in the landscape buffer for every one hundred linear feet (100'), rounded up. The southern property line is ±340 linear feet, requiring sixteen (16) trees and sixty (60) shrubs. The landscape plan shows a solid fence with sixteen (16) trees and sixty-two (62) shrubs. This is acceptable as depicted.

STAFF ANALYSIS (cont'd)

Landscaping and Screening (cont'd)

A perimeter landscape buffer is required along the parking lot visible from the property to the east – along the eastern property line. One (1) canopy tree must be provided for each thirty (30) linear feet, plus a continuous shrub with a minimum height of eighteen inches (18"). The parking lot abutment along the eastern property line is ±236 linear feet, requiring eight (8) canopy trees. The landscape plan shows eight (8) trees with a continuous shrub. This is acceptable as depicted.

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 and two (2) canopy trees and six (6) shrubs are required for each ten (10) parking spaces. The proposed building is 6,139 square feet and the parking lot has fifty-six (56) parking spaces, meaning nineteen (19) trees are required. Sixteen (16) are provided on the landscaping plan. Three (3) additional trees are required and must be shown on a revised landscaping plan.

Building Design and Materials

As required under TMC§1109.0500 *Building Façade Materials and Color*, the submitted elevations shows the western façade visible from Bernath Parkway being 39% brick, 28% stone, 24% glass, and 8% architectural metal. The wall facing Airport Highway is composed of 38% brick, 21% stone, 31% glass, and 9% architectural metal. The western façade is made up of 78% brick, 19% stone, 2% glass, and 1% architectural metal. The south façade consists of 62% brick, 26% stone, 9% glass, and 3% architectural metal. The building material standards apply to all façades that are visible from the right-of-way. The proposed elevations on the main structure are compliant with TMC§1109.0500.

Support columns must be brick or stone compatible with the principal building per TMC§1104.0903(A). This brick or stone finish must span the entire column up to the canopy. The submitted canopy elevations are acceptable as depicted.

If, as previously suggested, the building is moved closer to Bernath Parkway, the façade facing Bernath must be built to human scale, encourage an attractive and welcoming street front, and accommodate pedestrians. This will need to be achieved by ensuring at least 40% of the area between two (2) and ten (10) feet is occupied by transparent windows and by breaking up the mass of the building pursuant to TMC§1109.0200 *Commercial, mixed use and institutional design standards*. Since the rear elevation is most likely to be facing Bernath if the structure is moved, major modifications would need to be made to the proposed structure.

Signs

The proposed ground sign meet must meet TMC Chapter 1113 *Signs* and sign permits will be required prior to sign installation. The monument sign details sheet provided with this application shows a fifteen foot (15') tall sign with visible support poles. The largest sign permitted in CN (Neighborhood Commercial) districts is a medium profile sign, which has a maximum sign height of eight feet (8'). Medium profile signs also have a maximum sign face area of sixty (60)

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STAFF ANALYSIS (cont'd)

Signs (cont'd)

square feet and visible support poles are prohibited. The medium profile sign shown on a previous submittal was acceptable and it is recommended that the applicant propose that style of sign. The currently proposed ground sign is not acceptable as depicted. All proposed building signs must meet the requirements of TMC Chapter 1113 *Signs* as well.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the site for Regional Commercial land uses. Regional Commercial Land uses land uses are for predominantly large-scale commercial uses intended to accommodate auto-oriented developments such as malls, big box retail stores and mixed-use developments. Offices and multiple family residential developments may also be interspersed within this district. The proposed gas station is compatible with the 20/20 Comprehensive Plan as it is an auto-oriented development.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Future Land Use Map targets this site for General Commercial land uses. The General Commercial land use designation provides space for auto-oriented and large-scale commercial operations which may also cater to regional demand. Commercial structures nearest to residential or medium- and high-density land uses should prioritize pedestrian features over auto-oriented development. The proposed gas station is compatible with the Forward Toledo Plan as it is an auto-oriented development which includes pedestrian features. The proposed gas station would be more compliant if the structure was moved closer to Bernath Parkway as required in TMC Chapter 1106 *Intensity and Dimensional Standards* and, in that case, if the structure were modified to encourage an attractive and welcoming street front which welcomes pedestrians.

Neighborhood Meeting & Neighbor Opposition

The applicant hosted two neighborhood meetings: one virtual and one in-person. The in-person neighborhood meeting was held on 6/24/24; the majority of attendees voiced their opposition to the proposal. The neighbors were informed about the process and what was being proposed.

The most prevalent issue the neighbors had was regarding traffic. Specifically, the fact that Bernath Parkway is the only entrance to their neighborhood. The applicant's traffic impact study was provided to the Plan Commission following this neighborhood meeting. The traffic impact study does indicate an effect on the Airport/Bernath intersection, most notably in the P.M. Peak Hour (4:15 to 5:15); however, the study shows that this impact should not reduce the intersection's current level of service. Notably, the intersection's current level of service is less than ideal, but not unstable. The full traffic impact study is on file and available for review upon request.

A second major concern raised by attendees was the use's impact on nearby residences. Specifically, they had concerns about light, noise, and odor pollution. Concerning light pollution, the Code requires all proposed lights to be selected and arranged to direct and reflect light away from adjacent residential property or public ways and away from the sky. In response to the

STAFF ANALYSIS (cont'd)

Neighborhood Meeting & Neighbor Opposition (cont'd)

neighbor's concerns, this approval will be contingent on the applicant submitting a photometric plan to the Plan Commission showing compliance with that provision. As for the concerns about noise pollution, this approval will be contingent on limiting the hours of operation from 6:00 a.m. to 12:00 a.m. Limiting the hours of operation should help reduce noise at times when it would be most impactful.

The last major concern the neighbors had is regarding the destruction of the shopping center that currently occupies the site – the South Village Square Shopping Center. During a site visit earlier this year, staff observed that the shopping center appeared to be fully leased, with people coming and going throughout the visit. A number of visitors arrived by walking from the nearby residences. Even though South Village Square is designed as a traditional strip-style shopping center, it appears to be regarded as a neighborhood center by the nearby residents. They wish to keep it preserved. The Forward Toledo Plan encourages such neighborhood centers nearest medium- and high-density neighborhoods. Preserving and/or reusing the current center would be compliant with the Forward Toledo Plan, as will the proposed gas station. Unfortunately, the current owner does not wish to preserve the center, so this may be unlikely.

Staff recommends approval of the Special Use Permit as the proposed use meets the stated purpose of the Zoning Code and the proposed use complies with all applicable provisions of the Zoning Code.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-2004-24, a Special Use Permit for a new gas station at 1405 Bernath Pkwy to the Toledo City Council, for the following two (2) reasons:

1. The proposed use meets 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 Toledo City Plan Commission further recommends approval of the following waiver:

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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Approve of a waiver to allow an access drive along Bernath Parkway. The proposed site currently has two (2) non-conforming access points opposite residential across the street. The proposed waiver / access point will decrease this non-conformity. There are also no other appropriate access points to the site. Only a right-in right-out drive is permitted off Airport Highway.

The Toledo City Plan Commission further recommends approval of SUP-2004-24, a Special Use Permit for a new gas station at 1405 Bernath Pkwy, to the Toledo City Council, subject to the following **fifty-six (56)** 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 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 Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

Contact Taylor Heldman at (419)-245-1341 for inspection of above-mentioned items.

4. If relocation of the existing fire hydrant on Airport Highway cannot be avoided, it will be relocated by the City of Toledo Division of Water Distribution at the developer's expense.
5. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
6. A review and approval of a full stormwater submittal is required, which requires multiple items:
 - a. Items are listed in the regional SWP3 submittal coversheet: <https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>. A version for use in Toledo has been provided to the SWP3 designer for this proposal.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

- b. Plans according to the 2014 Infrastructure Requirements document found in the drop down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>.
- 7. Following the stormwater review, additional items are need for Toledo's approval:
 - a. As listed on the regional SWP3 submittal coversheet (stage 2). The signed agreement (2.c.) will be through a covenant which will need to be recorded.
 - b. Fee and Toledo Licensed Sewer Contractor for the sewer construction permit.
 - c. Construction inspection and completion of obligations in the stormwater permit.
- 8. The underground detention system (UDS) is proprietary and outside the scope of the City's services for sewer inspection. The following notes shall be added to the plans:
 - a. The contractor shall have the underground detention system manufacturer's representative on-site during the installation of the UDS. This representative shall advise the contractor as to the required installation procedures for the UDS.
 - b. The City of Toledo will be provided with an as-built signature by an Ohio P.E. representing the detention system manufacturer with the certification statement to the effect of: 'I certify that the underground detention system was installed in accordance with the manufacturer's installation requirements and that the underground detention system will function as designed in accordance with the contract documents.
- 9. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
- 10. A single sanitary tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
- 11. If there are any existing structures to be demolished at this site, the sanitary services to such structure will be killed by the City of Toledo at the developers cost.
- 12. Any prior 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.

Water Distribution

- 13. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.

PLAN COMMISSION RECOMMENDATION (cont'd)

Water Distribution (cont'd)

14. Plans must be submitted to Fire Prevention (rex.butler@toledo.oh.gov, 419.936.2008) for review and approval.
15. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
16. 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. Contact the Division of Water Distribution (419-392-2032) to verify the backflow prevention requirements for the site.
17. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
18. Submit detailed site utility plans showing water feature sizes and distances:
 - a. Maintain 18" vertical clearance between proposed water main and proposed storm sewers.
 - b. Include callouts for any new taps by the City of Toledo at owner's expense. City will provide tap, 5 feet of type "K" copper, curb stop and curb box. Excavation, shoring, backfill and restoration by contractor.
 - c. Include callouts for any tees to be installed by contractor.
 - d. City Hydrant must be relocated. Show distance for hydrant location.

Division of Sewer & Drainage Services

19. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
20. 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.

Division of Environmental Services

21. Applicant shall install at least a 1000-gallon (two compartment) outdoor grease separator/trap or submit plans from a State of Ohio registered design professional who has calculated the proper size of the grease separator/trap with menu and cooking activities included in the calculation.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

22. 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.
23. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
24. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
25. 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>; 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
26. 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

27. The proposed new building will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
28. All permits for new UST systems for this fueling station to be submitted to the State of Ohio BUSTR (Bureau of Underground Storage Tank Registration) ORC 1301:7-9-10 Permits for UST systems.
29. New and existing buildings shall be provided with approved address identification that meets Building & Fire Code requirements. (OBC 501.2 & OFC 505.1)
30. Building construction plans to be submitted to the FD for review in addition to the Building Inspection Department plan submittal. (OFC104.2, OBC107.4.5)

PLAN COMMISSION RECOMMENDATION (cont'd)

Bureau of Fire Prevention (cont'd)

31. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Division of Transportation

32. 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.
33. Driveway approach on Bernath Parkway must allow traffic access from both directions on Bernath Parkway. (A left in and right our drive is not recommended.)
34. Need to work with Traffic Management and Engineering & Construction on Airport Hwy improvement details.

Plan Commission

35. Free air (with the capability of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours.
36. The applicant shall obtain a Board of Zoning Appeals (BZA) variance to set the building back one-hundred-sixty-seven feet (167') from Airport Highway – one-hundred-thirty-two feet (132') further than required by TMC§1106.0102.
37. The applicant shall either move the building to be set back no more than thirty-five feet (35') from Bernath Parkway or obtain a Board of Zoning Appeals (BZA) variance to set the building back one-hundred-twenty feet (120') from Bernath Parkway – eighty-five feet (85') further than required by TMC§1106.0102. If the applicant opts to move the building, approval of a revised site plan shall be upon the discretion of the Plan Director so long as all other conditions set forth are complied with.
38. Off-street parking shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0304). A total of thirty-eight (38) parking spaces are required for this site. The submitted site plan shows fifty-six (56) parking spaces. The site may not provide more than fifty-seven (57) parking spaces (150% of minimum). **Acceptable as depicted.**
39. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0300). Minimum number of bicycle parking slots required for a convenience store is one (1) bicycle parking per ten (10) parking spaces. Six (6) bicycle parking spaces are required. **Acceptable as depicted.**
40. Bicycle parking must be well-lighted, paved, and drained to be reasonably free of mud, dust, and standing water. The proposed walkway from provided bicycle parking to the building must be clearly marked though the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

41. 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. **Acceptable as depicted.**
42. The applicant shall obtain a Board of Zoning Appeals (BZA) variance to set the parking lot back eight feet (8') less than required by TMC§1107.1202(B)(2).
43. Existing sidewalk along Bernath Parkway shall be removed and replaced. **Acceptable as depicted.**
44. 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.
45. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. Dumpster location(s) shall also be as far away from residential areas as possible. **Acceptable as depicted.**
46. 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') buffer of landscaped frontage greenbelt is required along Bernath Parkway and Airport Highway. At least one tree must be provided for every thirty feet (30') of lot frontage. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. **Not acceptable as depicted. A revised landscaping plan shall be submitted depicting a solid evergreen hedge along Bernath Parkway without gaps. The number and placement of trees is acceptable as depicted.**
 - b. A Type A landscape buffer is required along the southern property line. With a solid fence, sixteen (16) trees and sixty (60) shrubs are required. **Acceptable as depicted.**
 - c. A perimeter landscape buffer is required along the eastern property line. Eight (8) canopy trees and a continuous shrub are required. **Acceptable as depicted.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- d. 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. A total of twelve (12) trees and thirty-six (36) shrubs are required for this site. **Not acceptable as depicted. Only eleven (11) trees provided. See condition 45(f).**
- e. One 2-inch caliper tree for every 1,000 square feet of building coverage shall be required. Seven (7) trees are required for this site. **Not acceptable as depicted. Only five (5) trees provided. See condition 45(f).**
- f. The interior site landscaping is missing three (3) required trees. These additionally required trees may be placed anywhere on the site. **Approval of a final landscaping plan will be upon the discretion of the Planning Director.**
- g. Foundation plantings shall be required along the portions of the building visible from the right-of-way. **Acceptable as depicted.**
- 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.
- 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. A photometric plan shall be submitted to the Plan Director for review and approval. Lighting is to be directed away from adjacent residential properties and public rights of way.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

47. Per TMC§1109.0204(A)(1) At least one 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.**
48. Predominant exterior building materials shall be high-quality materials. For facades visible from the public right-of-way, predominant materials must comprise at least eighty percent (80%) of the total wall area of the façade. **Acceptable as submitted.** *Breakdown of submitted materials are as follows, names are based on what is shown on elevation sheets:*
 - a. Facing Bernath Parkway: 39% brick, 28% stone, 24% glass, and 8% architectural metal.
 - b. Facing Airport Highway: 38% brick, 21% stone, 31% glass, and 9% architectural metal.
 - c. Western Façade: 78% brick, 19% stone, 2% glass, and 1% architectural metal.
 - d. Southern Façade: 62% brick, 26% stone, 9% glass, and 3% architectural metal.
49. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors (i.e. gray, brown, and tan). Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director. **Acceptable as depicted.**
50. Canopy support columns must be brick or stone which is compatible with the principal building's brick or stone. Canopies shall consist of that material for its entire length up to the canopy. **Acceptable as depicted.**
51. 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.
52. All proposed signage shall meet the requirements of TMC Chapter 1113 *Signs*. Applicant shall obtain appropriate permits for any proposed signage. **The proposed ground sign is not acceptable as depicted.**
53. 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.
54. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

TO: President Hartman and Members of Council

REF: SUP-2004-24

October 10, 2024

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PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

55. 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.
56. 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.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

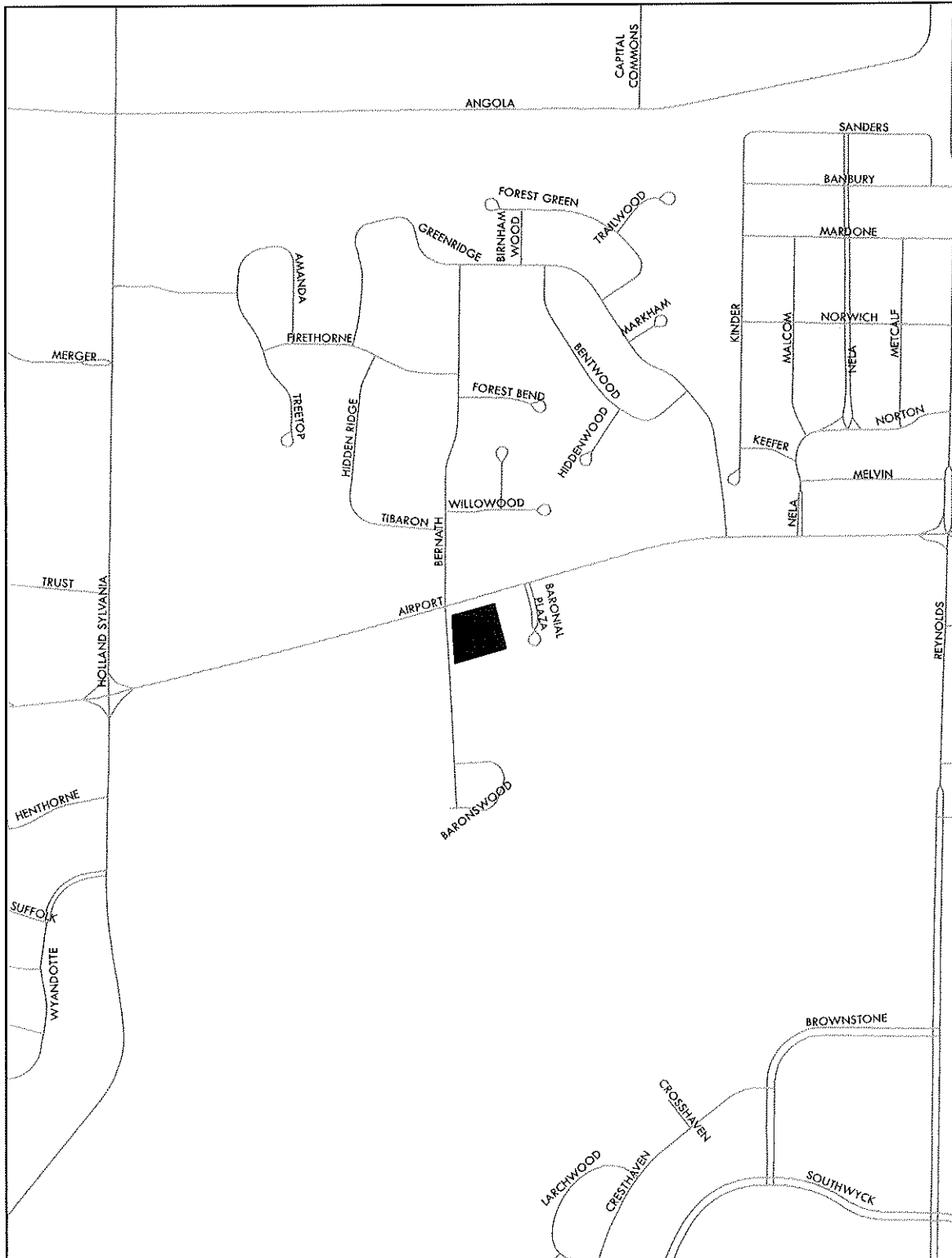
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Seven (7) sketches follow

Cc: Skilken Gold Development LLC, 4270 Morse Road, Columbus, OH 43230
Sheetz Inc, 5700 Sixth Avenue, Altoona, PA 16602
Civil & Environmental Consultants Inc, 250 W. Old Wilson Bridge Road, Suite 250,
Worthington, OH 43085
Lisa Cottrell, Deputy Director
Alex Schultz, Planner

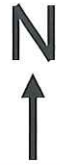
GENERAL LOCATION

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ZONING & LAND USE

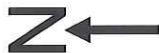
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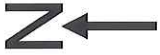
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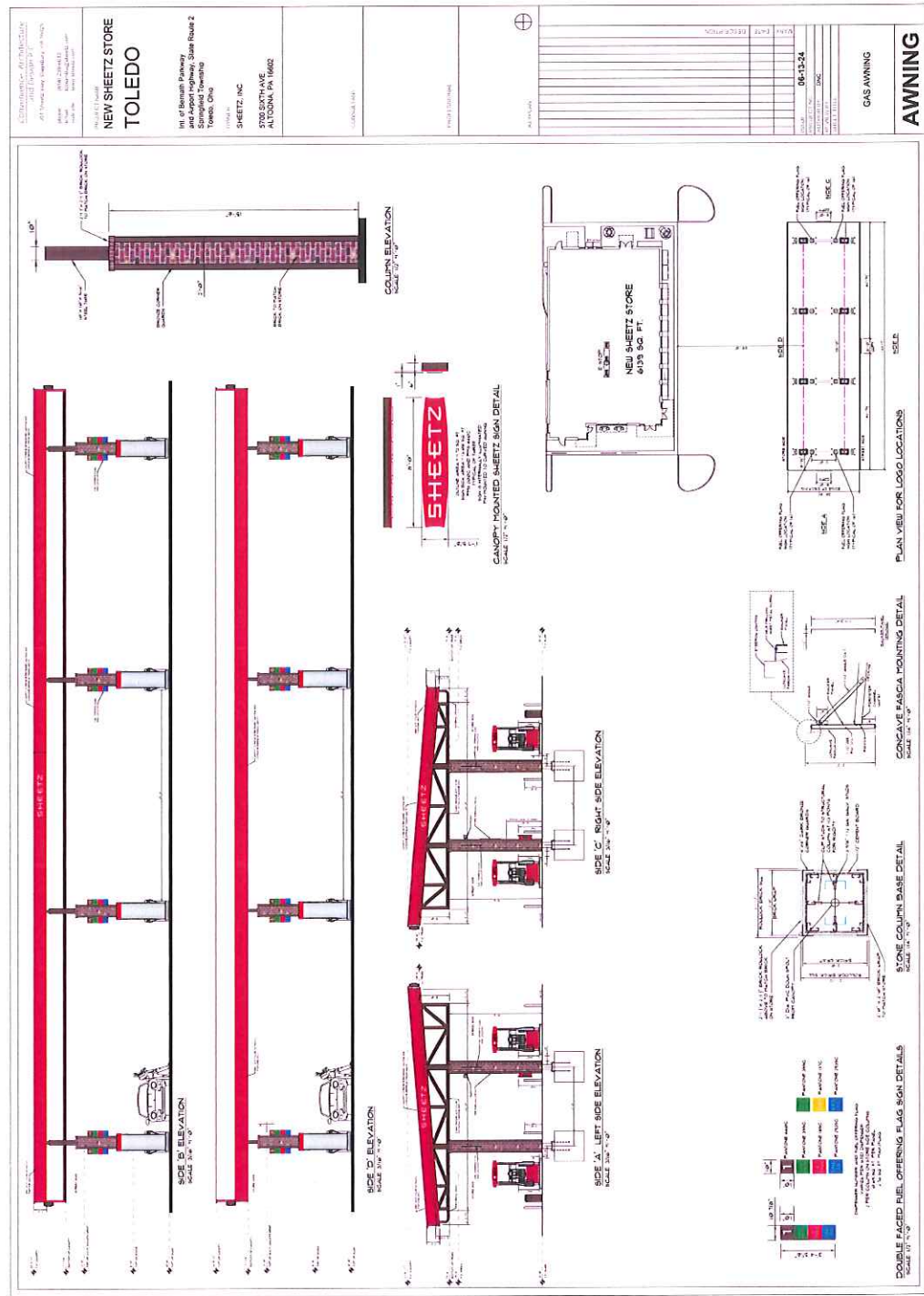
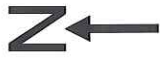
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Service Station in Toledo open 24 hours

Shell

822 Monroe St.

Gateway Express

305 Clayton St.

Sunoco Gas Station

1625 Miami St.

Marathon -Gas & Express

2951 Monroe St.

ARCO

2315 Detroit

Sunoco Gas Station

1407 E. Manhattan Blvd.

Speedway

2172 Arlington Ave.

Circle K

5342 Lewis Ave.

Circle K

Oregon, Ohio

BP Gas Station

1708 Tremainsville Rd.

Circle K

3819 Haverhill Dr.

Marathon

3023 Dorr St.

BP Gas Station

1565 E. Alexis

Sunoco Gas Station

Navarre Ave., Oregon, OH

Shell

3531 Airport Highway

Meijer Express

1500 E. Alexis

Circle K

806 S. Byrne

Sunoco

2120 W. Sylvania Ave.

BP Gas Station

5821 N. Detroit Ave.

Sunoco Gas Station

4810 Suder Ave.

Speedway Gas Station

1922 W. Laskey Rd.

Circle K

6008 Secor Rd.

Shell

4561 Monroe St.

Shell

4002 Secor Road

Circle K

3516 Airport Highway

Meijer Express

Wheeling St., Oregon, OH

Mobile Gas Station

Northwood, Ohio

Speedway

5160 Dorr St.

Circle K

2969 Tremainsville Rd.

Sunoco Gas Station

4411 Heatherdowns Blvd.

Shell

4310 Central Ave.

Speedway

5010 Secor Rd.