



# TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604    PHONE 419-245-1200    FAX 419-936-3730



THOMAS C. GIBBONS, DIRECTOR

DATE: May 11, 2018  
REF: SUP-3006-18

TO: President Matt Cherry and Members of Council, City of Toledo  
FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary  
SUBJECT: Special Use Permit for a Tobacco Shop at 1728 Laskey Road (aka 1724 Laskey Road)

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 10, 2018 at 2:00 P.M.

## GENERAL INFORMATION

### Subject

Request	-	Special Use Permit for a Tobacco Shop
Location	-	1728 Laskey Road (aka 1724 Laskey Road)
Applicant	-	Mazin Samona 1100 West Maple Avenue Troy, MI 48084
Contact	-	Paul Weisberger 1100 West Maple Avenue Troy, MI 48084
Designer	-	Gumma Group C/O: John Gumma 31000 Northwestern Highway Suite L-100 Farmington Hills, MI 48334

### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.38 acres
Frontage	-	± 100' along Laskey Road
Existing Use	-	Multi-Tenant Commercial Building
Proposed Use	-	Retail Tobacco Store (1-Unit)
Overlay	-	None
Neighborhood Org.	-	None
Neighborhood Org.	-	None

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	Paved Parking Area / CR
South	-	Fast Food Restaurant / CR
East	-	Gas Station / CR
West	-	Multi-Tenant Commercial Building / CR

Parcel History

S-60-54	-	Preliminary drawing for Laskey – Jackman addition approved on 9-23-54. Final plat approved on 3/24-55.
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Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit to facilitate the development of a tobacco shop for a site located at 1728 Laskey Road (aka 1724 Laskey Road). The ±0.38 acre site is comprised of one (1) parcel that is occupied by a four (4) tenant commercial building. The building is occupied by various commercial tenants and uses. The tobacco shop will occupy one of the four tenant (4) spaces.

The applicant intends on leasing a tenant space and has stated that a lease agreement will be provided upon obtaining Special Use Permit. The applicant is Wild Bills Tobacco, a company that specializes in selling tobacco and vapor products. The company operates more than 60 stores throughout Michigan and Ohio. Many of the stores provide a lounge area where customers can relax and partake in tobacco products.

Surrounding land uses include a parking lot and vacant commercial building to the north of the site. East of the site is a gas station and west of the site is a commercial building and a restaurant. South of the site across Laskey Road is a fast food restaurant located on an outlot of a major commercial development.

**STAFF ANALYSIS (cont'd)**

Use Regulations

TMC§1104.1700 "Tobacco Shops" outlines site criteria for spacing and hours of operation. A tobacco shop must be at least 500 feet from activities related to children. There are no such activities within 500 feet of this site and it is in compliance with this regulations. The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1 p.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to tobacco shops located adjacent to any residential district. Compliance with hours of operation has been listed as a condition of approval.

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.

Parking and Circulation

As indicated in the Off-Street Parking Schedule "B", off-street parking for tobacco shop requires one (1) parking space per 300 square feet of floor area. Calculations conclude that the ±1,440 square foot tenant space requires a total of five (5) customer parking spaces. The site plan submitted depicts a total of twenty (20) customer / employee parking spaces to be utilized by the all four (4) tenants in the commercial building. The parking schedule does not require any bicycle parking slots to be provided for the site. The proposed parking scheme is in compliance with Off-Street Parking Schedule "B".

A portion of the total number of required off-street parking spaces in each off-street parking area must be specifically designated, located, and reserved for use by persons with physical disabilities. According to TMC§1107.1701 – Number of Required Parking Spaces for Persons with Disabilities, the applicant is required to provide at least one (1) accessible parking space for persons with physical disabilities. The site plan submitted does not depict an accessible parking space close to the entrance and is not in compliance with this regulation. A revised site plan that depicts the location of the dedicated ADA space shall be submitted for review and approval.



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## **STAFF ANALYSIS (cont'd)**

### Landscaping and Screening

The site was established before the 2004 zoning code update and therefore not required to fully comply with the landscape requirements. The site plan depicts an eighteen (18') foot frontage greenbelt along Laskey Road located in the public right-of-way. The site is paved up to the right-of-way line for the purposes of providing parking for the adjacent multi-tenant business. Typically, staff would mandate a frontage greenbelt to be provided outside of the right-of-way, to include a solid evergreen hedge planting and trees. However, building and parking area locations for this site are dictated by an underlying commercial plat approved in 1954. Due to the unique conditions of the site, staff will not require any landscape upgrades. Forcing the applicant to install the required fifteen (15') foot wide frontage greenbelt would result in the loss of ten (10) existing parking spaces.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial land uses. The intent of the CR Regional Commercial future land use designation is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial land uses.

A Special Use Permit for a tobacco shop is suitable for this location because it is compatible with surrounding uses and will not negatively impact the existing businesses in the area. Furthermore, the request is consistent with the zoning district that is recommended in the Toledo 20/20 Comprehensive Plan's Future Land Use Map.

## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-3006-18, a request for a Special Use Permit to operate a tobacco shop located at 1728 Laskey Road (aka 1724 Laskey Road), to the Toledo City Council, for the following three (3) reasons:

1. The proposed use is compatible with adjacent uses in terms of scale, site design, and hours of operations (TMC§1111.0706.C).
2. The proposed use will not negatively impact the existing business in the area (TMC§1111.0706.D) and;
3. The proposed use is consistent with the intent of the Toledo 20/20 Comprehensive Plan.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

The Toledo City Plan Commission further recommends approval of SUP-3006-18, a request for a Special Use Permit to operate a tobacco shop located at 1728 Laskey Road (aka 1724 Laskey Road), to the Toledo City Council, subject to the following eighteen (18) 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.

Transportation

1. To ensure compliance with Toledo Municipal Code (TMC) requirements for parking, loading and access, the site plan must drive aisle, parking stall and access drive dimensions.
2. Label handicap and bicycle parking to ensure compliance.
3. Cross access agreements between all parcels shall be required.
4. The shopping plaza strip shall be limited to only two (2) access drives.
5. Sidewalks shall be constructed along the full length of the plaza.

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6. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials. Arborvitae, as indicated on the landscape plan shall be maintained around the dumpster indefinitely. **(Not depicted on site plan. A revised site plan shall be submitted depicting compliance).**
7. A dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible (TMC§1108.0203(G)(5). **(Not depicted on site plan. A revised site plan shall be submitted depicting compliance).**
8. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. **(Not depicted on site plan; A revised site plan shall be submitted depicting compliance with this condition).**
9. The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1:00 a.m., or other hours of operation consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to tobacco shops located adjacent to any residential district (TMC 1104.1702).



**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

10. A tobacco shop must adhere to all state and federal regulations regarding cigarette making machines and other machines for making tobacco products, spacing of said machines in relation to a tobacco shop, and all other statutory and regulatory requirements.
11. A Cross-access and Shared Parking Plan agreement between the multi-tenant buildings must be obtained and filed with the Toledo-Lucas County Plan Commission.
12. 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 approval of the Department of Public Utilities. **(Acceptable as depicted on site plan).**
13. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)). **(Not acceptable as depicted on site plan).**
14. The minimum number of parking spaces designed for persons with disabilities that must be provided shall adhere to the table in TMC§1107.1701. Required spaces for persons with disabilities must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
15. 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.
16. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

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**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

17. 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.
18. 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

TCG/GP  
Three (3) sketches follow

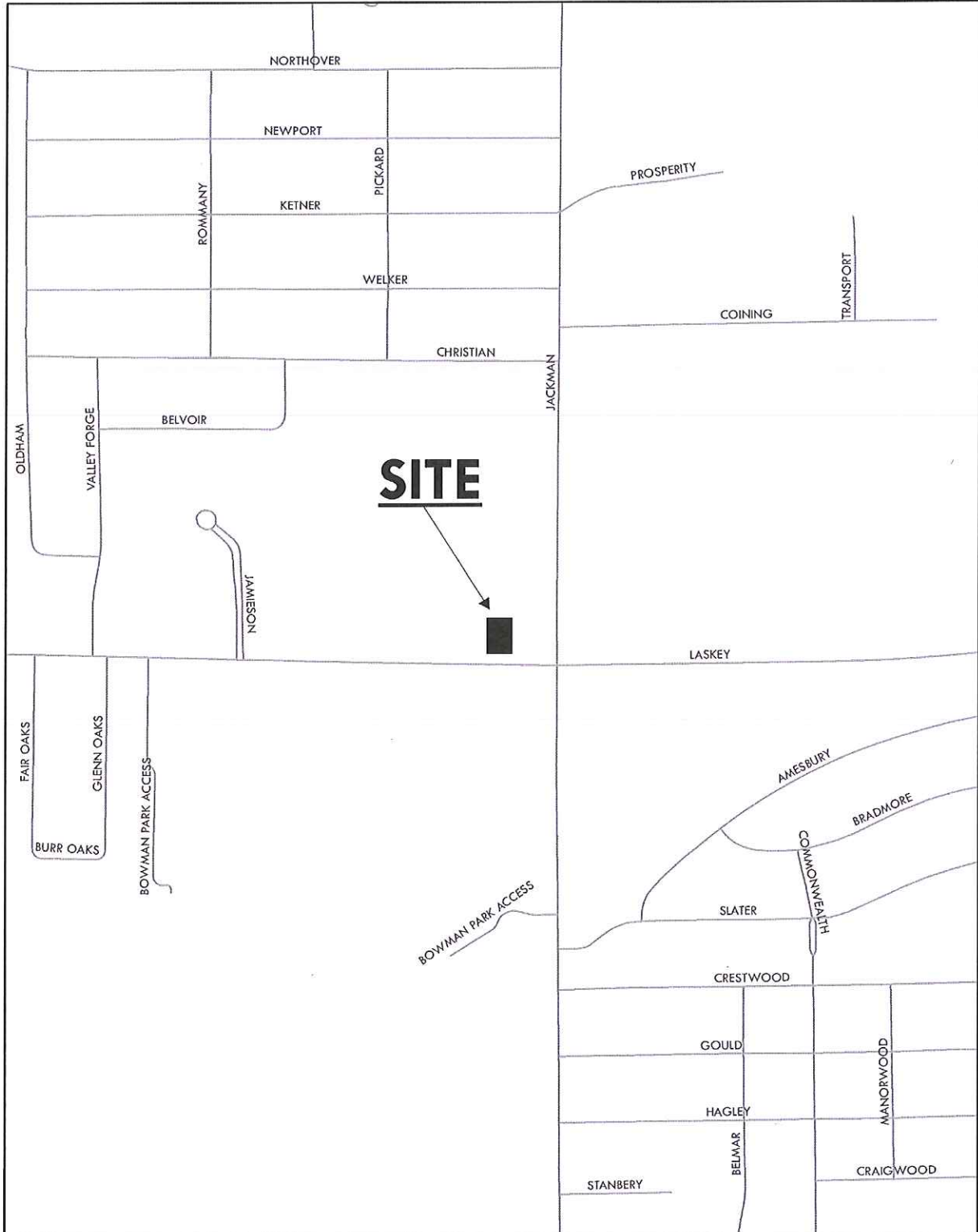
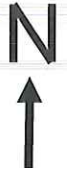
CC: Paul Weisberger, 1100 West Maple Avenue, Troy, MI 48084

Gumma Group, C/O: John Gumma, 31000 Northwestern Highway, Suite L-100  
Farmington Hills, MI 48334

Lisa Cottrell, Administrator  
Gyasi "JC" Pullum, Planner

# GENERAL LOCATION

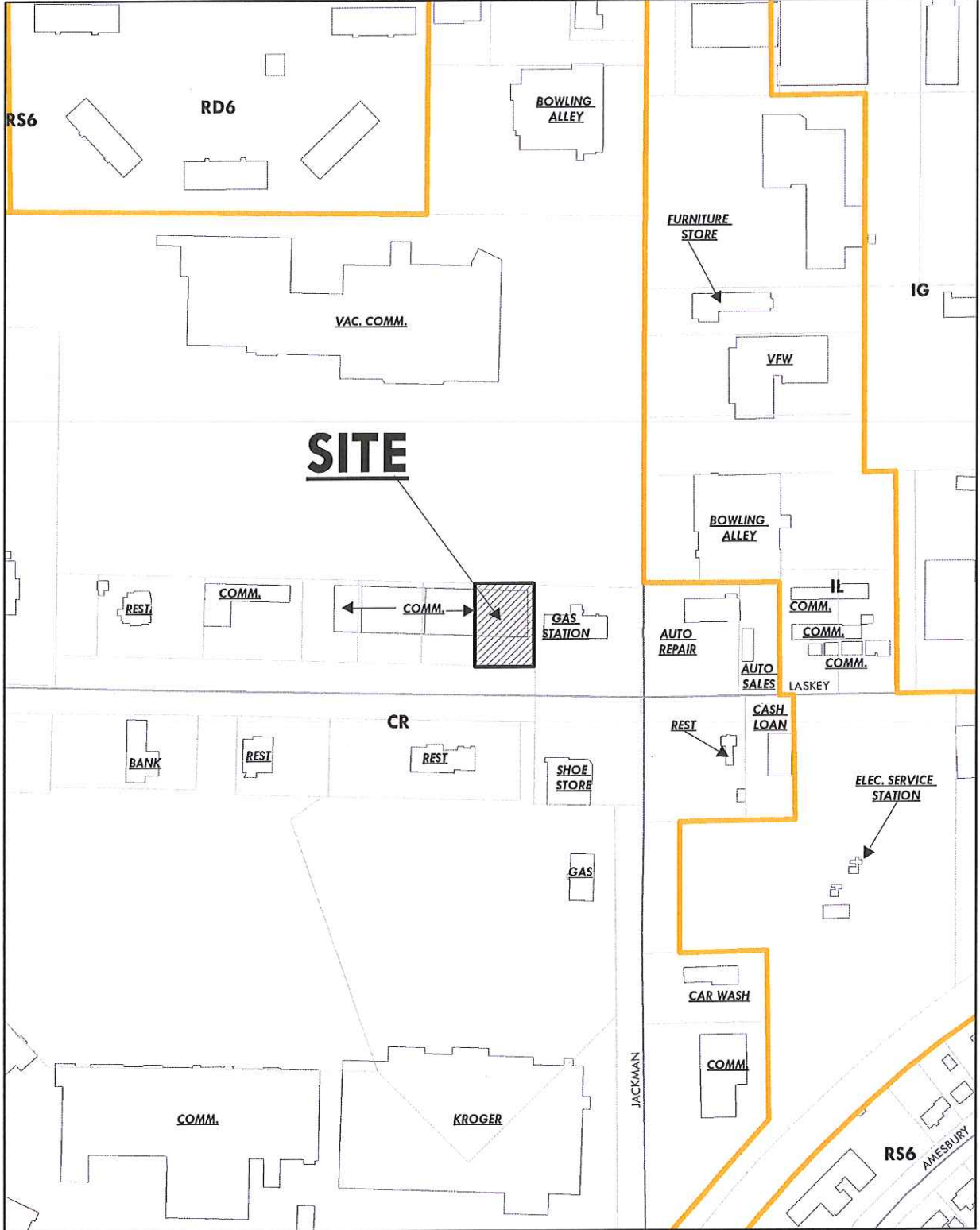
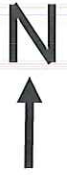
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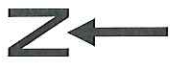




# ZONING & LAND USE


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# SITE PLAN

 <p>www.GUMMAGROUP.net 3120 Buckeye Ave, Suite 100 Akron, OH 44308 419.253.8800 • Fax 419.253.8801</p>	<p>Project: 1728 W Laskey Rd, Suite B Tolado, OH 43013</p>	<p>Designed: John Gormin Drawn: John Gormin Approved: John Gormin Scale: AS NOTED</p>	<p>Notes: All notes and other related items shall be verified with the local authority and all changes shall be made on the original set of drawings and all changes shall be made on the original set of drawings. Do not scale drawings. Use only dimensions on the drawings. All dimensions shall be in feet and inches. All dimensions shall be to the center of the line unless otherwise noted. Dimensions and notes are subject to change without notice.</p>	<p>Revised:</p>	<p>Sheet Title and Number: SITE PLAN A-1</p>
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