



# 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: November 8, 2019

REF: SUP-9002-19

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 convenience store

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, November 7, 2019 at 2:00 P.M.

## GENERAL INFORMATION

### Subject

Request - Special Use Permit for a convenience store

Location - 215 North Summit Street

Applicant - Gladys Eid  
215 North Summit Street  
Toledo, OH 43617

### Site Description

Zoning - CD / Downtown Commercial

Area - ±0.69 acres

Frontage - ±243' along St. Clair Street

Frontage - ±118' along Jefferson Avenue

Existing Use - Multi-tenant office building

Proposed Use - Convenience Store

Overlay - Downtown Overlay District

Neighborhood Org. - Downtown Toledo Development Corp.

### Area Description

North - Outdoor plaza / CD

South - Seagate Convention Center / CD

East - Parking garage / CD

West - Parking garage / CD

**GENERAL INFORMATION (cont'd)**

Parcel History

DOD-2-16	-	Request for window film replacement at 200 South Saint Claire, Administratively approved on 7/29/16.
DOD-1-18	-	Request for new signs at 200 South Saint Claire Street, disapproved by the Plan Commission on 3/27/18.
L-1-18	-	Request for the appeal of disapproval of signage at 200 North Saint Clare Street, appeal is approved by the Plan Commission on 5/10/18.

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Downtown Overlay District
- Downtown Toledo Master Plan 2017
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The applicant is requesting a Special Use Permit for a convenience store located at 215 North Summit Street. This type of use is categorized as Food and Beverage Sales. Said use is defined as the retail sale of food and beverages for home consumption. There are two (2) types of Food and Beverage Retail Sales uses: convenience stores, with a floor area of less than 5,000 square feet; and large stores with a floor area of 5,000 square feet or more (TMC§1116.0217).

Surrounding land uses include an outdoor plaza to the north, to the east is a parking garage, the Seagate Convention Center is to the south across Jefferson Avenue, and to the west across St. Clair Street is a parking garage.

The convenience store will be located in one unit of a multi-tenant building. The unit consists of 1,572 square feet for the total tenant space. The site is zoned CD, Downtown Commercial and a convenience store is a permitted use in this zoning district, subject to approval of a Special Use Permit. The letter of intent states that the convenience store will sell bread, dairy products, produce, coffee, snacks goods, confectionary, beverages, canned goods, frozen food, toiletries, tobacco products, over the counter drugs and ready made sandwiches and salads. The market will be operate seven (7) days a week from 7:00am to 7:00pm.

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

TMC§1104.0603 – Spacing Requirements state that a convenience store shall not be located within a 2,000 foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit. Additionally, a convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the use of activities of minors. The distance specified in this section shall be measured per TMC§1106.0208, Distances for Spacing Requirements. Records indicate that the site is in the Downtown Entertainment District and is therefore not subject to these spacing requirements.

#### Parking and Circulation

The site is located in the Downtown Commercial zoning district and therefore not subject to parking requirements.

#### Downtown Overlay District

Overlay districts are tools for dealing with special situations or accomplishing special zoning goals. As the name implies, overlay zoning districts are “overlaid” on base zoning classification to alter some or all of the underlying district regulations. The Downtown Overlay (DO) district is intended to provide a review process for the proposed physical changes to structures within the Central Business District of the City and adjacent areas in order to evaluate the proposals in relation to the approved plan for the area. The DO district regulations apply in combination with underlying base zoning district regulations and all other applicable standards of the Zoning Code. When the DO district standards conflict with the underlying base zoning district standards or other regulations of this Zoning Code, the regulations of the DO district will always govern. When no special DO district standards are specified, all other applicable regulations of this Zoning Code will govern. The proposal meets the intent of the DO district.

#### Downtown Toledo Master Plan 2017

The site is located just outside the Warehouse District and belongs to a study area identified as the Downtown Core district. The Downtown Core acknowledges that along with numerous major employers and assets like the SeaGate Center, Fifth Third Field, Huntington Center, the Valentine Theater, and the Renaissance Hotel the core of downtown is where business and entertainment meet. The market analysis concludes that significant opportunities exist to add new housing, different types of retail, grow office jobs, and attract overnight visitors and tourists. Many of these opportunities involve better leveraging great assets that serve as anchors for the downtown, while others involve capitalizing on a national trend of renewed interest for urban places in which to live, work, shop, and visit. The proposal meets the intent of the Downtown Toledo Master Plan.

**STAFF ANALYSIS (cont'd)**

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Downtown Commercial land uses. The intent of the CD Downtown Commercial designation is to accommodate a broad range of uses to reflect downtown's role as a commercial, cultural and governmental center. Development is intended to be intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. The proposed development conforms to this land use designation.

Staff recommends approval of the proposed convenience store because the proposed development conforms to the intent of this land use designation and is compatible with adjacent uses in terms of scale, site design, and operating characteristics. Additionally, it conforms to the 20/20 Plan and all other applicable plans and provisions of this Zoning Code.

**PLAN RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-9002-19, a request for a Special Use Permit for a convenience store located at 215 North Summit Street, to the Toledo City Council, for the following three (3) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706.A).
2. The proposed use complies with all applicable plans and provisions this of the Zoning Code (TMC§1111.0706.B).
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706.C).

The Toledo City Plan Commission recommends approval of SUP-9002-19, a request for a convenience store, to be located at 215 North Summit Street, to the Toledo City Council, subject to the following five (5) 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.

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

Plan Commission

1. Hours of operation may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, to reduce detriment to the area (TMC§1104.0901.H).
2. 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.
3. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.
4. 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.
5. 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

GP  
Five (5) sketches follow

CC: Gladys Eid, 8036 Nebraska Avenue, Toledo, OH 43617

Lisa Cottrell, Administrator  
Gyasi "JC" Pullum, Planner

# GENERAL LOCATION

SUP-9002-19  
ID 9



# ZONING AND LAND USE

SUP-9002-19  
ID 9





# SUP-9002-19 ID 9

# SITE PLAN

DRAWING OF LOTS 146-149, AND PART OF LOT 150, AND  
HALF OF A VACATED ALLEY ADJACENT AND ABUTTING IN THE  
PORT LAWRENCE DIVISION, CITY OF TOLEDO, LUCAS COUNTY, OHIO.

FOR: GEORGE F. EYDE LTD FAMILY PARTNERSHIP, LOUIS J. EYDE LTD FAMILY PARTNERSHIP

NOTES: THIS DRAWING IS BASED ON J.C. ANDRUS & ASSOCIATES, INC.

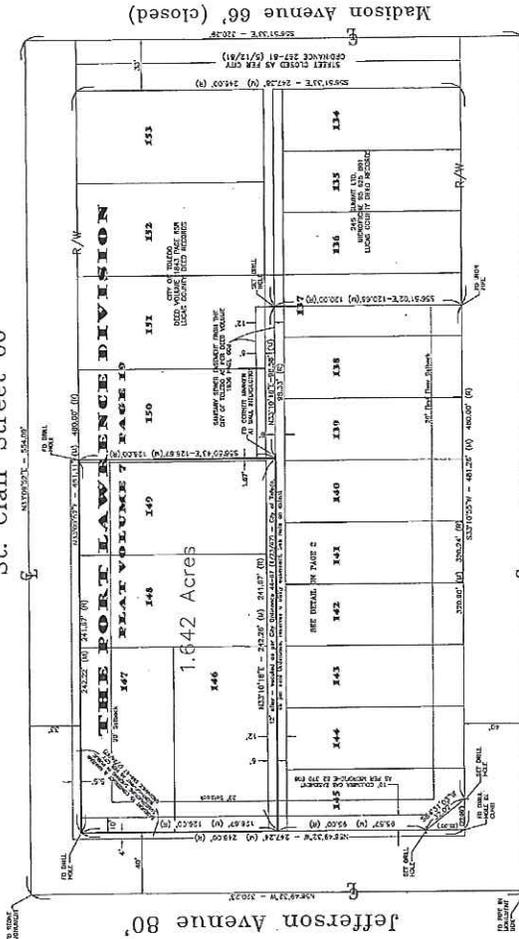
ALTA/ACSM SURVEY NO. 675-8717, DATED 11/15/97

FOR BUILDING DETAIL, SEE SHEET 2 OF 2

### LEGAL DESCRIPTION

All of Lots numbers one hundred forty-six (146) through and including Lot number one hundred forty-nine (149) and the southeasterly one and sixty-seven hundredths (1.67) feet of Lot number one hundred fifty (150), including one half (1/2) of the vacated alley adjacent to and abutting each of the above described Lots or portions of Lots all in the Port of Lawrence Division of the City of Toledo, Lucas County, Ohio

St. Clair Street 66'



Summit Street 80'

Jefferson Avenue 80'

Madison Avenue 66' (closed)

J. C. ANDRUS & ASSOCIATES, INC.  
ENGINEERS - SURVEYORS - PLANNERS  
5241 SECOR ROAD SUITE A TOLEDO, OHIO 43623  
(419) 248-3737 (800) 869-5315 FAX (419) 248-1099



DRAWN BY: [ ]  
PLOT DATE: 06/04/04  
DWG NAME: CDD3775.DWG  
JOB NUMBER: 005-8717

SHEET 1 of 2

GRAPHIC SCALE 1 INCH = 35 FEET

(N) North Arrow  
(O) Survey Station



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**SUP-9002-19**  
ID 9

# SITE PLAN

DRAWING REVISIONS		SEAL	J. C. ANDRUS & ASSOCIATES, INC. ENGINEERS - SURVEYORS - PLANNERS 5241 SECOR ROAD SUITE A TOLEDO, OHIO 43623 (419) 249-3737 (600) 669-5315 FAX (419) 248-1099		DATE	BY	CHK	APP

PROJECT NO: SUP-9002-19  
SHEET NO: 2 OF 2

