

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

REF: SUP-11002-23

DATE: January 12, 2024

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 Tobacco Shop at 1339 Dorr Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on January 11, 2024 at 1:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Tobacco Shop
Location	-	1339 Dorr Street, Unit A
Applicant	-	Zeeshan Ahmed 1 Pak Enterprise 1130 W Bancroft Street, Suite 1 Toledo, OH 43606
Owner	-	Dorr Street Plaza LLC 1341 Dorr Street Toledo, OH 43607

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.18 acres
Frontage	-	± 394' along Dorr Street
Existing Use	-	Commercial multi-tenant space (strip-style)
Proposed use	-	Tobacco shop

Area Description

North	-	Dorr Street, Open Space, Restaurant, offices, single-family homes / POS, CR & RD6
South	-	Commercial retail, single-family homes / RD6
East	-	Fire Station, Auto Zone/ CR
West	-	Restaurant, grocery, bank, single-family homes / CR, CO & RD6

GENERAL INFORMATION (cont'd)

Parcel History

- M-18-10 - Dorr Street Corridor Vision Plan as amendment to Toledo 20/20 Comprehensive Plan (PC rec. approval 11/4/10; CC approved 12/21/10, Ord. 668-10).
- SPR-2-06 - Minor Site Plan Review for expansion of retail building at 1341 Dorr Street (Admin. Approved 2/15/06).
- SUP-2005-02 - Special Use Permit at 1339 Dorr Street for a convenience store. (PC rec. denial 4/11/2002, subsequent withdrawal of the application)
- M-14-95 - Request to review proposed Community Development Plan for Organized Neighbors Yielding Excellence (ONYX) and designation of a Community Development District bounded on the north by Dorr Street, Swan Creek to the south, Brown Street to the west and I-75 to the east. (PC rec. approval 5/9/96; CC approved 5/28/96, Ord. 375-96).
- Z-12036-92 - Request for zone change from C-3 Commercial to C-1 Neighborhood Commercial (PC rec. approval 3/4/93; CC approved 3/23/93, Ord. 219-93). This zone change was approved subject to the approval of a redevelopment plan by the Plan Commission. This never occurred, so the zoning of the property remained as C-3 Commercial.
- M-6-90 - Sale of City owned land (PC approval 3/15/90).
- M-27-78 - Request for review and approval of the proposed Urban Development Action Grant (UDAG) application to develop commercial shopping centers within the Warren-Sherman Renewal Area and Washington Conservations Area. (PC approved 10/13/78; CC approved 10/24/78, Ord. 723-78).

GENERAL INFORMATION (cont'd)

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Dorr Street Corridor Vision Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a smoke shop at 1339 Dorr Street. The 1.18 acre site, where the smoke shop is proposed, is located southeast of the Dorr Street and Junction Avenue Intersection. The site is currently developed with a commercial strip-style shopping center divided into six tenant units. The west half of the building is occupied by a Dollar Dollar Plus store. The proposed smoke shop will be located in Suite A, which is immediately adjacent to the Dollar Dollar Plus store. Unit A consists of 1,320 square feet. There are four additional units in the building, three of which are currently occupied by Boost Mobile, Jackson Hewitt and J'S Play & Win Internet Cafe. The other unit is vacant. Adjacent land uses include open space, a restaurant and single-family homes to the north across Dorr Street; a fire station and auto store to the east; retail and single-family homes to the south; and a restaurant, grocery store and bank to the west. The subject property is zoned CR - Regional Commercial. A Special Use Permit is required per the Use Table in TMC§1104.0100 for a tobacco shop in the CR zoning district and is subject to standards in Section TMC§1104.1700 - Tobacco Shops.

Tobacco Shop Regulations

- Per TMC§1104.1701 a tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors. Plan Commission records and review of the area do not indicate any such uses within 500 feet of the proposed tobacco shop; therefore, the proposed location for the tobacco shop complies with this regulation.
- Per TMC§1104.1702 the hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1:00 a.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. The RD6 - Duplex Residential District abuts the commercial strip-style shopping center, in which the tobacco shop will be located, to the south. As such, the hours of operation are recommended to be limited in the conditions at the end of this report.

The reuse of a single unit in a multi-tenant space does not typically require significant site improvements. The intent is to encourage development and redevelopment consistent with the Zoning Code while providing property owners with reasonable use of their land. It is general policy to allow uses, structures, and lots that came into existence, in conformance with then-applicable requirements, to continue. The goal in review of the reuse of a unit is allow the unit

STAFF ANALYSIS (cont'd)

to be put to productive use, but to also bring the site into closer compliance with existing regulations as is reasonable. The following items have been reviewed based on this intent:

Parking and Circulation

Circulation through the site will remain the same as it currently exists with two access points from Dorr Street. In addition, the site is accessed via an alley off of Junction Avenue. All existing parking and wheel stops, where provided, will also remain with one alteration. The parking spaces on the east end of the building and along the east property line, will be restriped and wheel stops installed. These spaces are currently striped; however, they appear wider and there are less than those noted on the plan. The submitted site plan shows five spaces on the east end of the building and 13 parking spaces along the east property line. The submitted site plan is being reviewed for compliance with the following applicable requirements:

- Per the Off-Street Parking Schedule in TMC§1107.0304 commercial use buildings are required to provide one (1) parking space per 300 square feet of floor area for the first 50,000 square feet. The entire commercial building consists of 16,368 square feet, which equates to 55 required parking spaces. In addition, 1 bicycle space is required for every 10 parking spaces. Currently there is no bicycle parking on the site. The site plan submitted indicates that 60 parking spaces and a bicycle rack for 10 bicycles will be provided for the entire site. Since the proposed number of parking spaces and bicycle spaces are in excess of what is required, the proposal complies with this requirement.

Although the amount of bicycle slots meets the requirement, the location of the proposed bicycle rack is not acceptable as depicted. The bicycle rack is proposed on the north side of the building on an existing 5 foot concrete sidewalk. Placing the bicycle rack on the sidewalk will not provide adequate space for pedestrians to use the sidewalk. The bicycle rack shall be relocated to a more suitable location.

- Per TMC§1107.1701 two car accessible and one van accessible parking spaces are required for a parking lot with 60 parking spaces. Car accessible spaces must have a 5 foot wide aisle abutting the parking space, and the van accessible space must have an 8 foot wide aisle abutting the parking space. The submitted site plan shows the required three accessible parking spaces; however, the required abutting aisle widths are not provided. The plan shall be revised to provide the required abutting aisle widths.
- Per TMC§1107.1907 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. The majority of the existing parking spaces currently have wheel stops.

STAFF ANALYSIS (cont'd)

The proposal complies with this requirement as wheel stops are proposed for all of the parking spaces per the submitted site plan.

Landscaping

The Applicant is not proposing any changes to the existing landscape on the site. Since the property fronts on Dorr Street and Junction Avenue, a minimum of a 15 foot wide frontage greenbelt along the public right-of-ways is required that contains at least one tree for every 30 feet of frontage per TMC§1108.0202. As developed, the current site layout provides as much greenspace along Junction Avenue and Dorr Street as possible based on property boundaries. Both canopy and evergreen trees are located within this existing greenbelt area. Within the right-of-ways for Junction Avenue and Door Street, there is a grass area and a sidewalk. In addition, there are canopy trees along Dorr Street. While the greenbelt area provided on the subject property does not meet the minimum 15 foot wide frontage greenbelt, the combination of the on-site area and the greenspace in the right-of-way provides an adequate buffer for the site. As is, no additional green space could be allocated on-site without a complete redevelopment of the site.

Building Design and Materials

There are no changes proposed for the building exterior at this time.

Dorr Street Corridor Vision Plan

The Dorr Street Corridor Vision Plan identifies three nodes along the Dorr Street Corridor where focus should be placed on expanding retail. One of these nodes is the Dorr Street and Detroit Avenue Intersection. The plan states that this intersection serves as the central focal point of the surrounding neighborhoods and should offer a retail mix that meets the needs of neighborhood residents. The proposed smoke shop will be located within a block of this intersection and will not only provide retail for the surrounding area, but also fill a current vacant tenant space in an existing commercial shopping plaza. As such, the proposal is consistent with this Plan.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial land uses. Neighborhood Commercial land uses are predominately small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may be included as well. The proposed smoke shop is consistent with the intent of this land use as it is a small to medium scale retail shop that will serve the surrounding neighborhood.

Staff recommends approval of the Special Use Permit because a tobacco shop is a permitted use in the current zoning district and compatible with adjacent uses in terms of scale, site design and operating characteristics.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-11002-23, a request for a Special Use Permit for a Tobacco Shop at 1339 Dorr Street, to the Toledo City Council for the following **two reasons**:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)).
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C)); and

The Toledo City Plan Commission further recommends approval of SUP-11002-23, a request for a Special Use Permit for a Tobacco Shop at 1339 Dorr Street, to the Toledo City Council subject to the following **19 conditions**:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of 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.

Division of Sewer & Drainage Services

4. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. 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

PLAN COMMISSION RECOMMENDATION (cont'd)

the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Environmental Services

6. 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.
7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. 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.
9. 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
10. 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.

Plan Commission

11. The hours of operation shall be limited from 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio.
12. Per Off-Street Parking Schedule in TMC§1107.0304 the commercial space requires one (1) parking space per 300 square feet of floor area. A total of 55 parking spaces are required for this site. Site plan submitted depicts 60 parking spaces. **Acceptable as depicted.**
13. Per Off-Street Parking Schedule in TMC§1107.0304 one (1) bicycle parking slot is required per ten (10) parking spaces. A total of 6 bicycle slots are required for this site. Site plan submitted depicts a rack for 10 bicycles on an existing 5 foot concrete sidewalk. The location of the bicycle rack will impede pedestrian traffic. **Not acceptable as depicted. The bicycle rack shall be relocated to a more suitable location.**

PLAN COMMISSION RECOMMENDATION (cont'd)

14. Per TMC§1107.1701 two car accessible spaces with a 5 foot wide aisle abutting each space and one van accessible parking space with an 8 foot wide aisle abutting the space are required for a parking lot with 60 parking spaces. The site plan submitted depicts three accessible parking spaces; however, the required abutting aisle widths are not provided. **Not acceptable as depicted. The plan shall be revised to provide the required abutting aisle widths for two car accessible spaces and one van accessible space.**
15. Per TMC§1107.1907 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. The site plan submitted depicts wheel stops for all parking spaces. **Acceptable as depicted.**
16. 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.
17. 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.
18. 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.
19. Approval of the Special Use Permit will lapse after one year if the criteria listed in TMC§1111.0707(A) have not been met.

Respectfully Submitted,



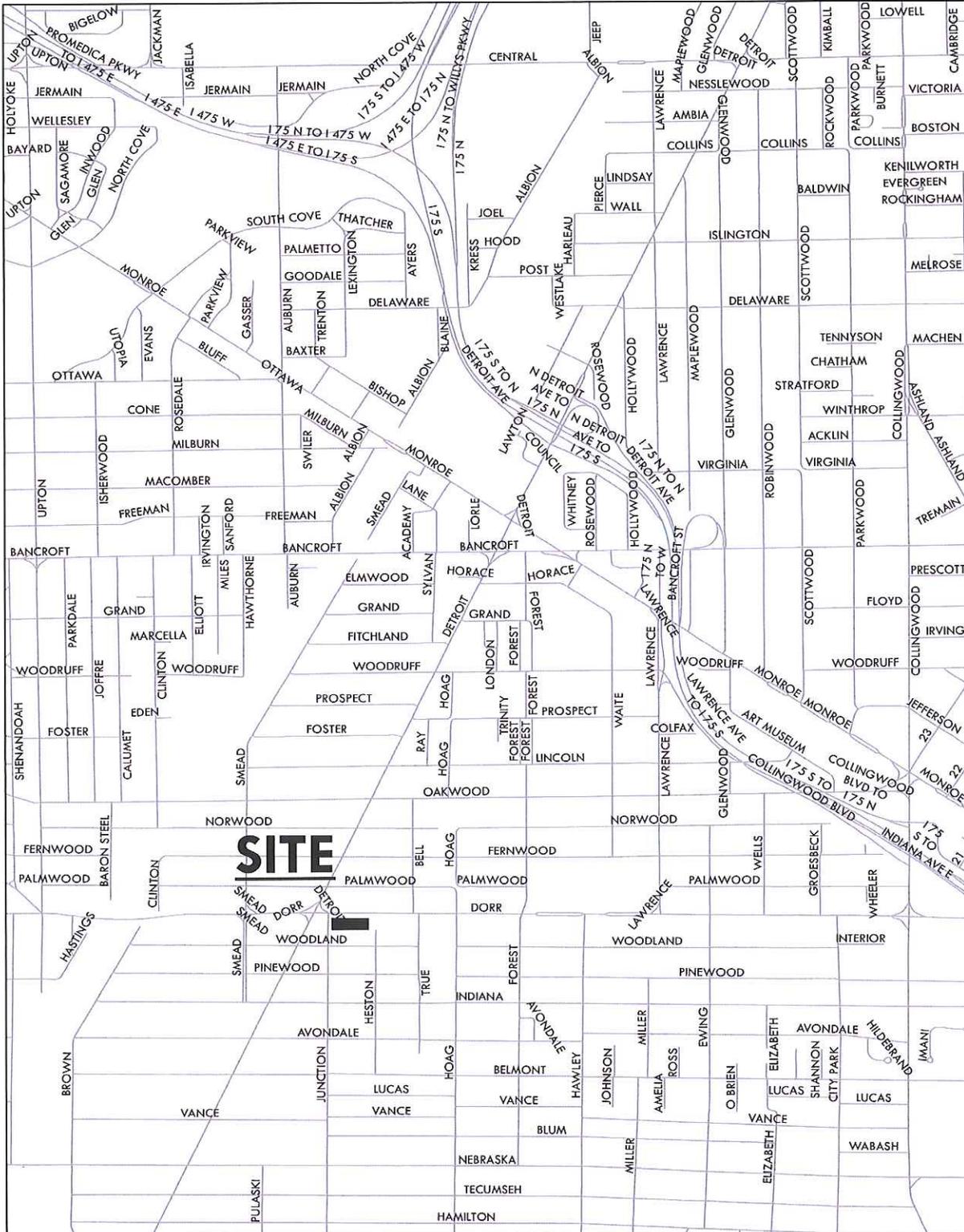
Thomas C. Gibbons
Secretary

LK
Three (3) sketches follow

cc: Zeeshan Ahmed, 1130 W Bancroft Street, Suite 1, Toledo, OH 43606
Lisa Cottrell, Deputy Director
Lisa Karcher, Planner

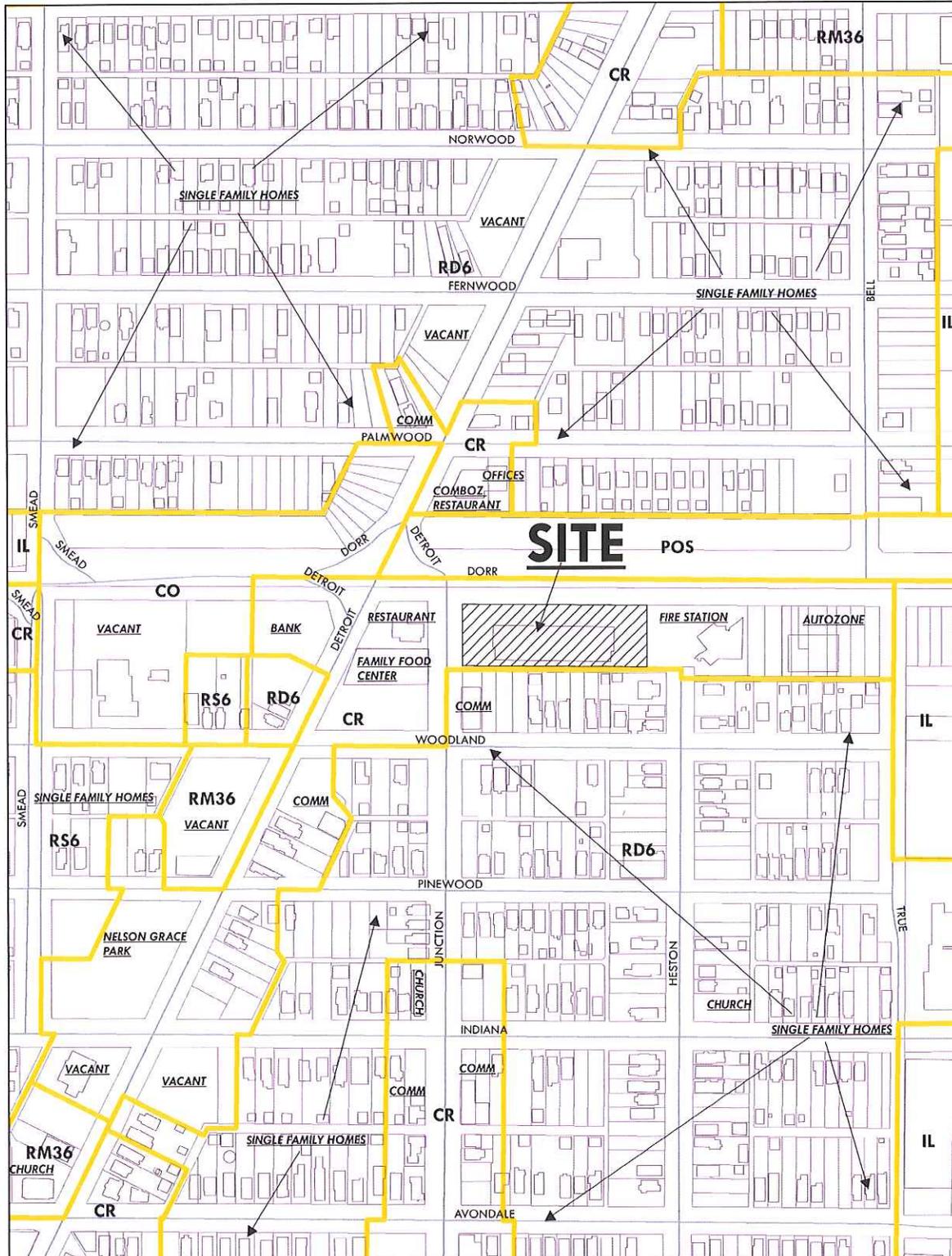
GENERAL LOCATION

SUP-11002-23



ZONING & LAND USE

SUP-11002-23





**THE JUNCTION COALITION
COMMUNITY CONNECTIONS**

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Toledo City Council

1 Government Center, Suite 2100

Toledo, Ohio 43604

January 10, 2024

Dear City Council Members

The Junction Coalition submits this letter in opposition to the Special Use Permit for a Tobacco Shop at 1339 Dorr Street.

- A. Tobacco shops are overwhelmingly in neighborhoods of color, leading to the increased likelihood of tobacco use amongst youth. That is absolutely unacceptable. We need more grocery stores and pharmacies in our neighborhood, not tobacco shops.

Per the CDC, "urban centers in Ohio in areas of both high- and low- racial and ethnic minority areas, the prevalence of convenience stores was higher in high-poverty census tracts than in low-poverty tracts. Grocery stores and pharmacies demonstrated the opposite pattern as convenience stores, whereby, for urban centers and areas of both high- and low- racial and ethnic minority areas, the prevalence of grocery stores and pharmacies was lower in high-poverty census tracts than in low-poverty tracts. These findings align with previous studies (12). Further, the National Institute of Health indicates a strong association between density and proximity of tobacco retail. Plainly, youth are more likely to use tobacco if it is accessible.

According to the FDA, nearly 2.8 million youth currently use any tobacco product. That is absolutely unacceptable.



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B. The National Institute of Health considers Vaping an epidemic amongst adolescents. We do not want our youth having an increased access to vapes

Tobacco shops will likely sell e-cigarettes (vapes) which are very dangerous to both children and adults. We know that e-cigarettes are unsafe for children, teens, and young adults. E cigarettes have nicotine, which is a highly addictive substance that can impede adolescent brain development, which continues into the mid-20s. We know young people are adding marijuana and other substances to e-cigarettes.

C. Tobacco shops bring down the neighborhood's property value, and we are working desperately and tirelessly to improve the neighborhood.

The national institute of health describes that tobacco is the leading cause of preventable death, and it is more than a coincidence that the tobacco shops are being intentionally vetted for placement.

The members of the Junction Neighborhood vehemently oppose a tobacco shop in any form. Thank you so much.

The Junction Coalition