

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: July 7, 2025

REF: SUP25-0015

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

FROM: Toledo City Plan Commission, Lisa A. Cottrell, Secretary

SUBJECT: Special Use Permit for a Tobacco Shop at 229 Main Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 3, 2025 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Tobacco Shop
Location	-	229 Main Street
Applicant	-	Shukri Fateeh A&Z Hookah 229 Main Street Toledo, OH 43605
Owner	-	Kite Inc 6061 Seaman Road Oregon, OH 43616
Architect	-	Kevin Brown CENiC Architecture 325 Superior Street Rossford, OH 43460

Site Description

Zoning	-	CS / Storefront Commercial Main Starr Front Overlay District
Area	-	±4.12 acres
Frontage	-	±540' along Main Street ±430' along Fourth Street ±140 along Platt Street
Existing Use	-	Shopping Center
Proposed Use	-	Tobacco Shop within Shopping Center

GENERAL INFORMATION (cont'd)

Area Description

- | | | |
|-------|---|---|
| North | - | CS & RD6 / Platt Street, Restaurant, Vacant Commercial, Office, Single-Dwelling Homes, Duplex Homes |
| South | - | CS & CM / Main Street, Vacant Commercial, Pharmacy, Retail, Music Venue |
| East | - | RD6 / Fourth Street, Single-Dwelling Residential, Duplex Residential |
| West | - | POS & CS / Main Street, Kessler Park, Vacant Commercial |

Parcel History

- | | | |
|----------|---|---|
| Z-264-67 | - | Zone Change from M-1 to R-4 on the north side of Fourth Street and east of Platt Street. (P.C. recommended approval 10/19/67) |
| Z-324-67 | - | Zone Change from M-1 to R-4 for lots 147 thru 152 in Yondota Division north of Fourth Street on Platt Street. (P.C. recommended approval 12/14/67) |
| M-5-76 | - | Site Plan for East River Redevelopment site (P.C. approved 4/23/76; Council approved 6/16/76) |
| V-11-77 | - | Vacation of Platt Street between Second Street and Fourth Street and Vacation of an alley bounded by Second, Fourth, Main, and Platt Streets. (P.C. recommended approval 1/14/77; Council approved Ord. 341-78) |
| Z-56-77 | - | River East Economic Revitalization Corporation and East Toledo business Land Development Standards (Council approved 11/30/77, Ord. 872-77) |
| M-22-09 | - | Repeal River East Land Development Standards (P.C. recommended approval 1/14/10; Council approved 3/2/10, Ord. 94-10) |
| M-23-09 | - | Establish the Main Street / Starr Avenue Urban Neighborhood Overlay (UNO) Zoning District (P.C. recommended approval 1/14/10; Council approved 3/2/10, Ord. 95-10) |

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

M-8-23 - Expand Main Street / Starr Avenue UNO and add demolition criteria. (P.C. approved 3/14/24; Council approved 4/24/24, Ord. 199-24)

Applicable Plans & Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan
- Connecting the Pieces Plan
- Garfield Community Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a tobacco shop at 229 Main Street. The store is located within the ±4.12-acre River East Shopping Center. The applicant intends to use a tenant space within the shopping center, which is zoned CS (Storefront Commercial). A Special Use Permit is required for tobacco shops in CS zoning districts. To the north of the site is Platt Street, a restaurant, some vacant commercial structures, an office building, single-dwelling homes and duplexes, to the south of the site is Main Street, some vacant commercial structures, a pharmacy, retail businesses, and a music venue, to the east is Fourth Street, single-dwelling homes, and duplexes, and to the west is Main Street, Kessler Park, and more vacant commercial structures.

Tobacco Shops

Tobacco shops are not permitted within 500 feet of any school, public park, public library, child day care center, or other use established specifically for the activities of minors. Kessler Park is located across Main Street from the shopping center. A different park and Waite High School are also located within five hundred feet (500') of the shopping center. The proposed tobacco shop is not compliant with the spacing requirement of TMC§1104.1701.

Landscaping

The reuse of a single unit in a multi-tenant space does not typically require significant site improvements. However, some landscaping which was required by M-5-76 has died. Should this special use permit be approved, the applicant shall be required to reinstall landscaping as required by the approved landscaping plan for M-5-76. Alterations to this previously approved plan may be approved at the discretion of the Planning Director. This condition has been added in exhibit "B". The previously approved landscaping has been added as exhibit "A".

STAFF ANALYSIS (cont'd)

Signs

Per TMC§1113.0700, if the premises on which a legally nonconforming sign is located undergoes a Plan Commission review, including this Special Use Permit, any nonconforming signage on the premises shall be brought into full compliance with the Sign Code as a part of the review and approval process. Should this special use permit be approved, the nonconforming pole sign along Main Street shall be removed and may be replaced by a conforming ground sign. Signs which were installed without a permit – such as the one currently advertising the proposed tobacco shop – shall obtain a sign permit. These conditions have been added in exhibit “B”.

Connecting the Pieces Plan

The Connecting the Pieces Plan includes a list of recommended business types which economic development efforts in the Main/Starr Business corridor should focus on. Tobacconists are one of these listed business types. The proposed tobacco shop is consistent with the Connecting the Pieces Plan.

Garfield Community Plan

The Garfield Community Plan identifies vacant storefronts as one of the neighborhood’s challenges. There is an excess of vacant and underutilized buildings and commercial spaces in the Main-Starr Business District. The Plan views the future of the district as a mixed-use corridor, rather than solely a business centric corridor. Future actions for the District should focus on primarily neighborhood retail and personal services for the East Toledo community – with priority on pedestrian focused businesses and designs. The proposed tobaccos shop would occupy a vacant tenant space in an underutilized, though auto-oriented, building. The tobacco shop is consistent with the Garfield Community Plan.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan recognizes that children are a significant part of Toledo’s population and supports land uses that indirectly impact childhood development in a positive manner. The spacing requirement is there to ensure adequate spacing between these youth related uses and tobacco shops. The proposed tobacco shop is not consistent with the Forward Toledo Plan as it violates the spacing requirement and therefore goes against the goal of Supporting Childhood Development.

Staff recommends disapproval of the requested Special Use Permit because the proposed use does not meet the stated purpose of the zoning code nor does it comply with all applicable provisions of the zoning code. Although staff is recommending disapproval, agency conditions are attached to this report as exhibit “B” for reference purposes.

TO: President Hartman and Members of Council
July 7, 2025
Page 5

REF: SUP25-0015

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP25-0015, a Special Use Permit for a tobacco shop at 229 Main Street to the Toledo City Council, for the following two (2) reasons:

1. The proposed use does not meet the stated purpose of the Zoning Code (TMC§1111.0706(A)); and;
2. The proposed use does not comply with all applicable provisions of the zoning code (TMC§1111.0706(B)).

Respectfully Submitted,



Lisa A. Cottrell
Secretary

AS
Two (2) exhibits follow
Four (4) sketches follow

Cc: Shukri Fateeh, A&Z Hookah, 229 Main Street, Toledo, OH 43605
Kite Inc., 6061 Seaman Road, Oregon, OH 43616
Kevin Brown, CECNiC Architecture, 325 Superior Street Unit A, Rossford, OH 43460
Alex Schultz, Planner

Exhibit "B"
Agency 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.

Bureau of Fire Prevention

1. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
2. Approved address identification is required.
3. Key box(s) for access to buildings and areas restricted by fencing gates, ect...

Division of Transportation

4. Bicycle parking is required per TMC 1107.0900.
5. An 8' loading aisle for van and 5' loading aisle for auto accessible parking spaces is required per TMC 1107.1702. (All accessible parking spaces are required to have loading aisle. That loading aisle must not be obstructed from being able to be used.)
6. All parking spaces, driveways and drive aisles must be clearly dimensioned per TMC 1107.1911.
7. If one does not already exist, a cross access agreement is required with all adjacent property owners.

Plan Commission

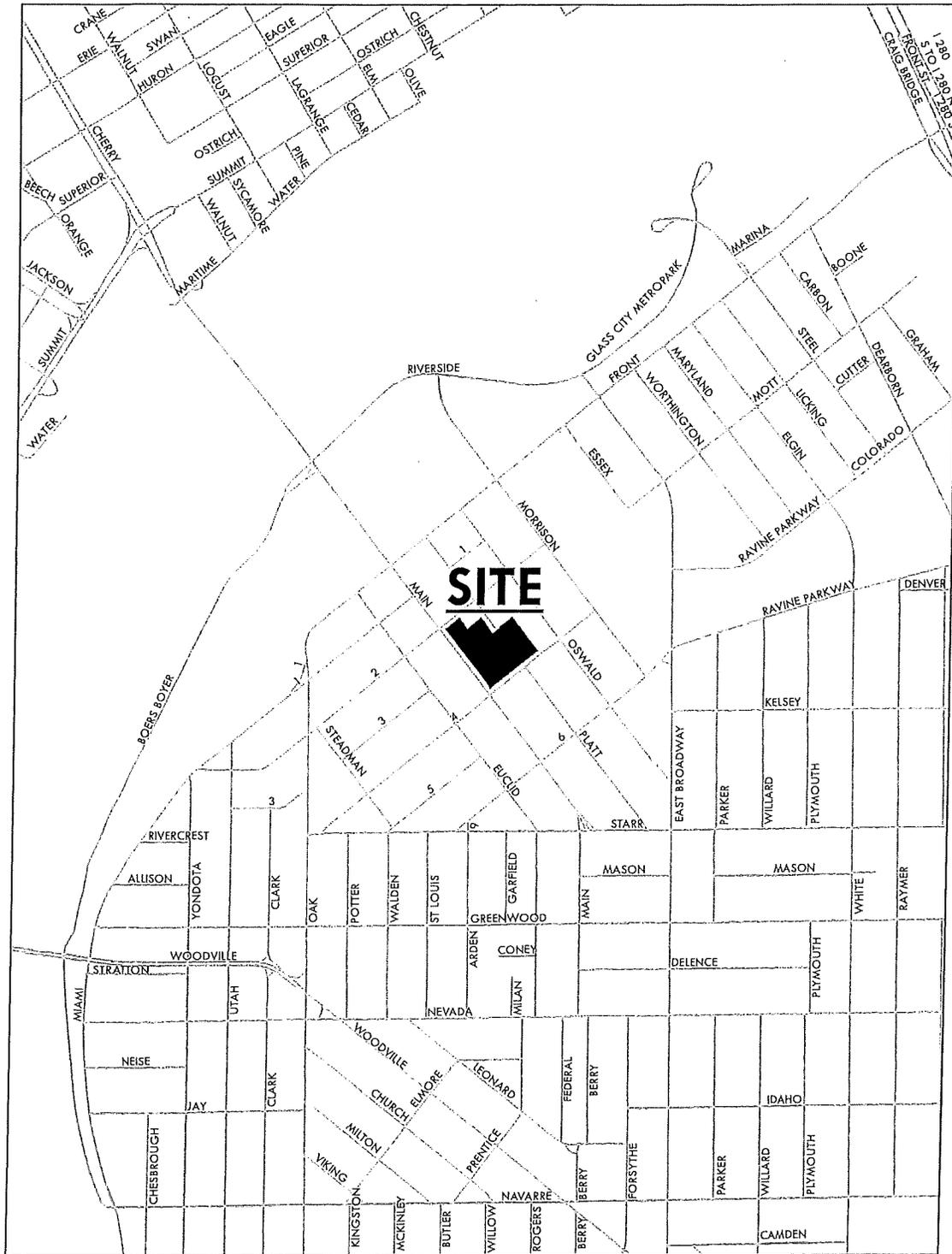
8. Bicycle parking spaces shall be installed pursuant to TMC§1107.0300. Eighteen (18) bicycle parking spaces are required. **Not acceptable as depicted. A revised 'final' site plan shall be submitted to the Plan Director for review and approval.**
9. A detailed landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include all landscaping which was required by the approved landscaping plan for M-5-76. Alterations to the landscaping of this previously approved plan may be approved at the discretion of the Planning Director.
10. A connecting pedestrian crosswalk shall be added between the stairs/ramp to Main Street and the building's front canopy walkway. The connecting crosswalk shall be distinguished from the drive aisle through the use of painted stripes.

Plan Commission (cont'd)

11. Per TMC§1113.0700, if the premises on which a legally nonconforming sign is located undergoes a Plan Commission review, including this Special Use Permit, any nonconforming signage on the premises shall be brought into full compliance with the Sign Code as a part of the review and approval process:
 - a. The existing nonconforming ground sign on Main Street shall be removed and may be replaced with a sign conforming to the provisions of TMC§1113.0400 *Ground Signs* and TMC§1103.1313 *Signage*.
 - b. Signs which were installed without a permit shall obtain appropriate permits
 - c. Window signage and similar obstructions may not occupy more than 25% of the total cumulative window area along a building façade.
 - d. Applicant shall obtain appropriate permits for any proposed signage.
12. 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.
13. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
14. 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.
15. 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.

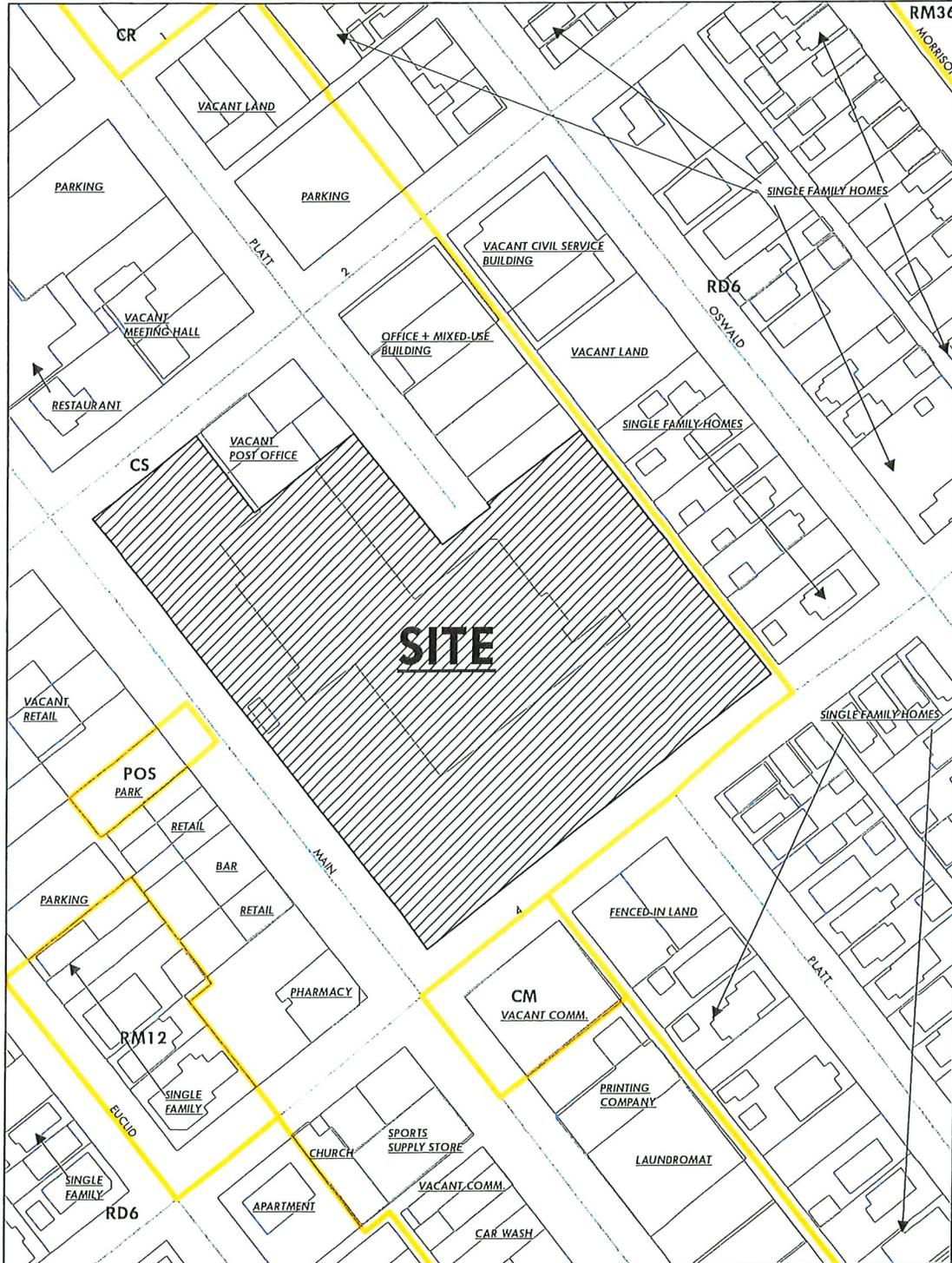
GENERAL LOCATION

SUP25-0015
ID 28



ZONING & LAND USE

SUP25-0015
ID 28



SPACING VIOLATION

SUP25-0015
ID 28

