



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: February 9, 2018

REF: SUP-11001-17

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 Medical Marijuana Dispensary

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 8, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Special Use Permit for a Medical Marijuana Dispensary

Location - 3151 - 3157 West Sylvania Avenue

Applicant - GTI, Ohio LLC
C/O: Adam Robbins
325 West Huron Street, Ste. 412
Chicago IL 60654

Architect - Gary Matczak Architects
C/O: Gary Matczak
4509 West Ridge Road
Erie, PA 16506

Site Description

Zoning - CR / Regional Commercial

Area - ± 0.41 acres

Frontage - ± 121' along West Sylvania Avenue
± 150' along Crary Drive

Existing Use - commercial / retail building

Proposed Use - medical marijuana dispensary

Overlay - None

Neighborhood Org. - None

GENERAL INFORMATION (cont'd)

Area Description

| | | |
|-------|---|-------------------------------------|
| North | - | Commercial Buildings / CR |
| South | - | Residential Dwellings / RS6 |
| East | - | Auto Repair Shop / CR |
| West | - | Commercial (Recently Approved) / CR |

Parcel History

| | | |
|--------------|---|--|
| SUP-10002-17 | - | Request for a Special Use Permit for a medical marijuana dispensary at 3203 & 3209 West Sylvania Avenue. Plan Commission recommended approval on 12/7/17, approved by City Council 8/22/17, Ord. 359-17. |
|--------------|---|--|

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a medical marijuana dispensary at 3151 - 3157 West Sylvania Avenue. The ±0.41 acre site is comprised of two (2) parcels and occupied by an existing one-story commercial – retail building. The site is zoned CR Regional Commercial and permits a medical marijuana dispensary upon obtaining a Special Use Permit. A dispensary is defined as “an entity licensed by the State of Ohio to sell medical marijuana products to patients and caregivers”. In addition to obtaining a Special Use Permit, the applicant is required to become fully licensed and certified by the State of Ohio to sell and distribute medical marijuana.

The applicant has submitted a notarized letter from the owner of the property stating that the parties are in a purchase agreement contingent upon the granting of the Special Use Permit. The facility will be monitored 24 hours a day and all inventory and sales will be recorded and updated in the State mandated seed to sale tracking system. The letter of intent states that the development will employ 6 – 10 full-time and part-time employees. The applicant is required to have a neighborhood meeting and has scheduled that meeting for the evening of January 29, 2018.

The site is located in a commercial corridor and along a major arterial collector. Surrounding land uses include commercial buildings across Sylvania Avenue to the north and an auto repair shop to the east across Crary Drive. To the west is a commercial – retail building to the west, and a residential neighborhood to the south.

STAFF ANALYSIS (cont'd)

Although there is no parcel history directly associated with the site, there is a separate request for a medical marijuana dispensary for a site to the immediate west, across Crary Drive, that has been approved for a Special Use Permit. That request was approved by the Plan Commission on December 7, 2017 and approved by the Zoning and Planning Committee on January 10, 2018 and has been approved by City Council. In the event that both sites are approved by the City and issued a license by the State, the first request to receive a City Ordinance will be granted the Special Use Permit. The other request will then be in violation of spacing regulations and therefore have its request revoked.

Use Regulations

A medical marijuana dispensary is required to meet the use regulations of TMC§1104.2300. This section of the Code states that "A Medical Marijuana Facility shall not be located within 500 feet of any school (K-12), church, public park, public playground, public library, pre-school, or child day care center, or other use established specifically for the activities of minors." The proposed location is not in violation of these requirements and conforms to the regulations of TMC§1104.2300. Additionally, per TMC§1104.2302, a dispensary shall not be located within 1,000 feet of another dispensary. This site is within 1,000 feet of a recently approved medical marijuana dispensary. If that dispensary is granted State approval, this Special Use Permit will become void.

In addition to regulating the location of medical marijuana facilities, TMC§1104.2302 limits the hours of operation for a dispensary from 8 a.m. to 8 p.m., or other hours consistent with a license/permit issued by the State of Ohio. The applicant's letter of intent states that the dispensary will operate within the required hours.

Parking and Circulation

The site plan depicts three (3) access points, one (1) from West Sylvania Avenue and two (2) from Crary Drive. As listed in TMC§1107.0304, the minimum number of parking spaces required for a dispensary is calculated using the Off-Street Parking Schedule "B" Additional Commercial Standards. Per Schedule "B", dispensaries are required to provide one (1) parking space for every 300 square feet of building area. The existing building on site has a building area of ±5,318 square feet. Calculations conclude that the proposed dispensary requires eighteen (18) parking spaces. The site plan submitted depicts a total of twenty-seven (27) parking spaces and meets the minimum number of off-street parking spaces required for the site.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

The Division of Transportation has reviewed the submitted site plan and does not object to the approval by the Plan Commission. However, the Division of Transportation is requesting that the access drive adjacent to West Sylvania Avenue be closed. Removed curb cuts shall be replaced with new curbs and sidewalks in accordance with City of Toledo Construction Standards. A revised site plan shall be submitted addressing the Division of Transportation's comments which are listed as conditions of approval.

Currently there are six (6) parking spaces that are perpendicular to the building and accessed via an unimproved curb cut along Crary Drive. The site plan depicts improvements to this area that include landscaping upgrades, the removal of the six (6) existing parking spaces, the addition of two (2) parking spaces parallel to the building, and a place dedicated to bicycle parking. It is recommended that this area be dedicated solely to landscaping. The two (2) parallel parking spaces are not needed and the bicycle parking can be relocated elsewhere on site.

The applicant is required to provide at least two (2) accessible parking spaces for persons with physical disabilities. The site plan submitted depicts one (1) accessible parking space close to the entrance but is not in compliance with the required number of ADA parking spaces (unless the two (2) parking spaces on the west side of the building are removed). Additionally, the minimum number of bicycle parking spaces for the proposed dispensary is one (1) slot per ten (10) parking spaces. The site plan submitted depicts three (3) bicycle parking spaces and is in compliance with parking schedule "A". As mentioned earlier, the bicycle parking will need to be relocated elsewhere on the site.

Landscaping

The site was established before the 2004 zoning code update and therefore not required to fully comply with the landscape requirements. Per TMC§1114.0502, the site is required to be brought closer into compliance with the 2004 zoning code. There is adequate space for at least a ten (10') foot greenbelt along the Sylvania Avenue frontage and a fifteen (15') foot greenbelt along the Crary Drive frontage. These greenbelts must be on the applicant's property and not in the right-of-way as currently depicted. A revised landscape plan shall be submitted showing compliance.

STAFF ANALYSIS (cont'd)

Landscaping and screening (cont'd)

The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. Calculations conclude that a total of four (4) trees are required in the frontage greenbelt along West Sylvania Avenue and a total of five (5) trees are required along Crary Drive. Additionally, since the parking lot is visible from the right-of-way, the frontage greenbelt shall include a solid hedge or shrub row along West Sylvania Avenue in order to screen the parking lot and ensure that headlights do not project onto the public street. These plantings must be on the applicant's property and not in the right-of-way as currently depicted. A revised landscape plan shall be submitted showing compliance.

A Type A landscape buffer is required to be provided along the south side of the property that abuts residential zoning. Said buffer shall consist of ten (10') foot wide of landscaping located inside of a solid wood fence. The applicant is proposing a six (6') foot high chain link fence with privacy slats with no landscaping. This is not an acceptable fence material. A landscape plan shall be submitted that shows compliance with the Toledo Municipal Zoning Code.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for CN Neighborhood Commercial land uses. Neighborhood Commercial land uses typically include predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses are permitted uses in the CN zoning designation. The proposed use is compatible with the neighborhood commercial zoning district and therefore conforms to the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit since it meets the stated purpose of the Zoning Code and complies with all applicable provisions of the Zoning Code. Furthermore, the proposed use conforms to the Medical Marijuana Facility use regulations of TMC§1104.2300.

PLAN COMMISSION RECOMMENDATION (cont'd)

The Plan Commission recommends approval of SUP-11001-17, a request for a Special Use Permit for a medical marijuana dispensary at 3151 – 3157 West Sylvania Avenue, to the Toledo City Council for the following three (3) reasons:

1. The proposed use conforms to the Medical Marijuana Facility use regulations of TMC§1104.2300.
2. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) *Review & Decision-Making Criteria*).
3. The proposed use complies with all applicable provisions of the Toledo Municipal Zoning Code (TMC§1111.0706(B) *Review & Decision-Making Criteria*); and

The Plan Commission further recommends approval of SUP-11001-17, a request for a Special Use Permit for a medical marijuana dispensary at 3151 – 3157 West Sylvania Avenue, to the Toledo City Council subject to the following **thirty (30)** 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.

Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: Joe Warnka, ph. 419-245-1341

Roadway: Tim Grosjean, ph. 419-245-1344

Water: Andrea Kroma, ph. 419-936-2163

Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221;

Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

3. 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.
4. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with 8-inch 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 and/or 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.
5. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Plans for new water service or modifications to the existing water service shall be submitted to the Division of Engineering Services for review and approval.
8. 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 at 800-414-4990. In the case of renovation, expansion, or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow prevention requirements for this site.
9. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, meter setting, or backflow protection device and that these devices are properly installed, tested, and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
11. Plan Commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a stormwater plan review. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site-plan review and approval will be required by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Stormwater Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

Sewer & Drainage Services

12. All private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
13. All 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

14. Site shall comply with local Fire Prevention Bureau regulations.

Division of Transportation

15. No comments or objections

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission

16. The area depicting two (2) parallel parking spaces and bicycle parking shall be dedicated solely to landscaping and the bicycle parking shall be relocated to another area on site. A revised site plan shall be submitted indicating compliance with this requirement.
17. Applicant shall obtain the proper licensing and/or certification for the distribution and sale of medical marijuana by the State of Ohio provided the State does not grant a license and/or certification to a dispensary within 1,000 feet of the subject property. See TMC§1104.2302(A).
18. **In the event the proposed plan adversely affects the surrounding neighborhood or the traffic congestion and circulation of the surrounding area, an off-site parking agreement assuring the retention of parking spaces shall be submitted through written agreement among the property owners.** If said off-site parking agreement is altered in any way, a re-review of the Special Use Permit shall occur. Site will be subject to full compliance with TMC§1107.0300.
19. All lots of the development site shall be combined into a single taxable parcel identification number.
20. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. **(Location not acceptable as depicted on site plan).**
21. 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).**
22. 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)). **(Acceptable as depicted on site plan).**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

23. If the existing building is rebuilt or modified in the future, the building design shall meet the requirements of TMC§1109.0500 Building Façade Materials and Color. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods as a predominant material. EIFS may not constitute more than 15% of the exterior for facades visible from the public right-of-way. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors.
24. No new free-standing signs greater than forty-two inches (42") from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.
25. A detailed site, lighting, fencing and four (4) landscaping plans separate from the building plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A five (5') to ten (10') wide frontage greenbelt shall be provided along Sylvania Avenue and a fifteen (15') foot frontage greenbelt along Crary Drive, both outside the right-of-way and with one (1) tree for every thirty-foot (30') of frontage. Calculations conclude that a total of four (4) trees are required in the frontage greenbelt along West Sylvania Avenue and five (5) trees along Crary Drive. **(Approval is subject dependant on a revised survey).**
 - b. A continuous hedge or shrub row, a minimum height of eighteen-inches (18") and maximum of forty-two inches (42"), shall be installed along West Sylvania Avenue in order to screen the parking lot and headlights from public view. **(Location not acceptable as depicted on site plan).**
 - c. Topsoil must be back filled to provide positive drainage of the landscape area;
 - d. 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.**
 - e. The 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. **(Shall be noted on revised landscaping plan).**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- f. 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.
 - g. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.
 - h. The location, height and materials for any fencing to be installed and maintained. A screening buffer shall be added along the south property line and shall consist of ten (10') foot wide of landscaping located inside of a solid wood board on board fence. **(All new fencing shall conform to the accessory use standards of TMC§1105.0302);** and
 - i. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties).
26. 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.
27. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
28. 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.
29. 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.
30. 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.

TO: President Cherry and Members of Council
February 9, 2018
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Respectfully Submitted,

A handwritten signature in cursive script that reads "Thomas C. Gibbons".

Thomas C. Gibbons
Secretary

GP
Three (3) sketches follow

CC:
Lisa Cottrell, Administrator
Gyasi "JC" Pullum, Planner

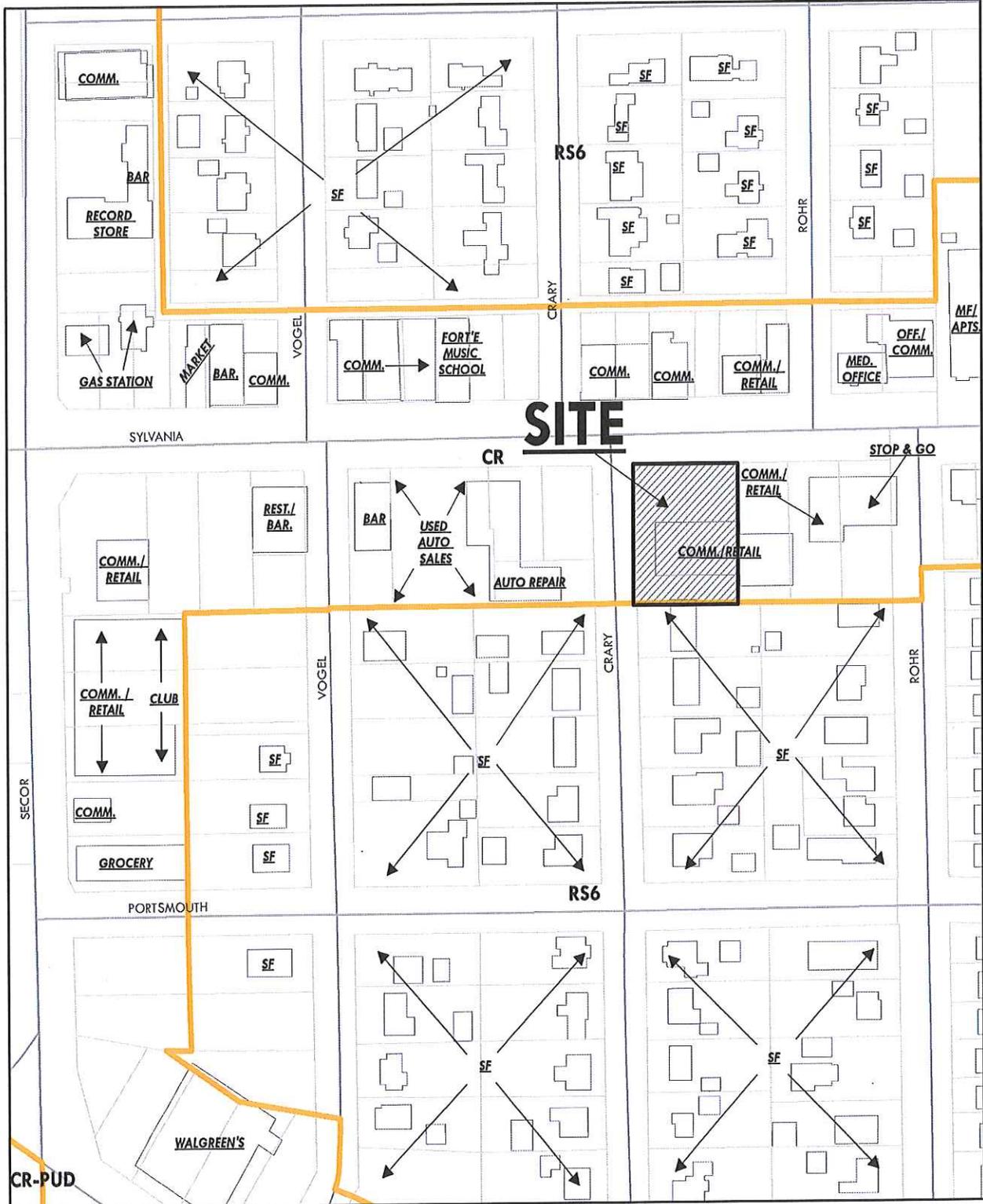
GENERAL LOCATION

SUP-11001-17
ID 46



ZONING & LAND USE

SUP-11001-17
ID 46





SUP-11001-17
ID 46

SITE PLAN

SPECIAL USE PERMIT 3151, 3157 WEST SYLVANIA AVE PART OF THE NE 1/4 OF SEC 46, T9S, R7E IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO

LEGAL DESCRIPTION

Lots numbers seventy-five (75) and seventy six (76) in Keystone Addition in the City of Toledo, Lucas County, Ohio in accordance with Volume 36 of Plats, page 45, TD 22-37747 and TD 22-37751

DEVELOPER

GTL, OHIO LLC
325 West Huron Street
Suite 412
Chicago, IL 60654

SITE ADDRESS

3151, 3157 West Sylvania Avenue
Toledo, OH 43613
Parcel No's: 2237751, 2237747

ZONING

Zoned: CR - Regional Commercial
Front Yard Required: 20'-0"
Rear Yard Required: 15'-0" (Abutting R-District)
Side Yard Required: None - (Abutting C-District)
Lot Area: 18,150 sf
Building Area: 5,318 sq ft (Existing)
Building Height: 65'-0" Max (16'-0" Existing)
Building Coverage: 85% Max (29.3% Existing)
Parking Requirement: Per TLCP Code 1107.0300

VARIANCES REQUESTED

There are no variances requested with this site plan.

VEHICLE PARKING

Required 18 Provided 27
1 Car per 300 sf

BICYCLE PARKING

Required 2 Provided 3
1 per 10 Cars

LANDSCAPING

Along W. Sylvania Ave: Required Provided
1 Tree per 300' Frontage 5 5
Along Crary Dr: Required Provided
1 Tree per 300' Frontage 4 4



SITE MAP
NOT TO SCALE

LEGEND

- Lot Lighting - Pole
- Utility Pole
- Bicycle Parking
- Overhead Electric & Telephone
- Gas Meter
- Water Meter
- Electric Meter

SIGNAGE

Allowable Signage Per TLCP Code 1387.05
Along W. Sylvania Ave:
Allowable: 200sf each face, Pole mounted sign at 23 ft max above grade
Along Crary Drive:
Allowable: 75sf each face, Pole mounted sign at 40 ft max above grade

UTILITIES

Existing stormwater management / drainage to remain. Existing utilities to remain (gas, water, electric, and sanitary systems)

PLAN PREPARED BY:
[Signature]

GARY MATCZAK, REG. ARCHITECT
4509 WEST RIDGE ROAD
ERIE, PENNSYLVANIA 16506
814-856-6500
gmatc@eriel.net

