



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: January 12, 2018
REF: SUP-11011-17

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 tobacco shop at 1640 West Sylvania Avenue

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 11, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Tobacco Shop
Location	-	1640 West Sylvania Avenue
Applicant	-	Mazin Samona 1100 West Maple Avenue Troy, MI 48084
Contact	-	Paul Weisberger 1100 West Maple Avenue Sylvania, OH 43560

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.32 acres
Frontage	-	± 294' along Sylvania Avenue
Frontage	-	± 232' along Jackman Road
Frontage	-	± 100' along Berwick Avenue
Frontage	-	± 170' along Shady Road
Existing Use	-	Vacant Commercial Building
Proposed Use	-	Retail Tobacco Store
Overlay	-	None
Neighborhood Org.	-	Five Points Association

GENERAL INFORMATION (cont'd)

Area Description

North	-	Single Family Homes / RD6
South	-	Commercial Businesses / CR
East	-	Commercial Building, Mixed Dwelling / CR
West	-	Gas Station / CR

Parcel History

SUP-59-87	-	Request for an amendment to a Special Use Permit for an existing gas station for new kiosks and fuel dispensers at the northeast corner of Jackman Road and Sylvania Avenue. Plan Commission recommended approval on 5/14/87, approved by City Council 6/2/87, Ord. 436-87.
PL-7-02	-	Request for a Parking Lot review for Family Video Store at 1632 West Sylvania Avenue. Plan Commission approved on 10/9/02.
SPR-14-05	-	Request for a Minor Site Plan Review for the development of a new retail building at 1632 West Sylvania Avenue. Plan Commission approved on 4/4/05.
SPR-35-13	-	Request for a Minor Site Plan Review for a Walgreens drugstore at Jackman Road and Sylvania Avenue. Administratively approved on 10/3/13.

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Sylvania Avenue Commercial Corridor Plan
- 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 1640 Sylvania Ave. The ±1.32 acre site is comprised of five (5) parcels that are occupied by two (2) commercial buildings. Those buildings consist of a video rental store and a vacant multi-tenant commercial building. The tobacco shop will occupy one of the three (3) spaces in the multi-tenant commercial building.

STAFF ANALYSIS (cont'd)

The site is located in the Sylvania Commercial Corridor at a major commercial intersection located in the Five Points / Library Village area. This area is one of the older sections of West Toledo with two (2) five-way intersections along Sylvania Avenue. The five-way intersection at Sylvania Avenue, Jackman Road, and Tremainsville Road consists of major collector and minor arterial streets that form a commercial node.

Surrounding land uses include a commercial building located of the north of the site and further north across Shady Road are single family dwellings. West of the site across Jackman Road is a gas station and a vacant used auto sales facility. East of the site are single family dwellings across Berwick Avenue and located south across West Sylvania Avenue is a vacant used auto sales facility and a cash loan business.

Use Regulations

A tobacco shop must be at least 500 feet from activities related to children. Internal records show a child daycare / kindergarten facility located just inside the 500 foot spacing requirement (approximately 430 feet away) outlined in the Toledo Municipal Code (TMC 1104.1700) and posed a spacing concern. It has been verified through the Ohio Jobs and Family Services Daycare Registry that the daycare is no longer in operation.

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. Litter receptacle(s) shall be provided for the use of parking area users and others. 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 ±1,320 square foot tenant space requires a total of five (5) customer parking spaces. The site plan submitted depicts a total of fifty-nine (59) customer / employee parking spaces that service the two (2) additional tenant spaces as well as the video rental store. To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces and aisles must be clearly striped, with a minimum width of four (4") inches. The proposed parking scheme is in compliance with Off-Street Parking Schedule "B". The parking schedule does not require any bicycle parking slots to be provided for the site.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

The site plan depicts two (2) access points along West Sylvania Avenue, one (1) access point along Jackman Road, and one (1) along Shady Road. Off-street parking lots and loading areas must be designed with an appropriate means of vehicular access to a street, place, or alley in a manner that will least interfere with traffic movement and shall be subject to the approval of the Division of Transportation (TMC§1107.1901). All parking and loading spaces must have sufficient access and maneuvering area.

The Division of Transportation has reviewed the submitted site plan and does not object to the approval by the Plan Commission, however, they have identified multiple issues with the site plan. First, the access drive adjacent to W. Sylvania Ave. is located less than 65' from the intersection and is required to be removed. Second, the access drive adjacent to Shady Road shall be removed. The angled parking contiguous to the drive shall be reconfigured and/or removed. Finally, all existing unused drive approaches shall be completely removed and new curbs and sidewalks shall be installed in accordance with City of Toledo Construction Standards.

The applicant is required to provide at least one (1) accessible parking space for persons with physical disabilities. The site plan submitted depicts an accessible parking space close to the entrance and is in compliance with this regulation.

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 submitted depicts a fifteen-foot (15') wide frontage greenbelt with canopy trees along Sylvania Avenue, Berwick Avenue, and Shay Road. The site plan also depicts a seven-foot ($\pm 7'$) wide frontage greenbelt along Jackman Road. Plan Commission staff has determined that the existing landscaping is sufficient for the scope of the proposed request unless curb cuts are closed to comply with the Division of Transportation. If the curb cuts area closed, staff would ask for additional landscaping in these areas.

Sylvania Avenue Commercial Corridor

The Sylvania Avenue Commercial Corridor Plan was brought about through the efforts of the City of Toledo's Department of Neighborhoods, Engineering Services, Toledo-Lucas County Plan Commission, and the Economic Development Department. The study area includes the stretch of Sylvania Avenue between Jackman Road and Detroit Avenue. The predominant themes for this Plan were to slow down traffic on Sylvania Avenue, improve the physical appearance of the corridor, provide as much support for encouraging start up and existing businesses that provide niche services to the community at large and provide walk-able amenities to the surrounding neighborhood. A 2010 study of the commercial corridor recognizes changes in neighborhood values to include small niche businesses such as the requested.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial land uses. The CN Neighborhood Commercial zoning district is intended to accommodate pedestrian oriented small-scale retail and service businesses that serve nearby residential areas. Small and medium scale office and mixed uses are permitted uses in the CN zoning designation. This zoning is also intended to contain the sprawl of strip commercial zoning along major streets that are associated with neighborhoods. Neighborhood Commercial land uses are often associated with the concept of an "urban village", walkable neighborhoods that foster a sense of community among its residents. This is accomplished through design features such as a definable center and/or a public gathering space, diversity in land uses and population, and efficient public transit, to name a few.

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 sentiments expressed in the Sylvania Avenue Commercial Corridor Plan.

PLAN COMMISSION RECOMMENDATION

The Plan Commission recommends approval of SUP-11011-17, a request for a Special Use Permit for a tobacco shop at 1640 West Sylvania Avenue, 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 Sylvania Avenue Commercial Corridor Plan.

The Plan Commission further recommends approval of SUP-11011-17, a request for a Special Use Permit for a tobacco shop located at 1640 West Sylvania Avenue, to the Toledo City Council, subject to the following **twenty-four (24)** 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)

Fire Prevention

1. Site shall comply with Fire Prevention Bureau regulations.

Transportation

2. The access drive adjacent to W. Sylvania Ave. is located less than 65' from the intersection and shall be removed.
3. The access drive adjacent to Shady Road shall be removed. The angled parking contiguous to the drive shall be reconfigured and/or removed.
4. All existing unused drive approaches shall be completely removed and new curbs and sidewalks shall be installed in accordance with City of Toledo Construction Standards.

Plan Commission

5. 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. **(Acceptable as depicted on site plan).**
6. 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). **(Acceptable as depicted on site plan).**
7. 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 indicating compliance with this condition).**
8. 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).
9. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

10. Applicant shall combine the two (2) parcels that are occupied by the multi-tenant space under one (1) taxable identification number.
11. A Cross-access and Shared Parking Plan agreement between the multi-tenant building and the video rental store 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)). **(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 **(Acceptable as depicted on site plan).**
15. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
16. 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. **(Acceptable as depicted on site plan).**
17. Parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the construction of paving, lighting fixtures, retaining walls, fences, curbs and benches must be continuously maintained and kept free of debris (TMC§1107.1909).

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

18. If curb cuts are closed, a landscape plan shall be required for any closed curb cut areas. The plan shall provide a portion of the required greenbelt, canopy trees, and evergreen hedges.
19. No 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.
20. Litter receptacle(s) shall be provided for the use of parking area users and others. Litter receptacle(s) are treated as accessory structures and must be maintained according to the requirements of the Toledo-Lucas County Health Department.
21. 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.
22. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
23. 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.
24. 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
January 12, 2018
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Respectfully Submitted,

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

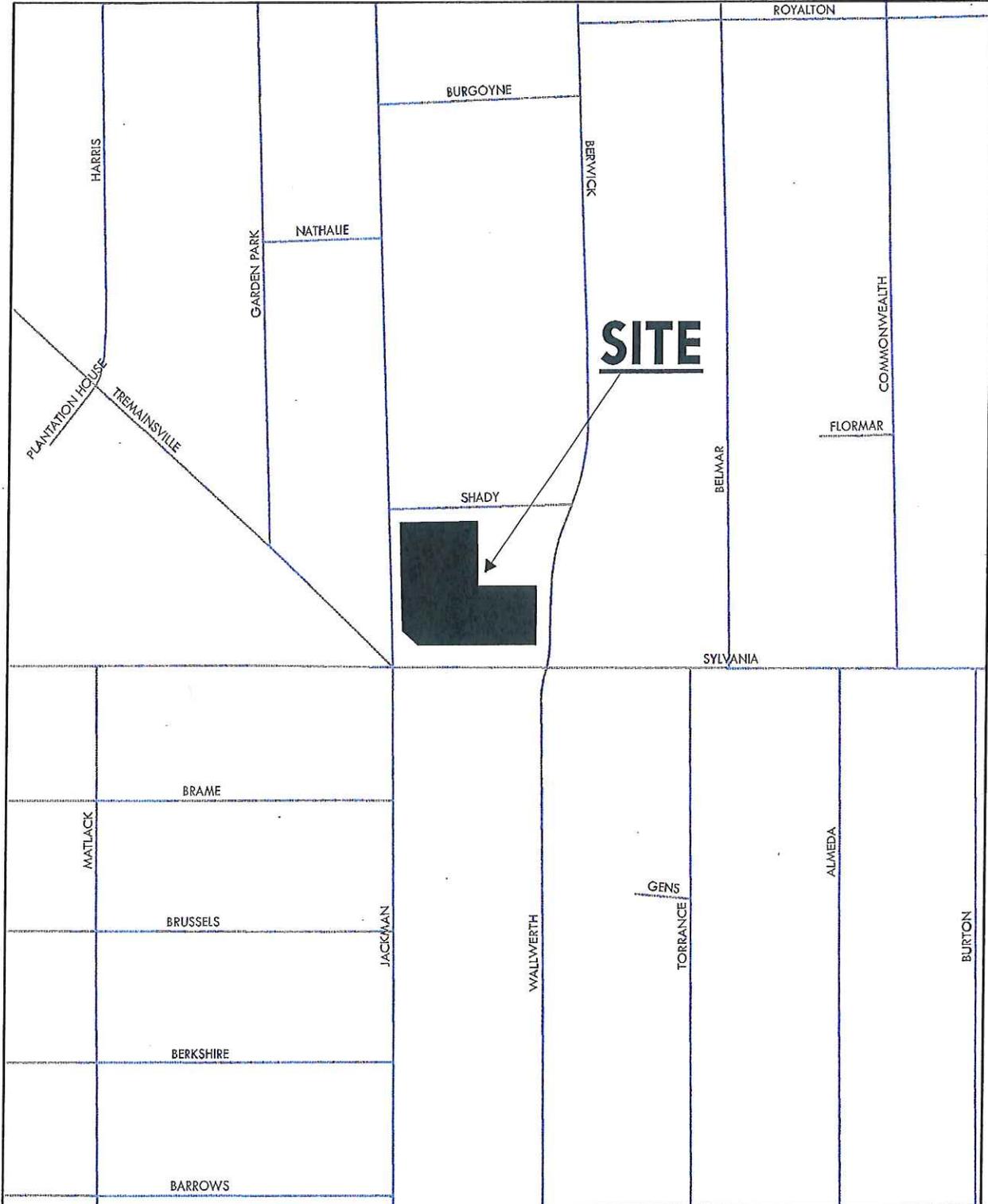
Thomas C. Gibbons
Secretary

GP
Three (3) sketches follow

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

GENERAL LOCATION

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ID 37



ZONING & LAND USE

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