



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: March 10, 2023

REF: SUP-1001-23

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 2041 N. Holland-Sylvania Rd.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 9, 2023 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a tobacco shop
Location	-	2041 N Holland-Sylvania Rd
Applicant	-	Usama Yousaf 7521 Castle Ridge Rd Toledo, OH 43617
Engineer	-	George V Oravec Oravec and Associates, LLC 5333 Secor Rd, Suite 2 Toledo, OH 43623
Owner	-	Bancroft Village, LLC 3440 Secor Road Toledo, OH 43615

Site Description

Zoning	-	CN / Neighborhood Commercial
Area	-	Parcel: ±0.2 acres Tenant Space: ±1,375 sqft
Frontage	-	±297' along N. Holland-Sylvania
Existing Use	-	Commercial multi-tenant space – strip-style
Proposed Use	-	Tobacco shop

GENERAL INFORMATION (cont'd)

Area Description

- | | | |
|-------|---|--|
| North | - | CN / Vacant |
| South | - | CN / Volleyball Court, Vacant |
| East | - | CR, CN / Commercial Strip Center including tavern, restaurant, and beauty salon. |
| West | - | RS6 / Single-family homes |

Parcel History

- | | | |
|-----------|---|---|
| S-14-82 | - | Preliminary Drawing for Churchills Dutch Village at the SW Corner of W. Bancroft & Holland-Sylvania Road, (PC Approval 12/10/82). |
| Z-253-82 | - | Request for a Zone Change from C-1, Commercial and R-1, Residential to C-3, Commercial, at SW corner of Holland-Sylvania & Bancroft (PC Approval 12/7/82, CC Disapproval 2/2/83). |
| Z-6013-98 | - | Request for a Zone Change from C-1, Commercial and R-2, Residential to C-3, Commercial, 2042 N. Holland-Sylvania Rd and 5955 W. Bancroft (PC Disapproval 9/10/98, Withdrawn). |
| Z-3003-04 | - | Request for a Zone Change from C-1, Commercial and R-2, Residential to C-3, Commercial, 2041 N. Holland-Sylvania Rd. (PC Disapproval 5/13/04, CC Approval ORD-436-04). |
| SPR-4-05 | - | Major Site Plan Review for the new construction of a retail building at Bancroft Village, W of Holland-Sylvania (PC Approval 3/10/05) |
| Z-4003-21 | - | Special Use Permit for Community Recreation – Active at 2007 N. Holland-Sylvania Road. (PC Approved 6/10/21, CC Approved Ord 337-22) |

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a tobacco shop at 2041 N Holland-Sylvania Rd. The property is located within the Bancroft Village Shopping Center near the intersection of N. Holland-Sylvania and Bancroft. The applicant intends to use a tenant space within the ±0.2 acre site, which is zoned CN Neighborhood Commercial. Per TMC§1116.0249 – *Tobacco Shop*, a special use permit is required to operate a Tobacco Shop. To the north of the site is vacant land, to the east is a strip-style shopping center, to the south is vacant land and approved volleyball courts, and to the west of the site are single family homes.

Use Specific Regulations

- a. Tobacco shops 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 do not indicate any spacing violations within five-hundred (500) feet of the vicinity.

- b. The hours of operation of a tobacco shop 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, and this is listed as a condition of approval.

Parking

- a. The reuse of a single unit in a multi-tenant space does not typically require significant site improvements, however the Division of Transportation included bicycle parking and ADA accessibility as conditions of approval for the existing parking lot. An exhaustive list of these conditions is available in the end of the report.

Landscaping

- a. The reuse of a single unit in a multi-tenant space does not typically require significant site improvements. The existing parking lot includes a frontage greenbelt, as well as landscape islands.

Elevations

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

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial land uses. Neighborhood Commercial land uses are predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may be included as well. The proposed Tobacco Shop does not conflict with the intent of the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the requested Special Use Permit because it both meets the stated purpose off the zoning code, and complies with applicable provisions of the zoning code.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-1001-23, a request for a Special Use Permit for a tobacco shop at 2041 N Holland-Sylvania Rd, to the Toledo City Council, for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)); and,
2. The proposed use complies with all applicable provisions of the Zoning Code (TMC§1111.0706(A)).

The Toledo City Plan Commission further recommends approval of SUP-1001-23, a request for a Special Use Permit for a tobacco shop at 2041 N Holland-Sylvania, to the Toledo City Council, subject to the following **seventeen (17)** 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. 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.

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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

2. Required permits for all approved work in the public right-of-way shall be obtained, before work begins.
3. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.

Division of Environmental Services

4. 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.
5. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
6. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
7. 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
8. 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

Transportation

9. Bicycle parking required per TMC 1107.0900.
10. One Van accessible parking spot with an 8' loading area is required to be shown on drawings per TMC 1107.1701 & 1107.1702.
11. All auto accessible parking spots are required to have a 5' loading area per TMC 1107.1702

PLAN COMMISSION RECOMMENDATION (cont'd)

Transportation (cont'd)

12. Wheel stops are required to be shown at parking spots abutting the sidewalk per TMC 1107.1907.

Plan Commission

13. 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. **Acceptable as depicted.**
14. The hours of operation of a tobacco shop shall 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, as a condition of development approval.
15. 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.
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.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

JGL

Four (4) sketches follow

Cc: Applicants
Lisa Cottrell, Administrator
Jonny Latsko, Planner
Commissioner, Division of Engineering Services
Environmental Services (*digital*)
Sewer & Drainage Services
Commissioner, Division of Transportation

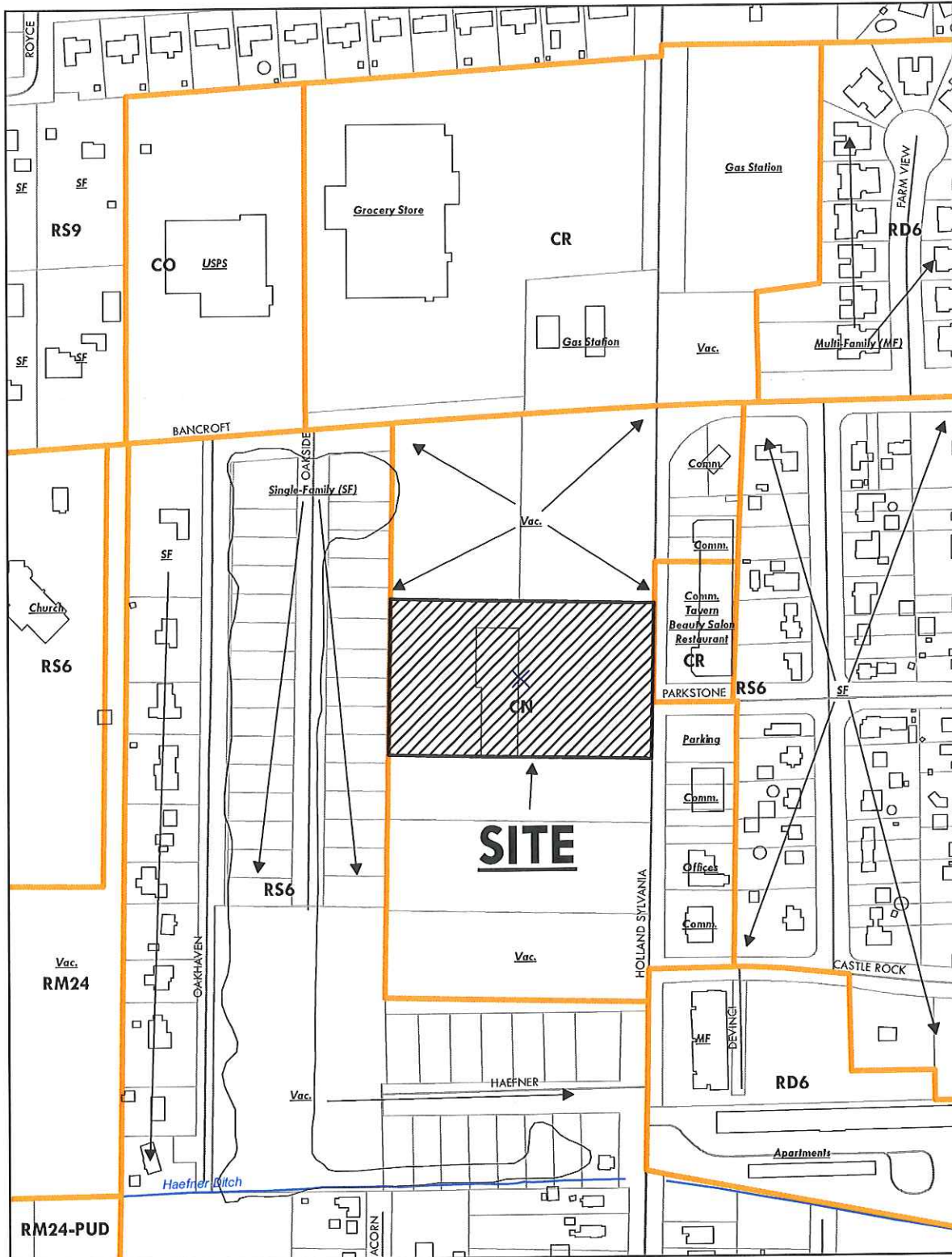
GENERAL LOCATION

SUP-1001-23
ID 126



ZONING & LAND USE

SUP-1001-23
ID 126

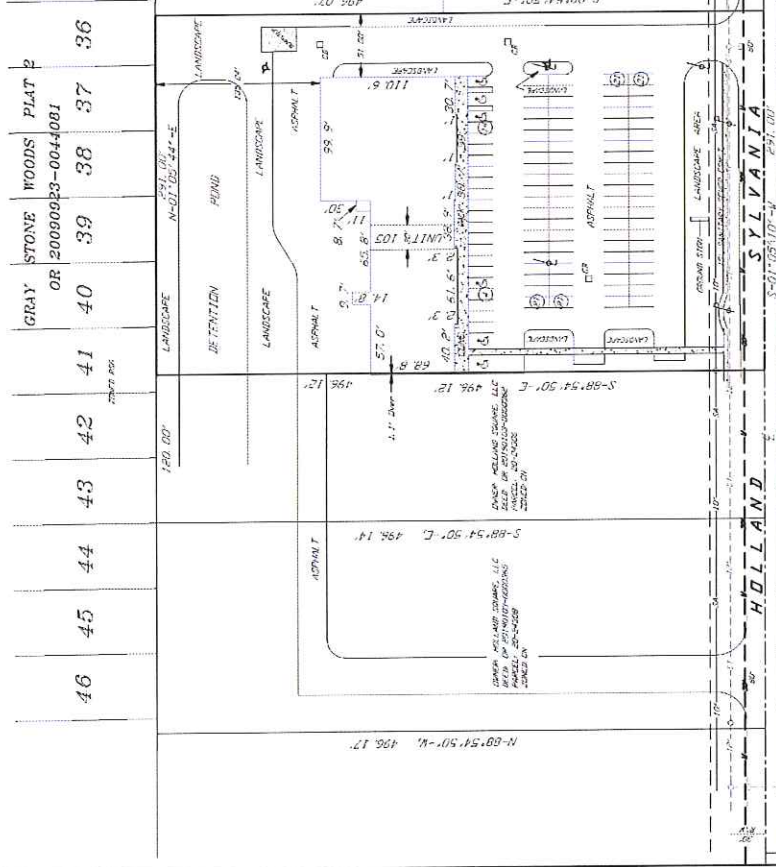


SITE PLAN

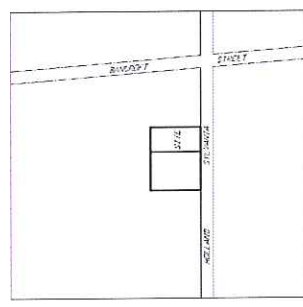
PUD-1001-23
ID 126



SITE PLAN FOR BANCROFT VILLAGE, LLC, UNIT 105 CITY OF TOLEDO, LUCAS COUNTY, OHIO



BANCROFT STREET



LEGEND

SITE AREA GROSS = 3.314 AC
 SITE AREA NET = 3.114 AC
 AREA OF BUILDING = 21,108 S.F.
 NUMBER OF PARKING SPACES = 102
 NUMBER OF HANDICAP PARKING SPACES = 6

LEGAL DESCRIPTION
 PART OF LOTS 1 AND 2 IN THE PLAT OF GARDEN LAND ADDITION IN THE CITY OF TOLEDO, LUCAS COUNTY, OHIO RECORDED IN OFFICIAL RECORD 20126512-0027167

OWNER
 BANCROFT VILLAGE, LLC
 3440 SECOR ROAD
 TOLLAND, OHIO 43615

KEY
 Fire Hydr. and Water Valve
 Light Pole
 Power Pole

Professional seals and stamps for the engineer and architect, including the name 'ORAVITZ & ASSOCIATES, LLC' and the date '2012'.

SITE PLAN - MAGNIFIED

SUP-1001-23
ID 126

