



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: April 13, 2018

REF: SUP-2002-18

TO: President Steven Steel 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 5300 Monroe Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 12, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Tobacco Shop
Location	-	5300 Monroe Street
Applicant	-	Mazin Samona 1100 West Maple Avenue Troy, MI 48084
Contact	-	Paul Weisberger 1100 West Maple Avenue Troy, MI 48084

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.44 acres
Frontage	-	± 266' along Monroe Street
Frontage	-	± 125' along Statesville Drive
Frontage	-	± 273' along Flanders Road
Existing Use	-	Multi-Tenant Commercial Building
Proposed Use	-	Retail Tobacco Store
Overlay	-	None
Neighborhood Org.	-	None

GENERAL INFORMATION (cont'd)

Area Description

North	-	Single Family Homes / RS12
South	-	Commercial Plaza / CR
East	-	Restaurant / CR
West	-	Café / CR

Parcel History

P-2-83	-	BZA 82-83 – Proposed off-street parking in residential district for commercial use along Flanders Road frontage. Plan Commission approved with conditions on 10/20/83; withdrawn by applicant.
P-4-85	-	BZA 99-85 – Proposed off-street parking in residential district for commercial use along Flanders Road frontage. Plan Commission approved with conditions and specific reference to TMC requirements on 12/5/85; Administrative Board of Zoning Appeals approved on 1/27/86 with same conditions.
Z-10004-94	-	Request for a Zone Change from R-B Single Family Residential to C-3 Commercial for a triangular piece of land with frontage on Statesville Drive. Plan Commission approved on 1/12/95. City Council approved on 2/28/95; Ord. 101-94.
Z-1051-95	-	Request for a Zone Change from R-B Single Family Residential to C-3 Commercial for property with frontage on 5300 Monroe Street. Plan Commission approved on 3/9/95. City Council approved on 3/28/95; Ord. 167-95.

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- 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 5300 Monroe Street. The ±1.44 acre site is comprised of one (1) parcel that is occupied by a six (6) tenant commercial building. The tobacco shop will occupy one (1) of the tenant spaces commercial building. The 13,910 square foot building was built in 1985 according to AREIS data 2018. The business will occupy western corner tenant space that fronts onto Statesville Drive.

The site is located in a heavily commercialized stretch of Monroe Street. The site is not located in an overlay district. However, the development of a tobacco shop requires a Special Use Permit. Plan Commission staff is required to review each proposed Special Use in accordance with the criteria of TMC§1111.0706. Based on the results of the review, staff will provide a report and make a favorable or unfavorable to the f Plan Commission board members.

The site's parcel history details how additional land was acquired north of the building in order to facilitate a parking lot expansion. In 1994 a Zone Change request from R-B Single Family Residential to C-3 Commercial was approved for the parking area in the rear of the building. Approval of the request was subject to the review and approval of a commercial site plan. Modifications included paving and stripping, the relocation and screening of the dumpster enclosures, and curb cuts along Flanders Road and Statesville Drive. The rezoning rectified the issue of entering a commercial business from the residential curb cut along Statesville Drive.

Surrounding land uses include residential dwellings located to the north of the site and east of the site across Flanders Road is a dine-in restaurant that specializes in Japanese cuisine. West of the site across Statesville Drive is a small dine-in café that offers donuts and coffee as the primary sales products. South of the site across Monroe Street are two (2) multi-tenant commercial buildings that are occupied by various eateries and retail sales shops.

Use Regulations

TMC§1104.1700 "Tobacco Shops" outlines site criteria for spacing and hours of operation. A tobacco shop must be at least 500 feet from activities related to children. 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.

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.

STAFF ANALYSIS (cont'd)

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 ±2,024 square foot tenant space requires a total of seven (7) customer parking spaces. The site plan submitted depicts a total of ninety-three (93) customer / employee parking spaces that service the entire six (6) multi-tenant commercial building. The proposed parking scheme is in compliance with Off-Street Parking Schedule "B". The applicant has submitted a Business Property Lease Agreement that states that "Customer parking including with the Leased Premises shall be nonexclusive. Lessor shall not be entitled to designate the parking spaces adjacent to the Leased Premises as exclusive for any other tenant".

The site plan depicts two (2) access points along Statesville Drive, one (1) access point along Flanders Road, and one (1) along Monroe Street. Ingress and egress to a parking lot in a Commercial or Industrial must be from a major street or located or located in a Commercial or Industrial district with Commercial or Industrial zoning on the opposite side of the street. The site is in compliance with this requirement. Off-street parking lots and loading areas must be designed with an appropriate means subject to the approval of the Division of Transportation (TMC§1107.1901).

Bicycle parking for the site must be provided at one (1) per ten (10) parking spaces. Although the entire commercial development require ten (10) bicycle parking slots, calculations conclude that the tobacco shop is required to provide one (1) slot. When the provision of bicycle parking slots is required, the minimum number of slots provided shall be two (2). Therefore, the applicant is required to provide two (2) bicycle parking spaces.

A portion of the total number of required off-street parking spaces in each off-street parking area must be specifically designated, located, and reserved for use by persons with physical disabilities. The applicant is required to provide at least one (1) accessible parking space for persons with physical disabilities. The site plan submitted does not depict an accessible parking space close to the entrance and is not in compliance with this regulation. A revised site plan that depicts the location of the ADA space shall be submitted for review and approval.

Landscaping and Screening

The site was established before the 2004 zoning code update and therefore not required to fully comply with the landscape requirements. Plan Commission staff has determined that the existing landscaping is sufficient for the scope of the proposed request. However, the Plan Commission staff is requiring the dumpster/trash receptacle screening to be brought into conformity. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials.

STAFF ANALYSIS (cont'd)

Landscaping and Screening (cont'd)

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)). Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. All four sides of the dumpster must be screened. Dumpster screening must be a minimum of six (6') feet in height. The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate. Screening materials can be any combination of evergreen plantings, fence or wall structure

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial land uses. The CR Regional Commercial zoning district is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. The proposed development conforms to this land use designation.

Staff has reviewed the proposed Special Use Permit in accordance with the criteria of TMC§1111.0706 and based on the results of the review, staff has determined that the Special Use Permit is suitable for this location because the proposed use is allowed within the zoning district in which it is located in and the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operations, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC§1111.0706(C)). Furthermore, the proposed use complies with The Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-2002-18, a request for a Special Use Permit to operate a tobacco shop located at 5300 Monroe Street, 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 complies with The Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission further recommends approval of SUP-2002-18, a request for a Special Use Permit to operate a tobacco spop located at 5300 Monroe Street, to the Toledo City Council, subject to the following thirty-two (32) 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 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/upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
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" 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.
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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

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. 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 @ 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.
8. 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.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
10. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer & Drainage Services

11. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
12. S&DS requires that the private sanitary lines (after they have 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 S&DS demonstrating the lines cleaning and integrity.

Transportation

13. There is existing parking on the western side of the building that shall be removed. Vehicles are not permitted to use the public right-of-way to maneuver in and out of the parking stalls. The drawing shows it as landscaping but field check showed parking.
14. The parking in front of the dumpsters shall not be allowed.
15. All parking for persons with disabilities must be located, marked, striped and contain the proper signage in accordance with the requirements of Toledo Municipal Code section 1107.1700.

Plan Commission

16. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials. **(Not clearly depicted on site plan).**
17. 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).
18. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. **(Acceptable as depicted on site plan).**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

19. All four sides of the dumpster must be screened. Dumpster screening must be a minimum of six (6') feet in height. The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate. Screening materials can be any combination or evergreen plantings, fence or wall structure. **(Not Acceptable as depicted on site plan. A revised site plan shall be submitted for the approval of the Planning Director).**
20. 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).
21. 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.
22. 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).**
23. 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).**
24. The minimum number of parking spaces designed for persons with disabilities that must be provided shall adhere to the table in TMC§1107.1701 **(Not depicted on site plan).**
25. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

26. 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. **(Not depicted on site plan. A revised site plan shall be submitted for the approval of the Planning Director).**
27. 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).
28. **If applicable;** 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.
29. 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.
30. 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.
31. Per TMC§1111.0814, if a building permit is not issued within one year of this approval date (3/20/2019) then the site plan approval shall become null and void.
32. Approval of the Special Use Permit will lapse after one (1) year after being ordained if the criteria listed in TMC§1111.0707 have not been met.
31. 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.
32. 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 Steel and Members of Council
April 13, 2018
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Respectfully Submitted,

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

Thomas C. Gibbons
Secretary

TCG/GP
Three (3) sketches follow

CC: Paul Weisberger, 1100 West Maple Avenue, Troy, MI 48084

Lisa Cottrell, Administrator
Gyasi "JC" Pullum, Planner

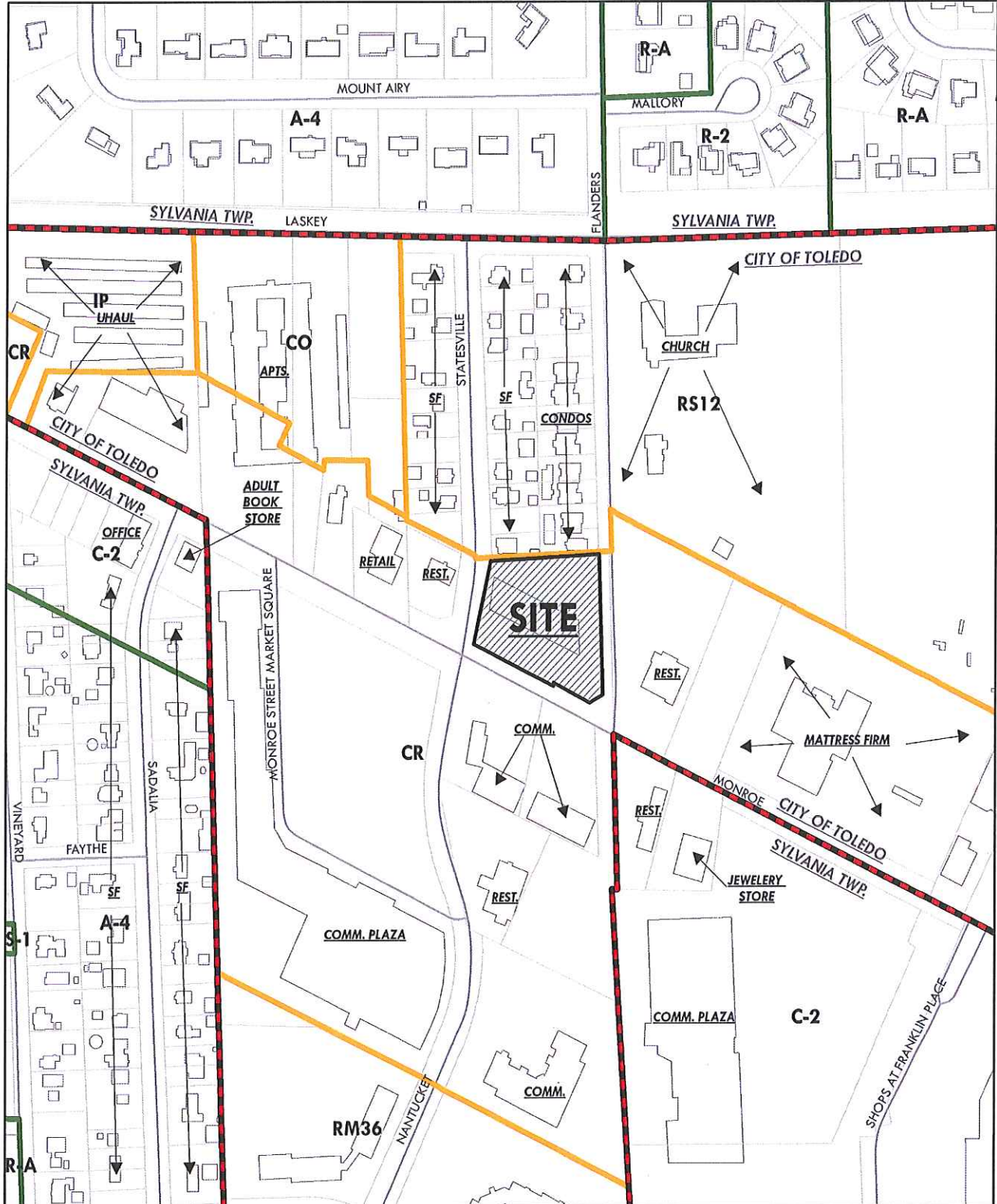
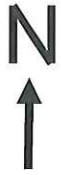
GENERAL LOCATION

SUP-2002-18
ID 105



ZONING & LAND USE

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ID 105



SITE PLAN

SUP-2002-18
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