

## GENERAL INFORMATION

### Subject

Request	-	Special Use Permit for Tobacco Shop at 240 W Alexis Road, Unit C
Location	-	240 W. Alexis Rd, Unit C
Applicant	-	Abdenasser Saleh & Alkattub Shohatee Smoke Depot, LLC 5771 Lawndale St Detroit, MI 48210
Owner	-	S.A.S. Holdings Ltd, An Ohio LLC P.O. Box 744 Sylvania, OH 43560
Architect	-	Walter Hales Hales Architecture + Planning 3601 W Alexis Rd. Toledo, OH 43623

### Site Description

Zoning	-	CR / Regional Commercial
Area	-	±1.28 acres
Frontage	-	±216.25' along Alexis Road ±185' along Stockbridge Drive
Existing Use	-	Commercial multi-tenant space – strip-style
Proposed Use	-	Tobacco Shop

### Area Description

North	-	RS6 / Single-Family Homes
South	-	IL / Auto Sales, Commercial Warehouse, Manufacturing
East	-	IL, CR / Auto Sales, Auto Repair
West	-	CR / Gas Station

## GENERAL INFORMATION (cont'd)

### Combined Parcel History

Z-137-63 - Permanent Zoning for an area bounded by the Ohio/Michigan State Line, Telegraph Road, Alexis Road, and Bennett Road. Plan Commission approved 8/1/63.

### 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 240 W. Alexis Rd. The property is located within the Stockbridge Plaza shopping center at the intersection of W Alexis Rd and Stockbridge Drive. The applicant intends to use a tenant space within the ±1.28-acre site, which is Zoned CR Regional Commercial. A Special Use Permit is required for tobacco shops in CR Regional Commercial Districts. To the north of the site are single family homes, to the south of the site are auto repair shops, commercial warehousing, and a floor contractor, to the east are auto repair shops and an auto sales dealer, and to the west is a gas station.

### Use Specific Regulations

TMC§1104.1700 – Tobacco Shops outlines location and hours of operation standards that apply to tobacco shops.

The location standards require that 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 500 feet of the vicinity.

The hours of operation standard states that “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, as a condition of development approval.” These limited hours are a condition of approval.

### Parking and Circulation

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.

## STAFF ANALYSIS (cont'd)

### Landscaping

The reuse of a single unit in a multi-tenant space does not typically require significant site improvements. The existing site includes frontage greenbelts and a landscaped buffer along the rear property line abutting a residential district.

### Building Design and Materials

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.

## STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-10001-23, a Special Use Permit for a tobacco shop at 240 W. Alexis 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 is compatible with adjacent land uses (TMC§1111.0706(B)).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-10001-23, a Special Use Permit for a tobacco shop at 240 W. Alexis Rd, 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.

**STAFF RECOMMENDATION (cont'd)**

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.
2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.  
Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

Water Distribution

No comments or concerns.

Division of Sewer & Drainage Services

4. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. S&DS requires that the existing 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 S&DS demonstrating the lines cleaning and integrity.

Division of Environmental Services

6. 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.

**STAFF RECOMMENDATION (cont'd)**

Division of Environmental Services (cont'd)

7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
9. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
10. 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.

Bureau of Fire Prevention

11. The proposed new tenant will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
12. Fire Department to receive and review interior remodeling construction plans when submitted to the Building Department. (OFC104.2 & OBC106.1.2 #5 & 901.2.1.1)
13. A fire safety inspection is required prior to occupancy (OFC105.3.3.2)

Division of Transportation

14. Bicycle parking is required per TMC 1107.0900.
15. Two auto and one van accessible parking spaces with an 8' loading aisle for van and 5' loading aisle for auto is required per TMC 1107.1701 & 1107.1702.
16. Accessible parking signage is required with a height of no less than 60" and no more than 72" above pavement per TMC 1107.1704.
17. Wheel stops are required at all parking spots abutting buildings, property lines, sidewalks and a planting strip per TMC 1107.1907.

**STAFF RECOMMENDATION (cont'd)**

Plan Commission

18. A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child care center, or other use established specifically for the activities of minors. **Acceptable as depicted.**
19. 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.
20. 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.
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.

SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-10001-23  
DATE: December 7, 2023  
TIME: 2:00 P.M.

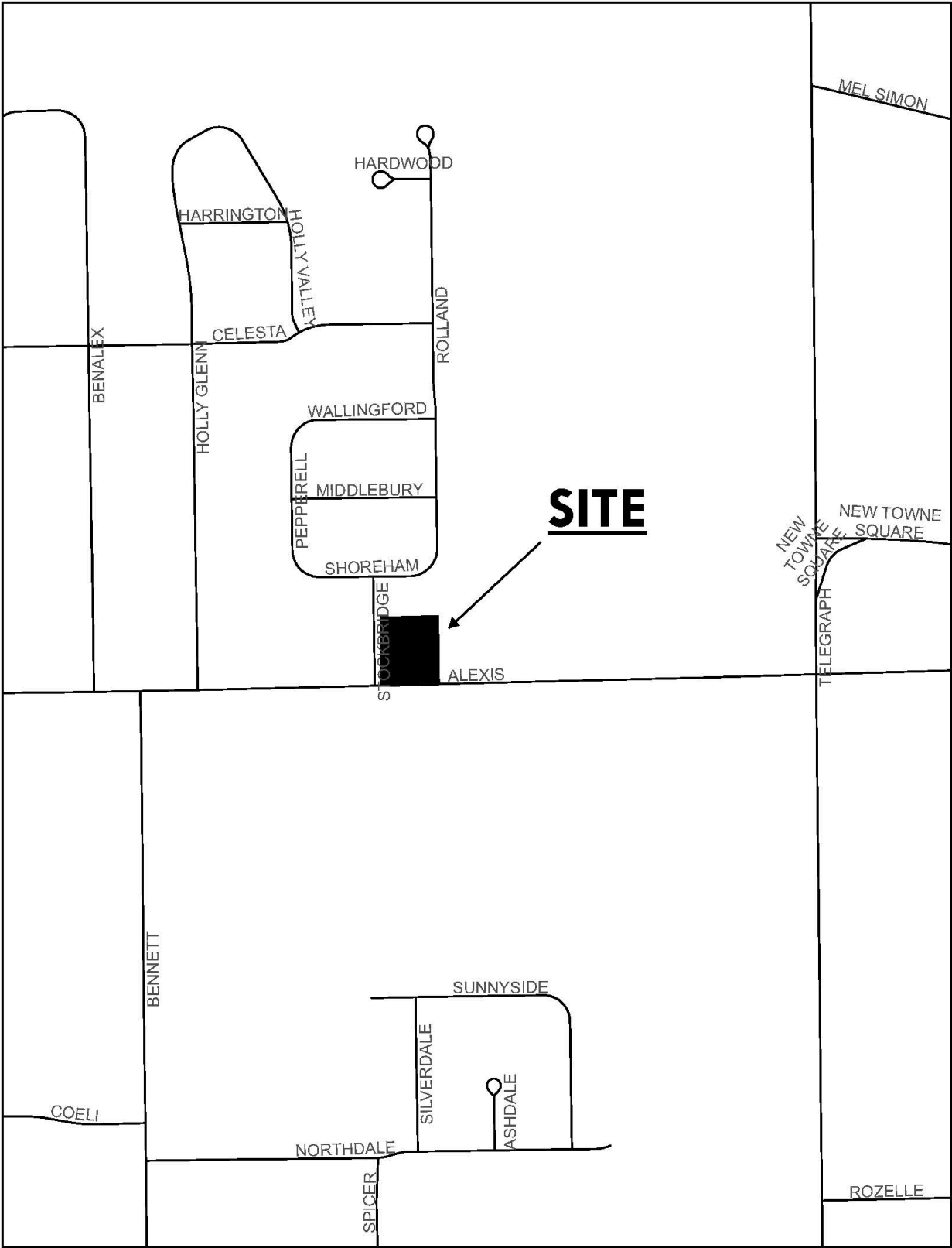
CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: January 9, 2024  
TIME: 4:00 P.M.

AS

Three (3) sketches follow

**GENERAL LOCATION**

**SUP-10001-23**  
ID 71



## ZONING & LAND USE

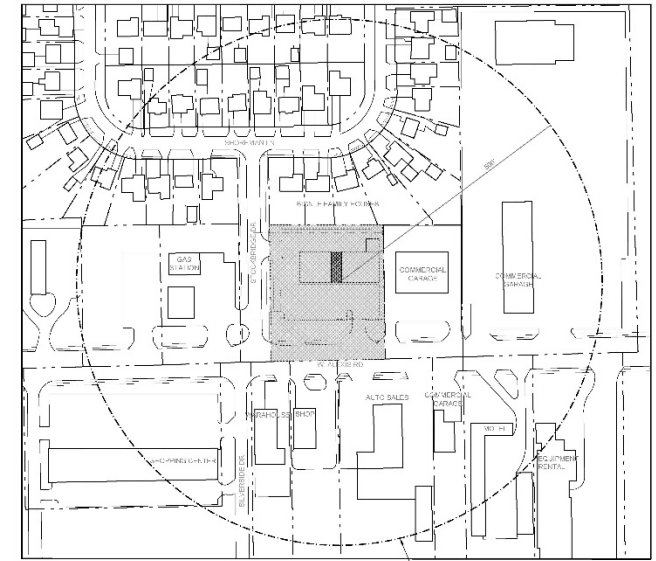
**SUP-10001-23**  
**ID 71**





## 3-9

N  
↑



3601 W. Alexis Rd., Ste. 200  
Toledo, OH 43623  
Phone: 419.469.3400  
Fax: 419.469.3401  
Website: [www.lapatch.com](http://www.lapatch.com)