

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: November 4, 2022

REF: SUP-9003-22

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for a Special Use Permit for a Tobacco Shop at 3443 Secor Road.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, November 3, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Tobacco Shop
Location	-	3443 Secor Road, Unit B
Applicant	-	Matthew Beedle BeatleJuice Smoke Shop LLC 1000 Hollister Lane, Apt. 2204 Perrysburg, OH 43551
Owner	-	KIT ENTERPRISES LLC. 1705 W. Laskey Road Toledo, OH 43613

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.29 acres
Frontage	-	± 78' along Secor Road
Existing Use	-	Vacant commercial retail space
Proposed use	-	Tobacco shop
Required Parking	-	16 parking spaces
Proposed Parking	-	22 shared parking spaces

GENERAL INFORMATION (cont'd)

Area Description

North	-	Restaurant, parking lot / CR
South	-	Commercial retail, restaurant / CR
East	-	Secor Road, Commercial shopping center / CR
West	-	Vacant church, apartments / CO & RM36

Parcel History

None on record.

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 for a tobacco shop at 3443 Secor Road. The ±0.29-acre site is occupied by a commercial building with two (2) tenant spaces. The applicant intends to occupy the northern tenant space in the building with a tobacco shop. Tobacco shops are permitted in the CR Regional Commercial zoning district when a Special Use Permit is obtained. Surrounding land uses include a parking lot and restaurant to the north, an apartment complex and former church to the west, a jewelry store to the south, and a commercial shopping center to the east across Secor Road.

Use Regulations

The applicant intends to open a commercial retail store for the sale of tobacco products, vape products and other smoking accessories. As stated in TMC§1104.1700, specific use regulations restrict the location and hours of operation of tobacco shops. 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. The proposed location for the tobacco shop conforms to the applicable use regulation. Additionally, 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 listed as a condition of approval.

STAFF ANALYSIS (cont'd)

Parking and Circulation

Pursuant to TMC§1107.0304 – Off-Street Parking Schedule “B”, commercial use buildings are required to provide one (1) parking space per 300 square feet of floor area for the first 50,000 square feet. The entire commercial building (4,900 sq. ft.) will require sixteen (16) parking spaces. The site plan submitted indicates that twenty-two (22) spaces will be provided for the entire site. The proposed number of parking spaces provided on site satisfies the minimum requirements.

In addition to the minimum number of required off-street and accessible parking spaces, bicycle parking is required on site. Per TMC§1107.0304 – *Off-Street Parking Schedule “A”*, a minimum of one (1) bicycle space shall be provided for every ten (10) automobile parking spaces on site. The minimum number of bicycle parking spaces required for the site is two (2) spaces, however the submitted site plan did not indicate the location or quantity of bicycle parking. As a condition of approval, a revised site plan shall be submitted depicting the location and minimum number of bicycle parking spaces.

The applicant has indicated they will be updating the landscaping in front of the property by removing two (2) parking spaces along Secor Road to plant two (2) trees and twelve (12) shrubs in front of the existing parking lot.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial land uses. The intent of the Regional Commercial designation is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. Based on the nature of the proposed use and its location, the proposal meets the purpose and all applicable standards of the zoning code as outlined in TMC§1111.0809. Staff recommends approval of the Special Use Permit because it is allowed in the current zoning district and compatible with adjacent uses in terms of scale, site design and operating characteristics.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-9003-22, request for a Special Use Permit for a Tobacco Shop at 3443 Secor Road, to Toledo City Council for the following three (3) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision-Making Criteria*).

PLAN COMMISSION RECOMMENDATION (cont'd)

2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C) – *Review & Decision-Making Criteria*); and
3. The proposed use is consistent with the goals of the 20/20 Comprehensive Plan.

The Toledo City Plan Commission further recommends approval of SUP-9003-22, request for a Special Use Permit for a Tobacco Shop at 3443 Secor Road, to Toledo City Council subject to the following **sixteen (16)** conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions

Division of 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 One Stop Shop, (419)-245-1220.

Fire Prevention

4. Approved Premises identification is required.

Division of Transportation

5. Bicycle parking is required per TMC 11-7.0900.

Plan Commission

6. The hours of operation may be limited from 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

7. Pursuant TMC§1107.0400, the commercial space requires one (1) parking space per 300 square feet of floor area. A total of sixteen (16) parking spaces are required for this site. **Acceptable as depicted on site plan submitted with twenty-two (22) parking spaces.**
8. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. A minimum of one (1) auto and one (1) van accessible parking spaces are required for use by persons with physical disabilities. **Acceptable with two (2) accessible spaces depicted on site plan.**
9. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces. Two (2) bicycle parking spaces shall be provided on site. **Not acceptable on site plan submitted. A revised site plan shall be submitted depicting the required bicycle parking.**
10. The proposed landscaping modifications shall occur within one (1) year of Ordinance approval and shall be maintained indefinitely.
11. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities (TMC§1107.1906).
12. 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)).
13. 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.
14. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

TO: President Cherry and Members of Council
November 4, 2022
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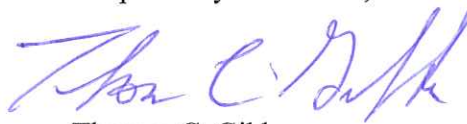
REF: SUP-9003-22

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

15. 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.
16. 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

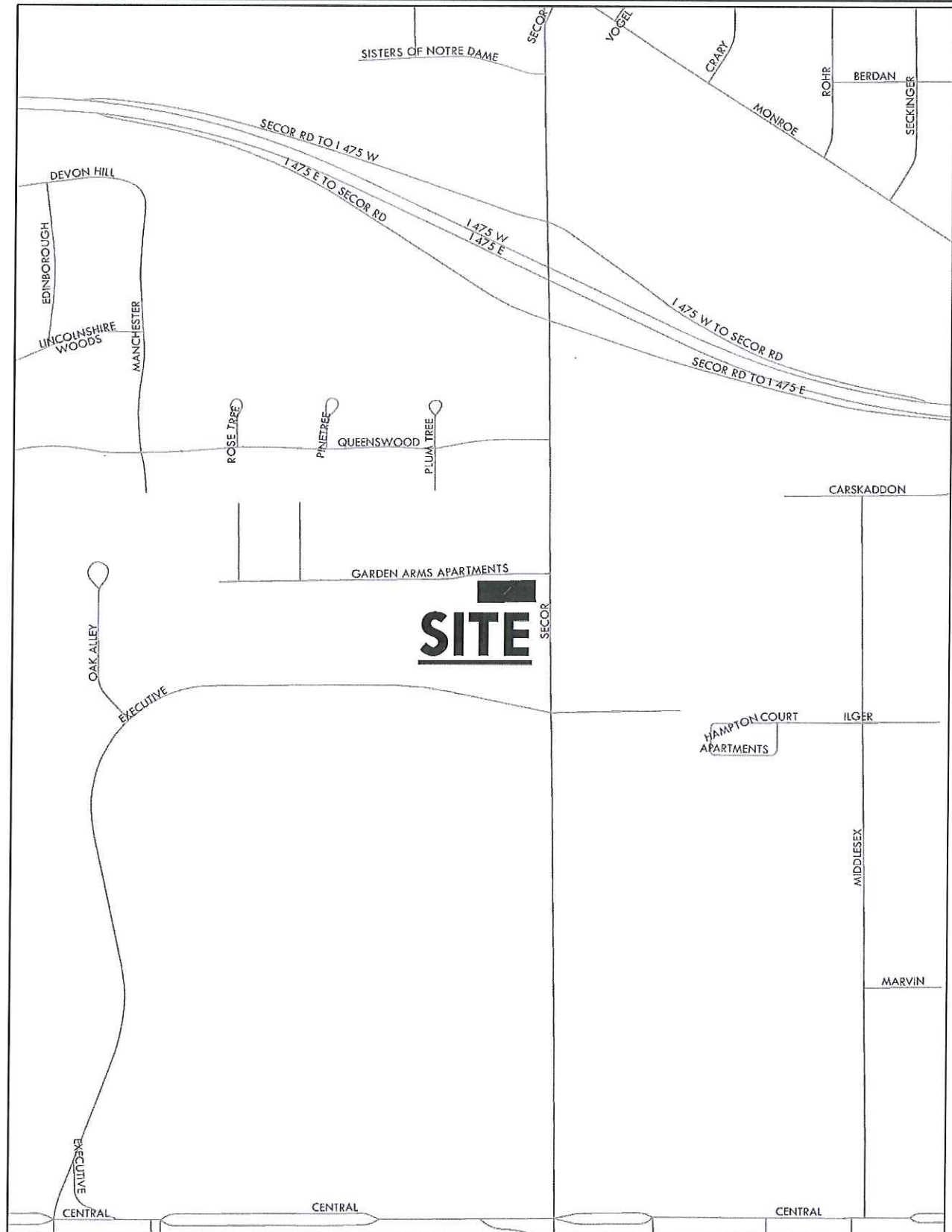
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Three (3) sketches follow

Cc: Matthew Beedle, 1000 Hollister Lane, Apt. 2204, Perrysburg, OH 43551

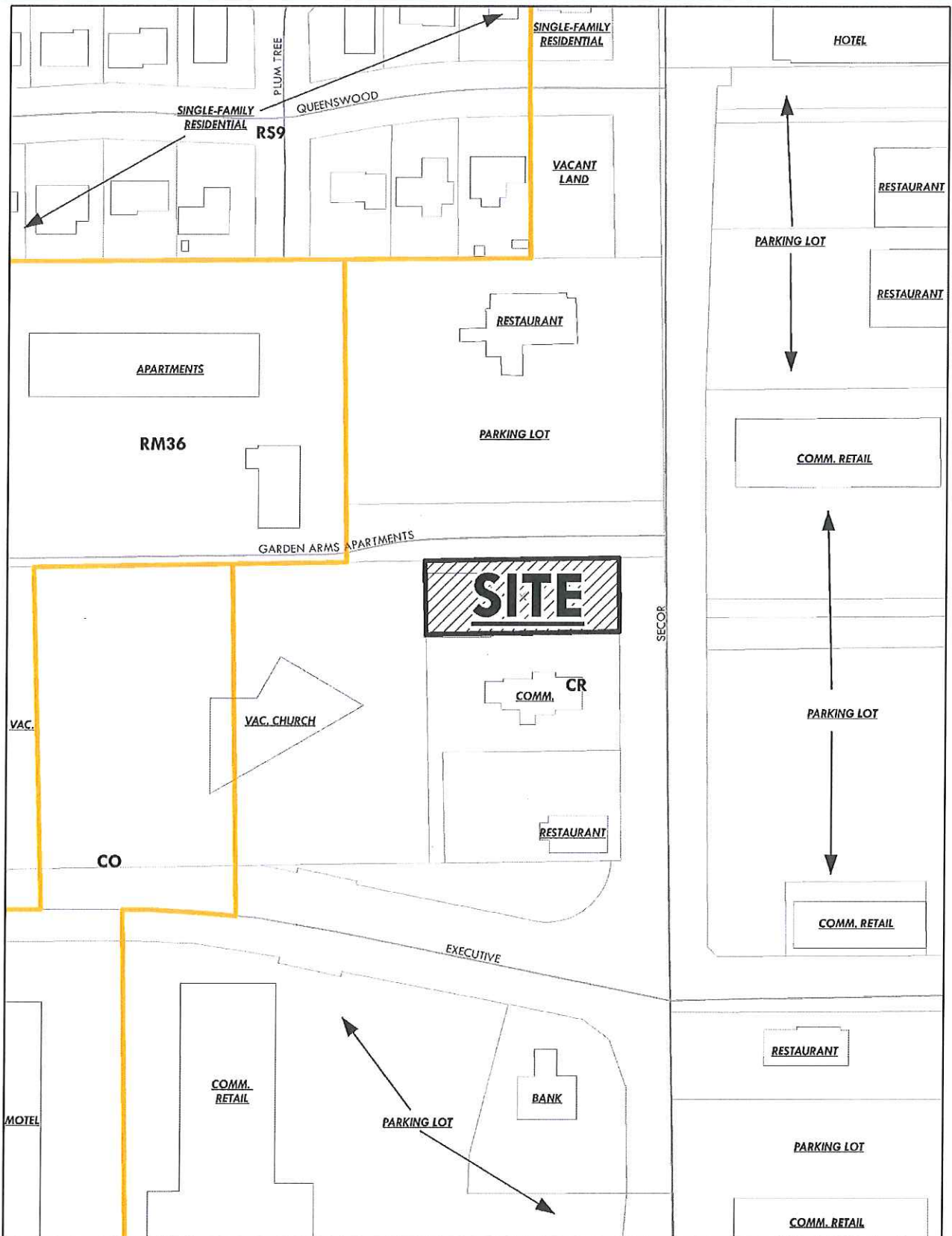
GENERAL LOCATION

SUP-9003-22
ID 78



ZONING & LAND USE

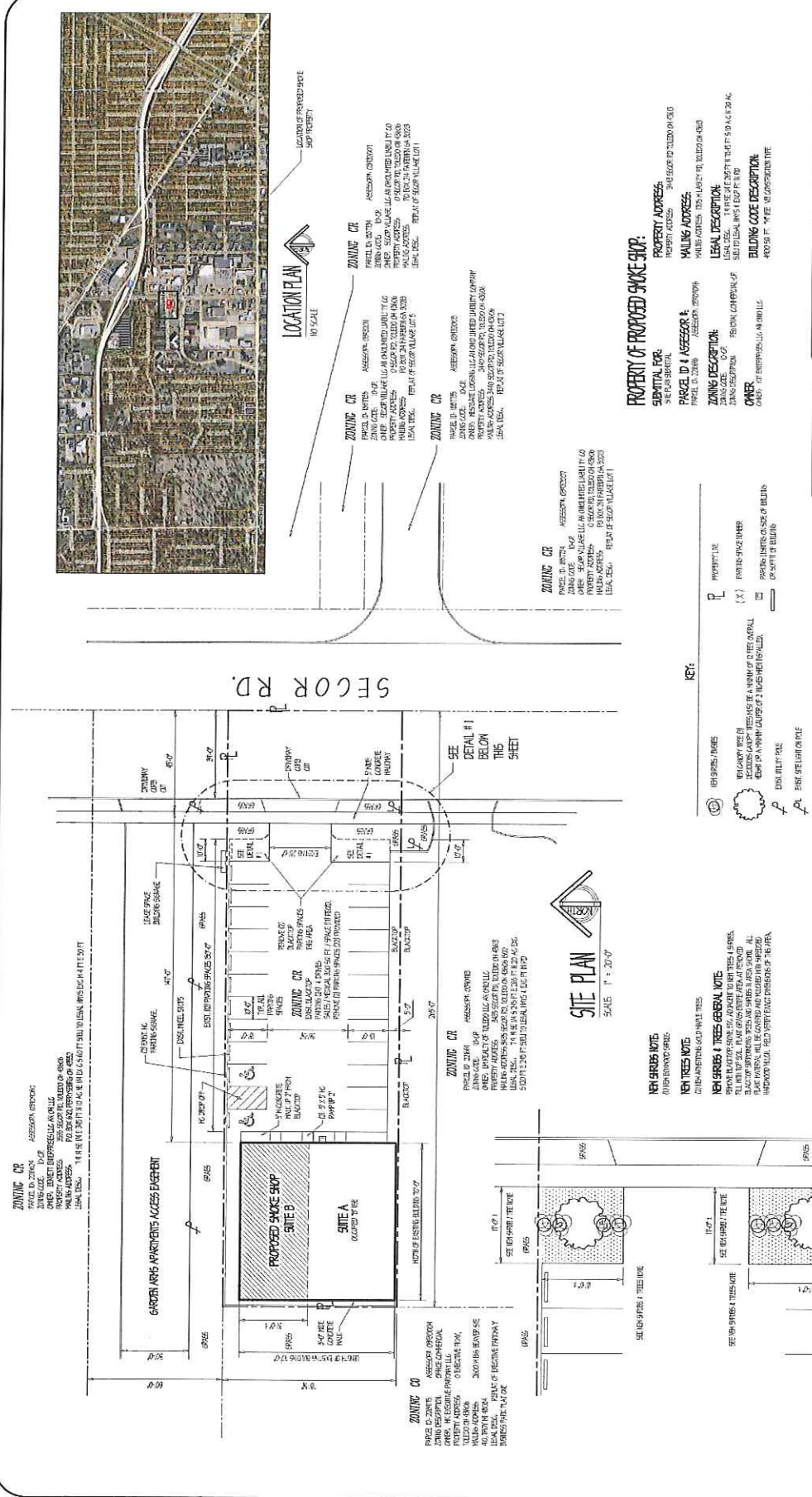
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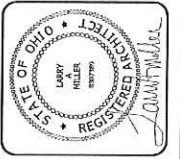
SUP-9003-22 ID 78

SITE PLAN



PROPOSED SHACK SHOP
 TOWN OF COLUMBIANA
 LAM TOWN ENGINEERS
 PHONE 513-337-4200
 FAX 513-337-4201
 10000 STATE ROUTE 100
 COLUMBIANA, MISSOURI 64401
 LARRY A. MILLER, RA, OR, PA, M
 SITE PLAN
 DATE: 4-25-22

REVISION DATE: _____
 THIS DRAWING IS THE SOLE PROPERTY OF LARRY A. MILLER ENGINEERING. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT HIS WRITTEN CONSENT. THIS DRAWING IS NOT VALID UNLESS SIGNED AND SEALED BY THE ENGINEER.
 SEAL AND DATED SIGNATURE: _____



PROPERTY OF PROPOSED SHACK SHOP:
 SERIAL FOR: _____
 PROPERTY ADDRESS: _____
 PARCEL ID: J. #55555 & #55556
 ZONING DESCRIPTION: _____
 OWNER: _____

ZONING CR
 PARCEL ID: 23456
 ZONING CODE: R-10
 ZONING DESCRIPTION: RESIDENTIAL SINGLE-FAMILY
 LEGAL DESCRIPTION: _____
 OWNER: _____

ZONING OR
 PARCEL ID: 12345
 ZONING CODE: O-1
 ZONING DESCRIPTION: OFFICE
 LEGAL DESCRIPTION: _____
 OWNER: _____

ZONING CR
 PARCEL ID: 78901
 ZONING CODE: R-10
 ZONING DESCRIPTION: RESIDENTIAL SINGLE-FAMILY
 LEGAL DESCRIPTION: _____
 OWNER: _____

ZONING CR
 PARCEL ID: 23456
 ZONING CODE: R-10
 ZONING DESCRIPTION: RESIDENTIAL SINGLE-FAMILY
 LEGAL DESCRIPTION: _____
 OWNER: _____

ZONING CR
 PARCEL ID: 78901
 ZONING CODE: R-10
 ZONING DESCRIPTION: RESIDENTIAL SINGLE-FAMILY
 LEGAL DESCRIPTION: _____
 OWNER: _____

ZONING CR
 PARCEL ID: 23456
 ZONING CODE: R-10
 ZONING DESCRIPTION: RESIDENTIAL SINGLE-FAMILY
 LEGAL DESCRIPTION: _____
 OWNER: _____

- LEGEND:
- (C) UNIMPROVED LOTS
 - (X) PROPOSED IMPROVEMENTS
 - (S) SPECIAL USE ZONING
 - (P) PUBLIC UTILITY
 - (F) FENCE LINE OR FENCE
 - (D) DRIVEWAY
 - (E) EASEMENT
 - (L) LOT
 - (B) BUILDING
 - (R) ROAD
 - (T) TREE
 - (G) GRASS
 - (P) PARKING
 - (S) SIDEWALK
 - (C) CURB
 - (L) LANDSCAPE
 - (F) FENCE
 - (D) DRIVEWAY
 - (E) EASEMENT
 - (L) LOT
 - (B) BUILDING
 - (R) ROAD
 - (T) TREE
 - (G) GRASS
 - (P) PARKING
 - (S) SIDEWALK
 - (C) CURB

DETAIL #1
 SCALE: 1" = 10'-0"

DETAIL #2
 SCALE: 1" = 10'-0"

DETAIL #3
 SCALE: 1" = 10'-0"

DETAIL #4
 SCALE: 1" = 10'-0"

DETAIL #5
 SCALE: 1" = 10'-0"