



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

REF: SUP25-0008

DATE: March 14, 2025

TO: President Carrie Hartman 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 1122 N Byrne Road.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 13th, 2025 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for a tobacco shop
Location	-	1122 N. Byrne Road Unit 14
Applicant	-	Mohammed Abdonagi 1122 N. Byrne Road, Unit 14 Toledo, OH 43607
Owner	-	Sanyoura Management LTD 1122 N Byrne Road Unit 12 Toledo, OH 43607
Architect	-	Kevin Brown CENIC Architecture 325 Superior St. Unit A Rossford, OH 43460

#### Site Description

Zoning	-	Regional Commercial / CR
Area	-	± 2.0 acres Tenant space 1,327 square feet
Frontage	-	± 192.8' along N Byrne Road
Existing Use	-	Vacant Tenant Space
Proposed Use	-	Tobacco shop

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**GENERAL INFORMATION (cont'd)**

Area Description

North	-	Laundromat, Vacant Land, Retail, Student Housing /CR & RM24
East	-	Single-Dwelling Residential / RS6
South	-	Single-Dwelling Residential / RS6
West	-	Student Housing/ RM36, RS9

Parcel History

Z16-C1330	-	Zone change from R-1 to C-2 at 1020 N. Byrne Road (PC approved 12/1/60)
Z16-C144	-	Zone change from R-1 to C-2 at 1114 N. Byrne Road (PC approved 8/3/61)
M-12-62	-	Interim zoning for area bounded by Nebraska, Dorr, Brentwood, and City Line (PC approved 5/3/62)
D-8-82	-	Proposed drive-thru at 1114 N Byrne Road (Administratively approved 8/23/82).
SUP-12007-21	-	Special Use Permit for a Sweepstakes Terminal Café at 1122 N Byrne Road (PC approved 3/10/22; Ord. 267-22 failed 5/24/22)
SUP24-00002	-	Special Use Permit for a Sweepstakes Terminal Café at 1122 N Byrne Road (Withdrawn by applicant 1/28/25)

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan

## STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a tobacco shop located at 1122 N Byrne Road Unit 14. A Special Use Permit is required for all tobacco shops in the City of Toledo. The building occupies five (5) business tenant spaces, three (3) of which are currently vacant. The total square footage of the subjected tenant space is 1,327 square feet. Tobacco shops are permitted in CR Regional Commercial districts when a Special Use Permit is obtained. The ±2.0-acre site is comprised of two (2) parcels containing a five-unit strip mall. The applicant is proposing to use the site without any exterior changes. Surrounding land uses include student housing, a dollar store and restaurants to the west, a laundromat, vacant lots, retail, student housing to the north, and single-dwelling residential to the east and south of the subject site.

### Use Specific Regulations

- a. Tobacco shops shall not be located within 500 feet of a school, public park, public library, child day care center, or other use established specifically for the activities of minors. This site does not violate spacing requirements.
- b. Hours of operation may be limited to 5:30 a.m. to 1 a.m. for a tobacco shop. The applicant is proposing hours of 9:00 a.m. to 10:00 p.m. therefore the site is compliant with hours of operation regulations.

### Parking and Circulation

- a. Tobacco shops follow *Off-Street Parking schedule "B"*, requiring one (1) parking space for every 300 square feet of business tenant space plus one (1) bicycle parking for every ten (10) car parking spaces. The total tenant space is 1,327 square feet, and requires four (4) car parking spaces and one (1) bicycle parking space. The site plan depicts seventeen (17) parking spaces for all five business tenant units. The site plan does not identify bicycle parking and shall be shown on a revised site plan. The proposed tobacco shop shall provide a minimum of one (1) two-slot bicycle parking as a condition of approval.
- b. A minimum of one (1) van parking space for physically disabled persons, along with appropriate signage, is required. This is not reflected on the site plan and is a condition of approval.
- c. Dimensions for all driveways, drive aisles and parking spots are not shown on the submitted site plan. These dimensions shall be shown on a revised site plan in accordance to TMC§1107.1911.
- d. At least one main entrance of any commercial building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk proving a logical route for pedestrians from the right of way per TMC§1109.0204(A). **Not existing on site. This is a condition of approval and shall be shown on a revised site plan.**

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## **STAFF ANALYSIS (cont'd)**

### Landscaping

- a. The reuse of an existing site is not required to fully comply with current landscape standards; however, landscaping conditions for this Special Use Permit follow suit to previous Special Use Permit landscaping conditions required at this site and tenant space.
- b. A fifteen-foot (15') frontage greenbelt landscaping buffer is required along N Byrne Road and shall include three (3) canopy trees and a solid evergreen hedge.
- c. Type "A" landscape buffer shall be required along the ±125 feet of the southern property line between N Byrne Road and the existing fence to provide a barrier to the abutting residential district.
- d. Landscaping is not existing on site and has not been depicted on the submitted site plan. A revised site plan that meets all landscape conditions is required and shall be submitted to the Plan Director for review and approval.

### Signs

- a. Pursuant to TMC§1113.0702, if the premises on which a sign is located undergoes Plan Commission review, including this Special Use Permit, any nonconforming signage on the premises shall be brought fully into compliance with this Sign Code as a part of the review and approval process. The existing tenant sign shall be removed and replaced with a sign conforming to TMC Chapter 1113 *Signs* – otherwise known as the Sign Code. This has been included as a condition of approval.
- b. Window signage and similar obstructions may occupy no more than 25% of the total cumulative window area along a building façade. All tenants in a multi-tenant space must ensure window signage occupies no more than 25% of their total cumulative window area along a façade. One (1) of the tenants in the existing strip plaza has exceeded this restriction and will be required to come into compliance with TMC§1113.0308 as a condition of approval.

### Elevations

There are no changes proposed for the exterior of the building.

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**STAFF ANALYSIS (cont'd)**

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Plan targets this site for Neighborhood Mixed-Use. The Neighborhood Mixed-Use land use designation is intended to preserve and promote pedestrian-oriented commercial and mixed-use areas. Neighborhood Mixed-Use designation supports multi-family uses along with small-and-medium-scale commercial operations such as specialized retail. The existing site supports a shared parking arrangement for multiple businesses. This project will include the installation of at least eight (8) trees and the reduction of impervious surfaces. These improvements will increase the area's tree canopy and reduce the site's urban heat island effect. Staff recommends approval of this Special Use Permit because the project conforms to the Forward Toledo Plan and meets all applicable zoning code requirements.

**PLAN COMMISSION RECOMMENDATION**

The staff recommended that the Toledo City Plan Commission recommend approval of SUP25-0008, a Special Use Permit for a Tobacco shop located at 1122 N Byrne Road, 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 use is compatible with adjacent uses in terms of scale, site design, and operating characteristics per (**TMC§1111.0706(C)**).

However, the Toledo City Plan Commission recommends **disapproval** of SUP25-0008, a Special Use Permit for tobacco shop at 1122 N Byrne Road, to Toledo City Council.

Although the Plan Commission is recommending disapproval, conditions of approval are included and listed by agency of origin as Exhibit "A" for informational purposes.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

AV

Exhibit "A" follows

Three (3) sketches follow

Cc: Mohammed Abdonagi, 1122 N. Byrne Road, Unit 14, Toledo, OH 43607

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## EXHIBIT A

### Review Agency 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.

#### Fire Prevention

1. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2 & TMC1309.09)

#### Division of Transportation

2. Bicycle parking is required per TMC§1107.0900
3. Accessible parking is required with an 8' loading aisle for van and 5' loading aisle for auto per TMC1107.1700
4. Accessible parking signage is required per TMC§1107.1704
5. Dimensions for all driveways, drive aisles and parking spots must be shown per TMC§1107.1911
6. Two-way drive aisles are required to be a minimum of twenty-five feet (25') wide per TMC§1107.1911
7. If one does not already exist, a cross access agreement is required between property owners.

#### Plan Commission

8. Hours of operation may be limited to 5:30 a.m. to 1 a.m. for a tobacco shop.
9. 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. **No spacing violations found.**
10. A revised site plan shall be submitted to the Plan Director and Division of Transportation depicting all parking spaces and drive aisles compliant with the dimensional requirements of TMC§1107.1911.
11. All parking spaces and aisles must be clearly striped, with a minimum of width of 4 inches, and are subject to TMC§1107.1900- *Design Standards*.

**EXHIBIT A (cont'd)**

Plan Commission (cont'd)

12. Pursuant TMC§1107.0400, the commercial tenant space requires one (1) parking space per 300 square feet of floor area. A total of four (4) parking spaces are required for the tenant space. **Acceptable as depicted on site plan.**
13. One (1) bicycle parking space with a minimum of two-slots shall be provided pursuant to TMC§1107.0400. **Shall be depicted on revised site plan.**
14. One (1) van parking space designated for physically disabled persons shall be provided and in conformance with TMC§1107.1700 standards. **Shall be depicted on revised site plan.**
15. 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.
16. Per TMC§1109.0204(A). At least one main entrance of any commercial building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk proving a logical route for pedestrians from the right of way. **Shall be depicted on a revised site plan.**
17. 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)). **Not acceptable as existing on site and shall be indicated on revised site plan.**
18. Dumpsters and trash receptacles shall be screened with a minimum six-foot (6') height wood fence and may not be located in any required setback or landscape buffers and as far from residential areas as possible per TMC§1108.0203(G). **Not acceptable as existing on site, shall be shown on revised site plan.**

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**EXHIBIT A (cont'd)**

Plan Commission (cont'd)

19. A detailed site, lighting, fencing and landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - a. A fifteen-foot (15') frontage greenbelt landscaping buffer is required along N Byrne Road. At least one (1) tree must be provided for every thirty feet (30') of lot frontage. The frontage greenbelt shall include three (3) trees and a solid evergreen hedge pursuant to TMC§1108.0203(D) - *Landscape Buffer Standards*. **Not acceptable as existing on site and shall be depicted on a revised landscaping plan.**
  - b. A type "A" landscape buffer is required along the ±125 feet of the southern property line between the sidewalk along N. Byrne Road and the existing fence. A type "A" landscape buffer shall be either 10ft in width with a solid wood fence or wall that includes five (5) canopy trees and eighteen (18) shrubs, or 25ft in width with five (5) canopy trees and twenty-three (23) shrubs to bring the site closer to compliance. **Not acceptable as existing on site and shall be depicted on a revised landscaping plan.**
  - c. Fences shall not exceed 3 1/2 feet in the front yard and 10ft in any other location pursuant to TMC§1105.0302(A).
  - d. All required plant material must be planted within 6 months or by the next planting season.
  - e. Topsoil must be back filled to provide positive drainage of the landscape area.
  - f. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage.
  - g. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.



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**EXHIBIT A (cont'd)**

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- h. The location, number, height, diameter and species of any materials to be planted and maintained shall be shown, as well as the location and number of any existing trees to be retained. All landscape materials shall meet the standards included in TMC§1108.0400 *Landscape Materials Standards*. **Calculations shall also be provided indicating compliance with all required landscaping requirements.**
  - i. Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. **A water outlet (hose bibb) may be provided within on-hundred feet (100') of the required plant material in lieu of underground irrigation;**
  - j. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties);
  - k. The location, lighting and size of any signs; and
  - l. The location, height and materials for any fencing to be installed and maintained.
- 20. Pursuant to TMC§1113.0700 *Legal nonconforming signs*, if the premises on which a legally nonconforming sign is located undergoes a Plan Commission review, including this Special Use Permit, any nonconforming signage on the premises shall be brought into full compliance with the Sign Code as a part of the review and approval process. A sign plan shall be submitted to the Plan Director for review and approval. Such plan shall depict the following:
  - a. The existing nonconforming ground sign on Byrne Road shall be removed and replaced with a sign conforming to the provisions of TMC§1113.0400 *Ground Signs*.
  - b. All existing window signs on the building shall be brought into conformance with TMC§1113.0308 *Window Sign*. Window signage and similar obstructions may occupy up to 25% of the total cumulative window area along a building façade. Tenants in a multi-tenant space shall ensure window signage occupies no more than 25% of their total cumulative window area along a façade.
  - c. Applicant shall obtain appropriate permits for any proposed signage. Signage shall be in compliance with the provisions of TMC Chapter 1113 - *Signs*.

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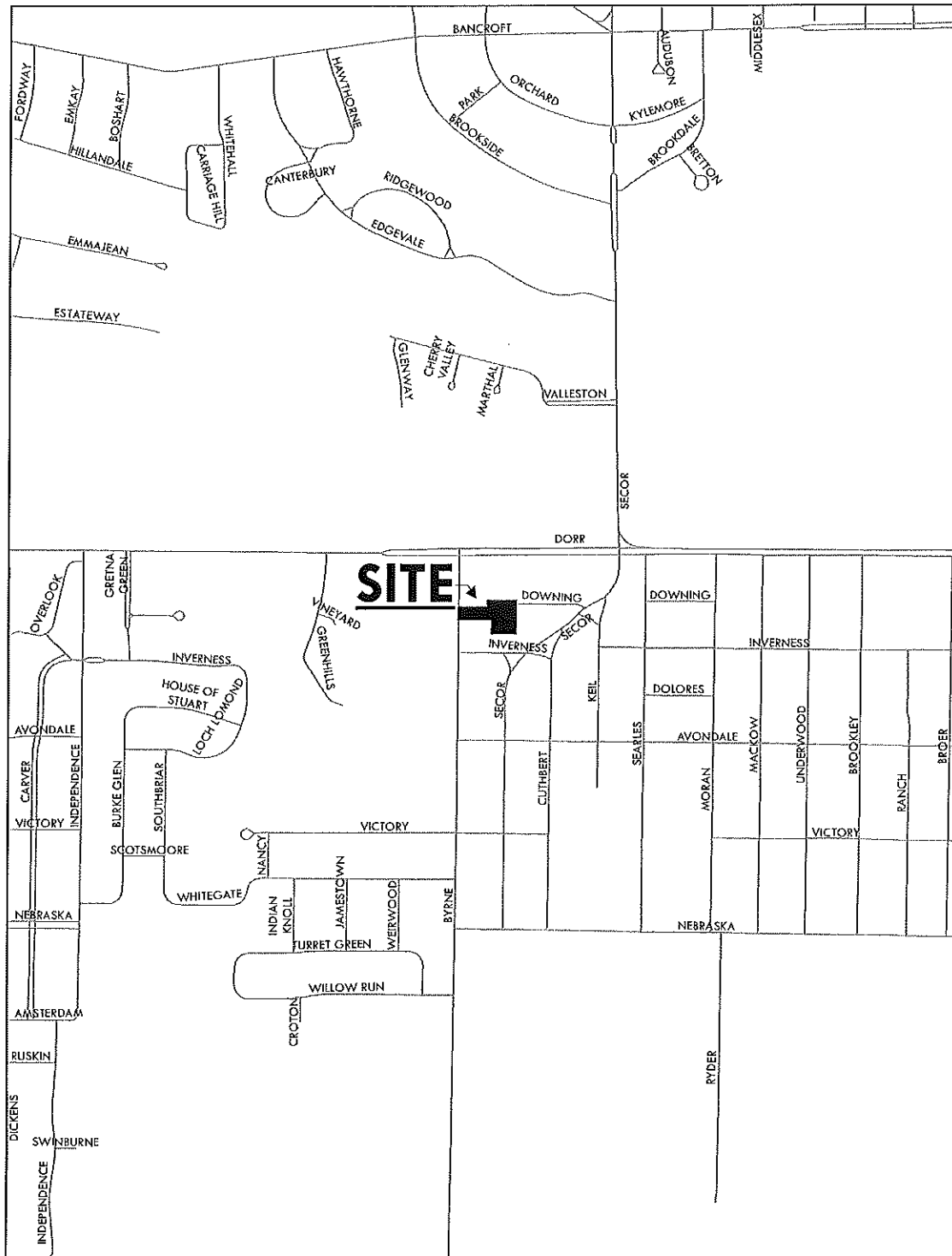
**EXHIBIT A** (cont'd)

Plan Commission (cont'd)

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 Zoning 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. Major adjustments will require an amendment to the Special Use Permit.
24. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

# GENERAL LOCATION

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ID 52



# ZONING & LAND USE

SUP25-0008  
ID 52

