



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: June 17, 2019

REF: SUP-3009-19

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 Convenience Store

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 13, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

- Request - Special Use Permit for a Convenience Store
- Location - 2222 N. Reynolds Road
- Applicant - Hamada Abukaff & Samaher Hamoudeh
3105 Laskey Road
Toledo, OH 43613
- Owner - JME Property Management
2003 The Bluffs
Toledo OH 43615

Site Description

- Zoning - CR *Regional Commercial*
- Area - ±.47 Acres
- Frontage - ±140 Feet along Reynolds Road
- Existing Use - Vacant
- Proposed Use - Convenience Store

Area Description

North	-	Single Family Residential & Offices / CR <i>Regional Commercial</i> & RS9 <i>Single Family Residential</i>
South	-	Offices & Retail / CR <i>Regional Commercial</i>
East	-	Apartments & Single Family Residential / RM36 <i>Multi-Dwelling Residential</i> & RS9 <i>Single Family Residential</i>
West	-	Apartments, Convenience Store, & Single Family Residential / CR <i>Regional Commercial</i> & RS9 <i>Single Dwelling Residential</i>

Parcel History

SUP-2001-13	-	Special Use Permit for a Tobacco Shop. Plan Commission recommended approval with conditions on 3/14/13. City Council approved on 4/30/2013.
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GENERAL INFORMATION (cont'd)

Applicable Plans and Regulations

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

STAFF ANALYSIS

This case was deferred for thirty days at the request of the applicant in order to provide additional documentation concerning the proposed use.

The request is a Special Use Permit (SUP) for a Convenience Store at 2222 N Reynolds Road, Unit 1. The 1,985 sq. ft. space is located on the north side of the multi-tenant strip center and is currently vacant. The applicant signed a lease in November 2018 and started renovations on the unit but was unaware of the requirement for a Special Use Permit. The store will be open from 9:00 AM to 7:00 PM throughout the week and have four employees.

An overview of key project details is included in this analysis. A full review of all project related items is included in the agency conditions at the end of this report.

STAFF ANALYSIS (cont'd)

Use Specific Regulations

- a. There is one convenience store spacing violation within 2,000 feet of the proposed facility:
 - 2209 N. Reynolds Road - Stop N Shop – ±88 Feet – Measured from Parking Lot Right of Way
- b. There is one school, park, library, day care, or other use for minors within 1,000 feet of the proposed facility:
 - 5403 Elmer Drive - Toledo Botanical Garden – ±707 Feet - Measured from Parking Lot Right of Way

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 conditions of approval for the existing parking lot.

Landscaping

- a. The reuse of a single unit in a multi-tenant space does not typically require significant site improvements.

Elevations

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

20/20 Plan

The Toledo 20/20 Comprehensive Plan recommends this site for Neighborhood Commercial uses. This category accommodates small and medium scale commercial uses that serve neighborhoods. The use is consistent with this recommendation.

Staff is recommending disapproval however because of two spacing violations at this location. The spacing regulation was adopted by Toledo City Council in 2009 to limit negative secondary effects associated with convenience stores throughout the City. This regulation is most effective when spacing is broadly applied and exceptions are granted under the most rigorous and unique of circumstances. The applicant has not identified an adequate hardship that staff can support. As a result, the proposal does not meet the stated purpose of the zoning code and is not in compliance with all applicable standards of this Zoning Code.

Although staff is recommending disapproval, agency conditions are included as Exhibit “A” of this report.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP-3009-19, a Special Use Permit for a Convenience Store, to the Toledo City Council, for the following **two (2)** reasons:

1. The request does not meet the stated purpose of the Zoning Code – **TMC 1111.0706.A.**
2. The request is not compliant with all applicable standards of this Zoning Code – **TMC 1111.0706.B.**

The Toledo City Plan Commission makes the following recommendation to the Toledo City Council on proposed waivers:

Chapter 1104 Use Regulations

1104.0600 Convenience Stores

1104.0603 Spacing Requirements

A. A convenience store shall not be located within a 2,000 foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit.

B. A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

Disapprove a waiver to allow a convenience store to be located with 2,000 feet of another convenience store and 1,000 feet of a school, public park, licensed child day care center, or other use established specifically for the activities of minors.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

JL
Three (3) sketches follow
Exhibit "A"

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Cc: Hamada Abukaff & Samaher Hamoudeh, 3105 Laskey Road, Toledo, OH 43613
JME Property Management, 2003 The Bluffs, Toledo OH 43615
Engineering Services
Sewer & Drainage
Environmental Services
Transportation
Lisa Cottrell, Administrator
Josh Lewandowski, Principal Planner

Exhibit "A"
Agency Conditions

The following **eleven (11)** 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 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

Sewer & Drainage Services

2. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
3. S&DS requires that the 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Transportation

4. One van accessible parking space with 8' wide aisle required per TMC 1107.
5. All parking spaces required to be a minimum of 9'x18' per TMC 1107.
6. Three bicycle parking spaces required per TMC 1107.
7. Wheel stops required at all parking spaces that are abutting sidewalk and building per TMC 1107.
8. Existing sign location in parking lot needs to be shown where parking space is not used do to existing sign.

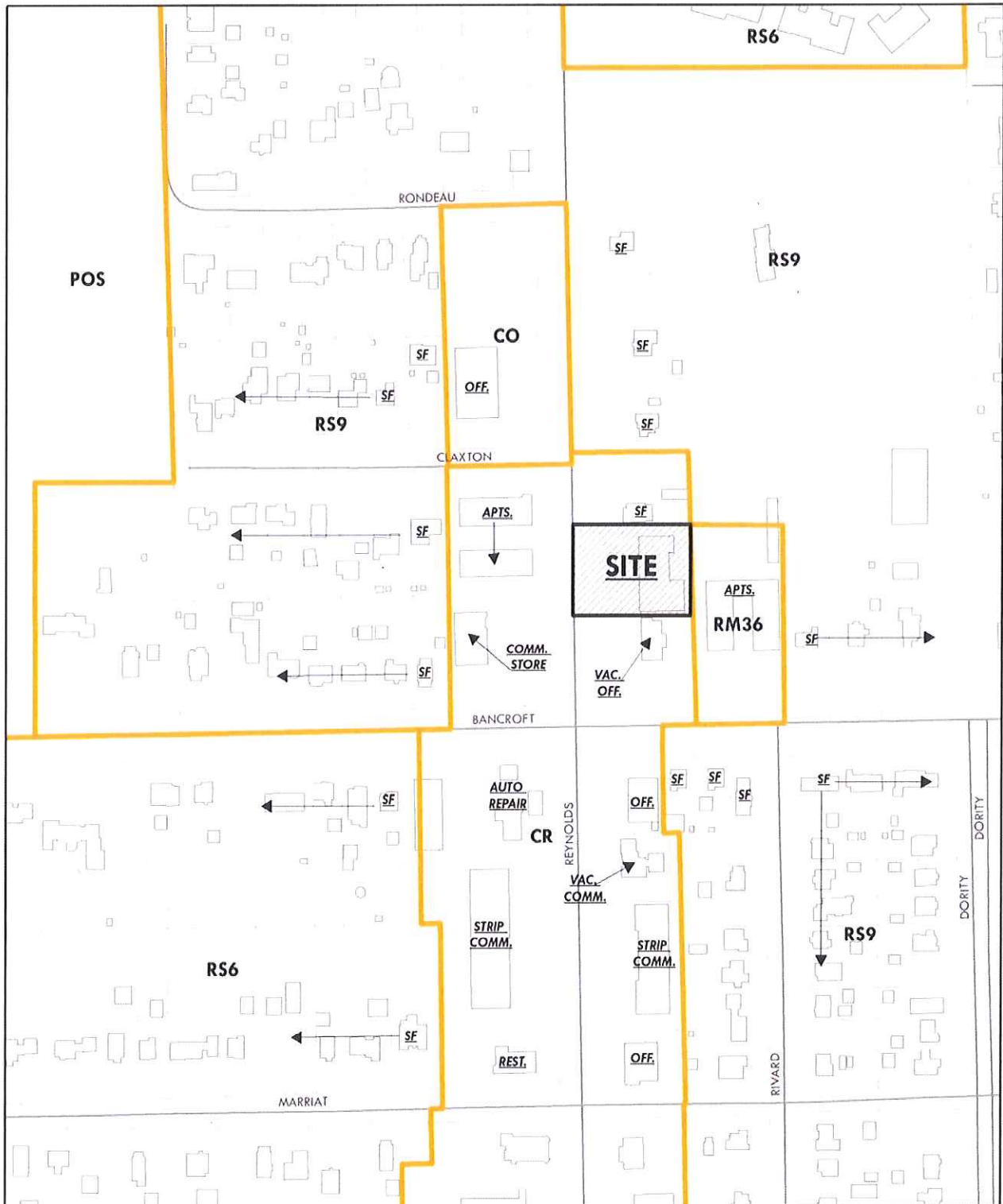
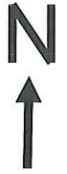
Exhibit "A" (cont'd)
Agency Conditions

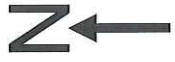
Plan Commission (cont'd)

9. 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.
10. 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.
11. 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.

ZONING AND LAND USE

SUP-3009-19
ID 117

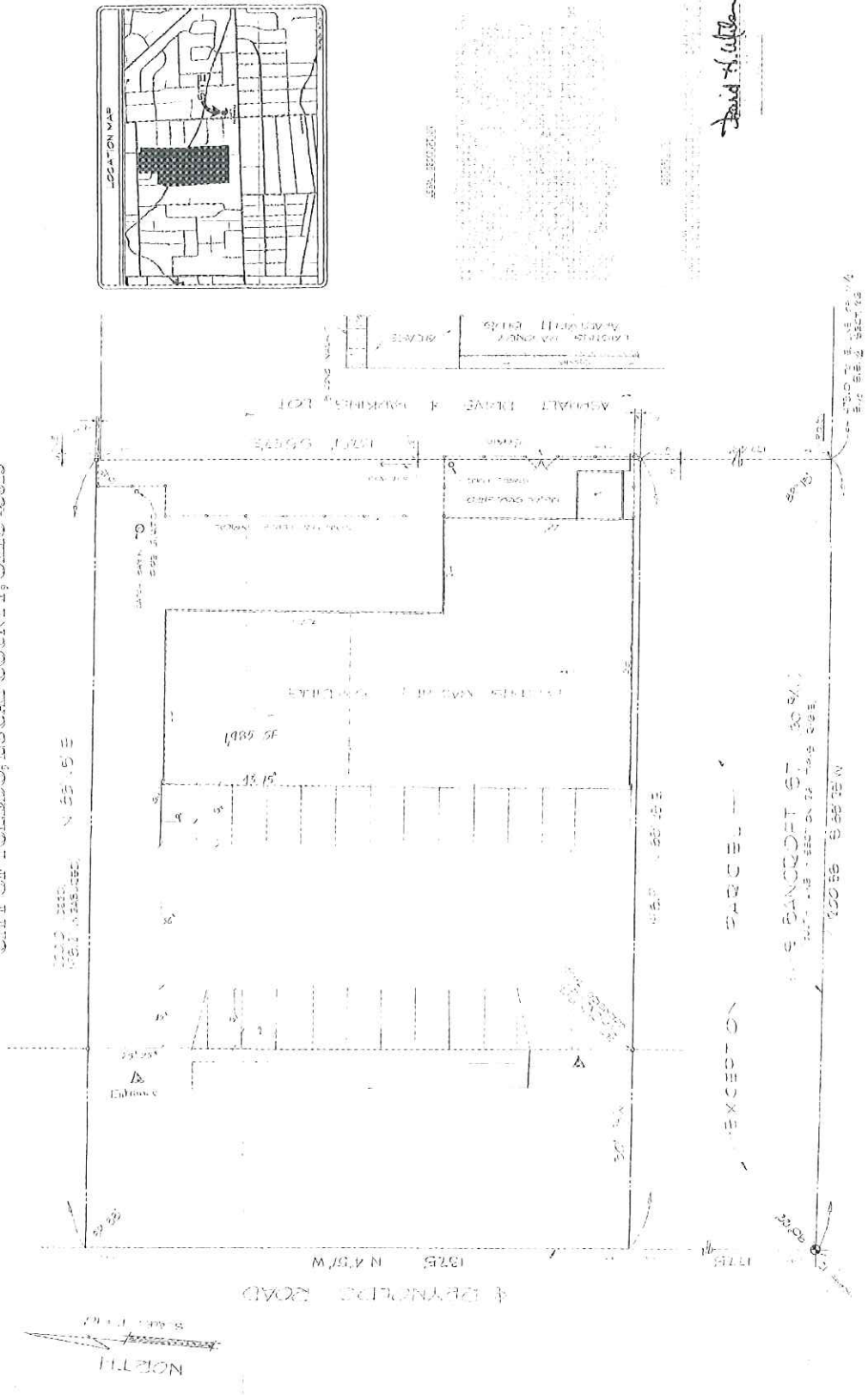




SUP-3009-19
ID 117

SITE PLAN

(MEAT HOUSE) SPECIAL USE PERMIT
2222 NORFOLK REYNOLDS ROAD
CITY OF TOLEDO, LUCAS COUNTY, OHIO 43613



Call Log: SUP-3009-19

2222 N. Reynolds

06-06-19

- Cynthia Isaac – 5322 Bancroft – Objects to another convenience store. Neighborhood already has issues with the Stop and Shop: maintenance of property, illegal drinking, public urination. Less opposed to a store that is open during regular business hours. Neighbor at 5329 Bancroft is also in objection.

06-04-19

- Tracy Turner – Neighbor. Received notice. Looking for more information. Not for/against, but does think that generally more business is a good thing.

05-03-19

- Tyrone Sturdivant – 2234 Reynolds – Concerns about maintenance of property, litter, debris. Has tried talking to tenants with little success. Against the request for a convenience store and mentioned the existing store just across the street.

05-01-19

- Neighbor – Looking for additional information. Did not indicate for or against.

Four (4) Calls: 1 call against and 1 seeking additional information this month. 1 call against and 1 call seeking additional information from last month.

Date: June 12, 2019

Ref: SUP-3009-19

Letter of Reference

To: Toledo-Lucas County Plan Commissions

My name is Jill Badger, I work for the Small Business Development Center at the Toledo Regional Chamber of Commerce as a business consultant. I have been assisting Hamada Abukaff and his wife Samaher Hamoudeh with starting their business Jerusalem City at 2222 N. Reynolds Road for several months. I support their plans to open an ethnic food and meat market.

Sincerely,

A handwritten signature in black ink that reads "Jill Badger". The signature is written in a cursive style with a large, stylized initial "J".

Jill Badger



2222 N. Reynolds Rd. Toledo, OH, 43615

CONCEPT: Open old fashion school for meat department with 25 years' experience, this dream it's all my whole life when open Middle EastMediterranean meat house. Special cut halal meat. The image publishing Arab products that talks about our culture in Jerusalem city.

STEPS:

- 1- Open business under name Jerusalem city LLC.
- 2- Singed lease 5 years.
- 3- Meet the Toledo chamber to help us how open our small business and give us the direction, fill health department application.
- 4- Contact with health department and do all requirements in our store.
- 5- Get the certificate for food safety level 2 (health requirement)
- 6- All equipment processing in our store.

To who concern:

I appreciate to give us this chance to apply special use permits.

The dream for us open Middle East Mediterranean meat house. with 25 years' experience in old fashion school for meat.

We are small family business have American dream try to grow up here.

The store contain : full meat in old way cutting meat ,we will get fresh healthy meat (lamp , beef , chicken) , and special middle east grocery like (hummus , oil , thunnia , foul ,etc) and special Arabic sweet . and we have small deli bar (special pickles , olives , beef baloney, beef salami),and We have special section for Middle East spicy.

The store hours: 9:00 am to 7:00 pm

We will be four employee.

Name: Samaher Hamoudeh

Address: 3015 W. laskey Rd. Toledo, Ohio,43613

Phone No.: 419705198

Second No.:4196999280

Email: ssamaher10@yahoo.com

Land Owner: James Edmunds

Project: middle east meat house

Address : 2222 N. Reynolds Rd. Toledo, OH, 43615