

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: June 10, 2022

REF: SUP-4013-22

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 Tobacco Shop at 2903 Dorr St, Suite H

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 9, 2022 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for a Tobacco Shop
Location	-	2903 Dorr St, Suite H
Applicants	-	Michael Johnston, Nick Popoff 6236 Bapst Ave Toledo, OH 43615
Owner	-	Northwest Ohio Properties LTD 1701 Woodlands Dr Maumee, OH 43537

#### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.87 acres
Frontage	-	± 270' along Dorr St.
Existing Use	-	Empty Tenant Space
Proposed Use	-	Tobacco Shop

#### Area Description

North	-	CR / Regional Commercial & IL / Limited Industrial
South	-	RS6 / Single-Family Residential
East	-	CR / Regional Commercial
West	-	CR / Regional Commercial

## GENERAL INFORMATION (Cont'd)

### Parcel History

SPR-16-06	-	Minor Site Plan Review for new building. South side of Dorr St, between Broer and Turner. Approved 09-19-2006. Site currently noncompliant.
P-1-04	-	Commercial Parking Review. Approved by PC 07-13-2006.
Z-3054-96	-	Zone Change from R-2 and C-3 to R-5. Approved 05-09-1996.

### Applicable Regulations

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

## STAFF ANALYSIS

The applicant is requesting to open a Tobacco Shop in an existing multi-tenant building at 2903 Dorr Street. The ±1.87 acre property is zoned CR, Regional Commercial in the portion along Dorr Street where the subject building is located, and RS6, Single Family Residential in the rear. Because this location is zoned CR, Regional Commercial, a Tobacco Shop is permitted upon the approval of a Special Use Permit.

### Tobacco Shop Requirements

Pursuant to TMC§1107.1701, a Tobacco Shop must be spaced at least 500 feet from any school, public park, public library, child day care center, or other use established specifically for minors. As of the writing of this report, the proposed location meets the spacing requirements and is appropriate. TMC§1107.1702 states that hours of operation may be limited to 5:30am to 1am, with particular attention given to shops located adjacent to residential districts. This requirement is addressed as condition #21.

### Parking and Circulation

The site is already developed, no changes to parking and circulation are proposed and no changes are required. The parking lot is zoned residential. It was initially developed under the previous 1959 zoning code, which allowed commercial parking lots in adjacent residential zoning districts.

## **STAFF ANALYSIS**

### Landscaping

The existing site was developed and approved as SPR-16-06. Several landscaping improvements were required, proposed, and approved at the time of initial development, but have not been installed and/or maintained to date. The approved landscape plan is attached as Exhibit "D," the initial requirements for this development are conditions of approval for this Special Use Permit. Outstanding landscaping items include two (2) canopy trees (Gleditsea T.I. / "Shademaster") to be installed along Dorr St, one at each end of the development, between the building and the Dorr St. sidewalk. Eight (8) total canopy trees (Pyrus C. / "Cleveland Select") are to be installed within the landscape islands in the parking lot (2 trees per landscape island). Five (5) viburnum mariesii are to be installed on each side of the building, along Broer Ave and Turner Ave. Foundation plantings along the Dorr St frontage and surrounding the monument sign are required. A solid row of shrubs, or a 42" tall fence, is required between the parking lot and Broer and Turner Avenues. A solid dumpster enclosure consisting of a solid wall or fence and landscaping is required. These items are outstanding from the original development approval and must be addressed by the property owner for the approval of this Special Use Permit. Landscaping is addressed in condition #20.

### Building Design

The building is existing. No changes to the building exterior are proposed or required.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial uses, and recommends developing a plan for the Dorr Street Corridor. The proposed tobacco retail store is intended to serve neighborhood and university residents.

## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-4013-22, a Special Use Permit for a Tobacco Shop at 2903 Dorr St, to Toledo City Council for the following **two (2)** reasons:

1. The proposed use meets the stated purpose of this Zoning Code (TMC§1111.0706.A)
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706.B)

The Toledo City Plan Commission recommends approval of SUP-4013-22, a Special Use Permit for a Tobacco Shop at 2903 Dorr St, to Toledo City Council subject to the following **twenty-seven (27)** 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.



**PLAN COMMISSION RECCOMENDATION (Cont'd)**  
Engineering Division

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.
4. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution will provide comments regarding proposed private water mains and/or service lines.

Environmental Services

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

**PLAN COMMISSION RECCOMENDATION (Cont'd)**  
Environmental Services (Cont'd)

9. 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.

Division of Sewer and Drainage

10. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
11. 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 Transportation

12. The Division of Transportation does not object to the approval of the updated site plan by the Plan Commission.

Fire Prevention

13. It appears that this tenant space will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
14. Approved Premises identification is required.

Water Distribution

15. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
16. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
17. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.



**PLAN COMMISSION RECCOMENDATION (Cont'd)**  
Water Distribution (Cont'd)

18. 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. Contact the Division of Water Distribution to verify the backflow prevention requirements for the site.
19. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
20. Plans must be submitted and approved by Fire Prevention.

Plan Commission

21. Landscaping must be installed as originally approved for this development via Ref#SPR-16-06. Two (2) canopy trees shall be installed along Dorr St. Eight (8) total canopy trees are to be installed within the landscape islands in the parking lot. Five (5) viburnum mariesii are to be installed on each side of the building, along Broer Ave and Turner Ave. Foundation plantings are required along the Dorr St frontage and surrounding the monument sign. A solid row of shrubs, or a 42" tall fence, is required between the parking lot and Broer and Turner Avenues. A solid dumpster enclosure consisting of a solid wall or fence and landscaping is required.
22. Hours of operation shall be limited to between 5:30am and 1:00am, per TMC 1104.1700.
23. Any new ground signs shall be limited to a maximum height of eight (8) feet from grade. Window signage is limited to 25% of the window area.
24. 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.
25. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
26. 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. **This Special Use Permit will be reviewed by the Plan Commission one year following Plan Commission approval (June 9, 2023) for landscaping compliance.** If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
27. 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.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Thomas C. Gibbons', written in a cursive style.

Thomas C. Gibbons  
Secretary

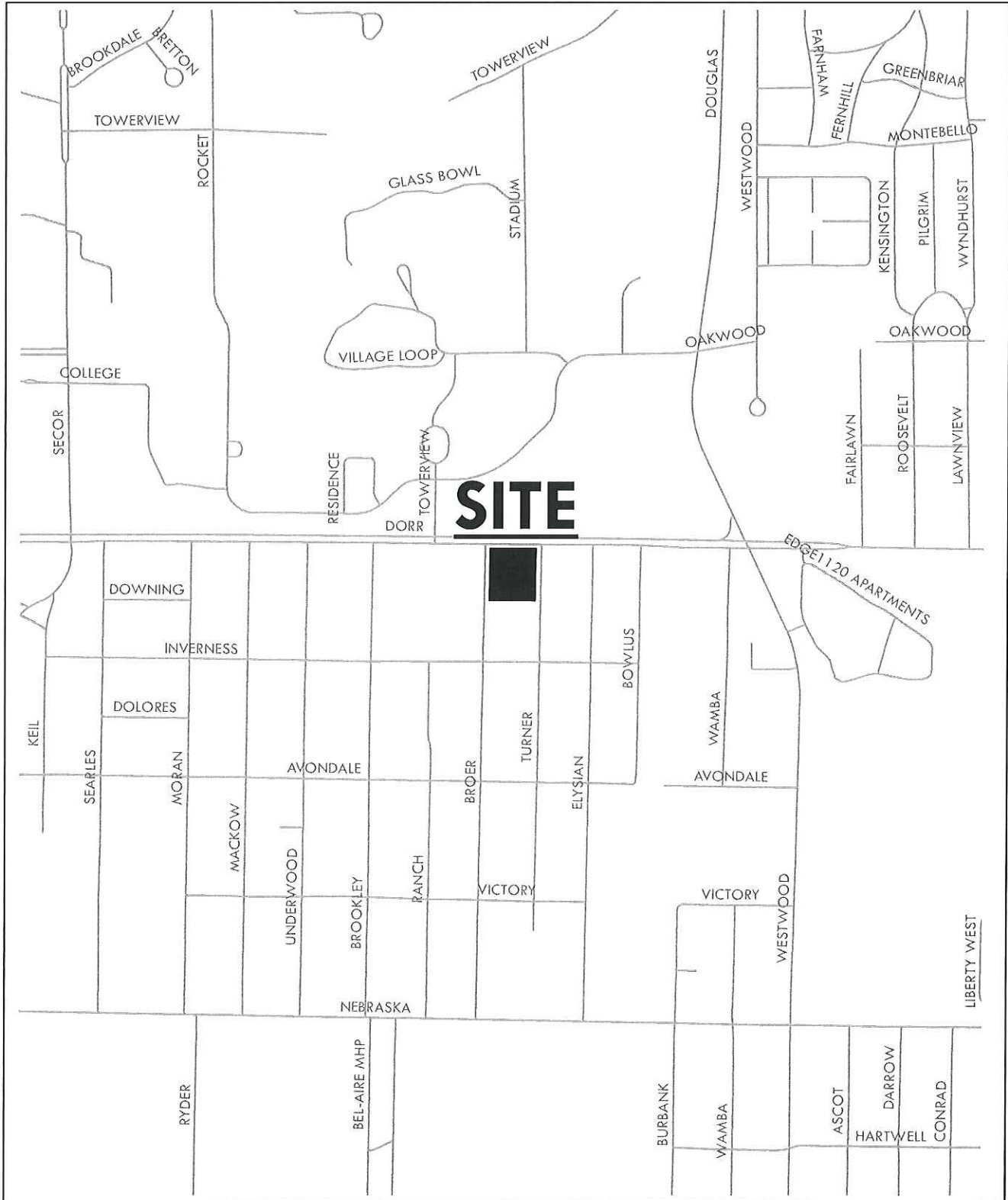
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Four (4) sketches follow

Cc: Michael Johnston, Nick Popoff; 6236 Bapst Ave; Toledo, OH 43615  
Northwest Ohio Properties LTD; 1701 Woodlands Dr; Maumee, OH 43537  
Matt Lascheid, Associate Planner  
Lisa Cottrell, Administrator

# General Location

SUP-4013-22





# Zoning and Land Use

SUP-4013-22

