



Legislation Details (With Text)

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**Title:** Granting a Special Use Permit for a Tobacco Shop for a site located at 1728 Laskey Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
6/19/2018	1	City Council		
6/19/2018	1	City Council		
6/19/2018	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit for a Tobacco Shop for a site located at 1728 Laskey Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-3006-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Tobacco Shop for a site located at 1728 Laskey Road in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On May 10, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Tobacco Shop for a site located at 1728 Laskey Road, in the City of Toledo, Lucas County, Ohio.

On June 13, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Tobacco Shop for a site located at 1728 Laskey Road, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a Special Use Permit for a Tobacco Shop for a site located at 1728 Laskey Road, City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

Situated in the City of Toledo, County of Lucas, State of Ohio and being a part of the SW 1/4 of section 15 T9S, R7E, a tract of land bounded and described as follows:  
Commencing at a monument found at the intersection of Jackman Road (60' R/W)

and Sylvania Avenue (80' R/W);

Thence along the centerline of Jackman Road, also the west line of said SW 1/4 of Section 15, N 00°00'00" E a distance of 58.75 feet to point:

Thence perpendicular to said west line of SW 1/4, S 90°00'00" E a distance of 30.00 feet to a point on the east Right-of-Way line of Jackman Road and marking the PRINCIPAL Point of Beginning;

Thence along said east Right-of-Way line and parallel with the west line of said SW 1/4 of Section 15, N 00°00'00" E a distance of 232.68 feet to a point marking the intersection of the east Right-of-Way line of Jackman Road and the south Right-of-Way line of Shady Road (60' R/W);

Thence along said south Right-of-Way line, S 88°57'33" E a distance of 170.02 feet to a point;

Thence parallel with the west line of said SW ¼ of Section 15, S 00°00'00" W a distance of 134.01 feet to a capped rebar found;

Thence, S 87°32'20" E a distance of 126.05 feet to a pipe found on the west Right-of-Way of Berwick Avenue (50' R/W);

Thence along said west Right-of-Way line southwesterly direction and along a curve to the right, having a central angle of 03o06'52", a radius of 419.27 feet, a length of curve of 22.79 feet, the chord of said curve bearing S 04°01'06" W a distance of 22.79 feet to a pipe found;

Thence continuing along said west Right-of-Way line, S 02°27'40" W a distance of 100.00 feet to a capped rebar found marking the intersection with the north Right-of-Way line of Sylvania Avenue;

Thence along said north Right-of-Way line, N 87°32'20" W a distance of 240.30 feet to a point;

Thence continuing along said north Right-of-Way line, N 66°05'24" W a distance of 54.64 feet to the point of beginning, and containing 1.329 acres of land more or less, subject however to all legal highways and prior easements of record.

Note: Bearings are based on the west line of the SW 1/4 of Section 15 bearing N 00°00'00" E, and are for purpose of description only.

SECTION 2. That the approval of the Special Use Permit for a Tobacco Shop for a site located at 1728 Laskey Road, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 14 conditions as follows:

The following fourteen (14) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Transportation

1. Label handicap and bicycle parking to ensure compliance.

Plan Commission

2. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials. Arborvitae, as indicated on the landscape plan shall be maintained around the dumpster indefinitely. (Not depicted on site plan. A revised site plan shall be submitted depicting compliance).
3. A dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible (TMC§1108.0203(G)(5). (Not depicted on site plan. A revised site plan shall be submitted depicting compliance).
4. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. (Not depicted on site plan; A revised site plan shall be submitted depicting compliance with this condition).
5. The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1:00 a.m., or other hours of operation consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to tobacco shops located adjacent to any residential district (TMC 1104.1702).
6. A tobacco shop must adhere to all state and federal regulations regarding cigarette making machines and other machines for making tobacco products, spacing of said machines in relation to a tobacco shop, and all other statutory and regulatory requirements.
7. A Cross-access and Shared Parking Plan agreement between the multi-tenant buildings must be obtained and filed with the Toledo-Lucas County Plan Commission.
8. 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 or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities. (Acceptable as depicted on site plan).
9. 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 depicted on site plan).
10. The minimum number of parking spaces designed for persons with disabilities that must be provided shall adhere to the table in TMC§1107.1701. Required spaces for persons with disabilities must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
11. 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.

- 12. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 13. 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.
- 14. 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.

SECTION 3. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 4. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council