



Legislation Details (With Text)

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Type: Ordinance **Status:** Failed
File created: 3/19/2021 **In control:** City Council
On agenda: 3/30/2021 **Final action:** 3/30/2021

Title: Granting a Special Use Permit, for a Tobacco Shop for a site located at 1008 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---|--------|
| 3/30/2021 | 1 | City Council | Dispense with the rules of Council requiring... | Pass |
| 3/30/2021 | 1 | City Council | declare emergency | Pass |
| 3/30/2021 | 1 | City Council | passage | Fail |

Zoning & Planning Committee

Granting a Special Use Permit, for a Tobacco Shop for a site located at 1008 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-12008-20) 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 1008 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 11, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Tobacco Shop for a site located at 1008 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio.

On March 17, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for a Tobacco Shop for a site located at 1008 Nebraska Avenue, in the 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 1008 Nebraska Avenue, in the 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:

Parcel no. 13-27991
ROBISONS NEBRASKA AVE ADDN LOT 158

SECTION 2. That the approval of the Special Use Permit for a Tobacco Shop for a site located at 1008 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 21 conditions as follows:

The following twenty-one (21) 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: 419-245-1341

Roadway: 419-245-1344

Water: 419-936-2163

Stormwater Drainage: 419-245-3221; 419-245-1338

Sanitary Sewers: 419-936-2276

2. 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.
3. 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.
4. 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.

Contact (419) 245-1341 for inspection of above mentioned items.

Sewer and Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. 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.

Fire Department

7. Approved premise identification is required.

Transportation

8. A van accessible parking space is required with an 8' loading aisle and an auto accessible parking space requires a minimum 5' loading aisle per TMC 1107.
9. Bicycle parking must be shown per TMC 1107.
10. Wheel stops are required at all parking spaces abutting sidewalks, property lines, buildings, and planting areas per TMC 1107.
11. The Western driveway approach on Nebraska must be a minimum of 25' wide for two way traffic per TMC 1107.
12. The Eastern drive approach closest to the intersection of Nebraska & Hawley must be closed for traffic safety. Wheel stops required at all parking spots that abut sidewalks and buildings per TMC 1107.

Plan Commission

13. 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, as a condition of development approval.
14. The elevations indicate areas to be repainted, the use of a "brick material", the application of stucco over brick on the north façade, and conflicting design elements on the north and east facades related to the full height window and roof that need to be clarified. Additional details shall be submitted clarifying the paint colors, materials used, and design renovations.
15. The eastern façade shall include additional elements that break up the mass of the building. TMC 1109.0205.A. The use of stucco is limited to 20% on all facades visible from the right-of-way. TMC 1109.0500. Shall be indicated and clarified on revised elevations.
16. Dumpsters shall be screened from view and may not be located in any required setback or landscape buffers and as far from residential areas as possible. TMC 1108.0203.G. Shall be indicated

on a revised site plan.

- 17. The existing privacy fence along the west and north property lines shall be replaced. Fencing shall not exceed 3 ½’ in the front setback or 23’ from the roadway edge of curb. Fencing details (type, height) shall be indicated on a revised site plan.
- 18. A landscape planting area shall be installed in the location of the proposed curb cut closure near Hawley subject to the review and approval of the Plan Director. The area shall include one additional tree and a solid row of shrubs. Planting details (type, size, quantity) shall be indicated on a revised site plan.
- 19. 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.
- 20. 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.
- 21. 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.

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