



Legislation Details (With Text)

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Title: Granting a Special Use Permit for a Tobacco Shop for a site located at 5300 Monroe Street, 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 |
|-----------|------|--------------|---|--------|
| 5/22/2018 | 1 | City Council | Dispense with the rules of Council requiring... | Pass |
| 5/22/2018 | 1 | City Council | declare emergency | Pass |
| 5/22/2018 | 1 | City Council | passage | Pass |

Zoning & Planning Committee

Granting a Special Use Permit for a Tobacco Shop for a site located at 5300 Monroe Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-2002-18) 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 5300 Monroe Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 12, 2018, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Tobacco Shop for a site located at 5300 Monroe Street, in the City of Toledo, Lucas County, Ohio.

On May 16, 2018, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for Tobacco Shop for a site located at 5300 Monroe Street a, 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 5300 Monroe Street, 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:

A parcel of land being a part of Lot No. 29 of Pearl Heights Subdivision in the City of Toledo, Lucas County, Ohio, more particularly described as follows:

Beginning at the Southwest corner of Lot No. 29, Pearl Heights Subdivision; thence North 00° 33' 7" East, on the West line of said Lot No. 29, a distance of 13.70 feet to a point; thence South 89° 28' 02" East, a distance of 121.12 feet to a point on the East line of said Lot No. 29; thence South 00° 29' 24" West, on the East line of said Lot No. 29, a distance of 77.96 to a point, said point being the Southeast corner of said Lot No. 29; thence North 61° 31' 45" West, on the Southwesterly lien of Lot No. 29, a distance of 137.17 feet (previously being recorded as 137.00 feet) to the point of BEGINNING of the parcel herein described, containing 5,551.15 square feet, more or less, subject to all easements, zoning restrictions of record and legal highways.

Lots numbered one (1), two (2), three (3), four (4), and five (5) in Pearl Heights, an Addition in the City of Toledo, Lucas County, Ohio.

Lots numbered thirty (30) and thirty-one (31) in Pearl Heights, an Addition in the City of Toledo, Lucas County, Ohio.

SECTION 2. That the approval of the Special Use Permit for a Tobacco Shop for a site located at 5300 Monroe Street, City of Toledo, Lucas County, Ohio; ; shall be subject to compliance with the 34 conditions as follows:

The following thirty-four (34) 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, ph. 419-245-1344

Water: Andrea Kroma, ph. 419-936-2163

Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221;

Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. All existing substandard sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. 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.
4. 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.

5. 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 Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. 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. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow prevention requirements for this site.
8. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
10. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore it appears that there are no items requiring a stormwater plan review. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Stormwater Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

Sewer & Drainage Services

11. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
12. S&DS requires that the private sanitary lines (after they have 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.

Transportation

13. There is existing parking on the western side of the building that shall be removed. Vehicles are not permitted to use the public right-of-way to maneuver in and out of the parking stalls. The drawing shows it as landscaping but field check showed parking.
14. The parking in front of the dumpsters shall not be allowed.
15. All parking for persons with disabilities must be located, marked, striped and contain the proper signage in accordance with the requirements of Toledo Municipal Code section 1107.1700.

Plan Commission

16. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials. (Not clearly depicted on site plan).
17. 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)).
18. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. (Acceptable as depicted on site plan).
19. All four sides of the dumpster must be screened. Dumpster screening must be a minimum of six (6') feet in height. The screen should incorporate access to the dumpster by using a wooden fence or other opaque device to serve as a gate. Screening materials can be any combination or evergreen plantings, fence or wall structure. (Not Acceptable as depicted on site plan. A revised site plan shall be submitted for the approval of the Planning Director).
20. 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).
21. 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.
22. 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).
23. 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)). (Acceptable as depicted on site plan).
24. The minimum number of parking spaces designed for persons with disabilities that must be provided shall adhere to the table in TMC§1107.1701 (Not depicted on site plan).
25. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
26. 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. (Not depicted on site plan. A revised site plan shall be submitted for the approval of the Planning Director).
27. Parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials

used in the construction of paving, lighting fixtures, retaining walls, fences, curbs and benches must be continuously maintained and kept free of debris (TMC§1107.1909).

- 28. If applicable; No free-standing signs greater than forty-two inches (42”) from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
- 29. Litter receptacle(s) shall be provided for the use of parking area users and others. Litter receptacle(s) are treated as accessory structures and must be maintained according to the requirements of the Toledo-Lucas County Health Department.
- 30. 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.
- 31. Per TMC§1111.0814, if a building permit is not issued within one year of this approval date (3/20/2019) then the site plan approval shall become null and void.
- 32. Approval of the Special Use Permit will lapse after one (1) year after being ordained if the criteria listed in TMC§1111.0707 have not been met.
- 33. 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.
- 34. 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