



## Legislation Details (With Text)

**File #:** O-224-23      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 4/12/2023      **In control:** City Council  
**On agenda:** 4/18/2023      **Final action:** 4/18/2023

**Title:** Granting a Special Use Permit, for a Tobacco Shop for a site located at 2041 N. Holland-Sylvania Rd, 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 |
|-----------|------|--------------|------------|--------|
| 4/18/2023 | 1    | City Council | Suspension | Pass   |
| 4/18/2023 | 1    | City Council | Emergency  | Pass   |
| 4/18/2023 | 1    | City Council | Passage    | Pass   |

Zoning & Planning Committee

**Granting a Special Use Permit, for a Tobacco Shop for a site located at 2041 N. Holland-Sylvania Rd, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-1001-23) 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 2041 N. Holland-Sylvania Rd., in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 9, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a Tobacco Shop for a site located at 2041 N. Holland-Sylvania Rd. in the City of Toledo, Lucas County, Ohio.

On April 12, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Tobacco Shop for a site located at 2041 N. Holland-Sylvania Rd. 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 2041 N. Holland-Sylvania Rd, 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:

A parcel of land being part of Lot 1 and also being part of Lot 2 in the Plat of Garden Land, as recorded in Plat

Volume 5, Page 18, in the City of Toledo, Lucas County, Ohio, said parcel of land being bounded and described as follows:

Commencing at the intersection of the North line of said Lot 1 in the Plat of Garden Land with the East line of said Lot 1 in the Plat of Garden Land, said North line of Lot 1 in the Plat of Garden Land also being the centerline of Bancroft Road, as it now exists, said East line of Lot 1 in the Plat of Garden Land also being the centerline of Holland-Sylvania Road, as it now exists, said point intersection being marked with a found monument box with a square bolt;

Thence in a Southerly direction along said East line of Lot 1 in the Plat of Garden Land, having an assumed bearing of South 01°-05'-10"-West, a distance of 370.68 feet to the intersection of Southerly line of a parcel of land as described in Official Record 20050110-0001834, Lucas County Deed Records, said point of intersection being the True Point of Beginning, said point of intersection being marked with a found Mag nail;

Thence continuing South 01°-05'-10"-West along said East line of Lot 1 in the Plat of Garden Land, a distance of 291.00 feet to the intersection of a line drawn 291.00 feet Southerly of and parallel with said Southerly line of a parcel of land as described in Official Record 20050110-0001834, Lucas County Deed Records, said point of intersection being marked with a set Mag nail;

Thence North 88°-54'-50"-West along said line drawn 291.00 feet Southerly of and parallel with said Southerly line off a parcel of land as described in Official Record 20050110-0001834, Lucas County Deed Records, passing through a set capped iron rebar at a distance of 30.00 feet, a distance of 496.12 feet to the intersection of a line drawn 330.00 feet Easterly of and parallel with the West line of the East ½ of Lot3 in said Plat of Garden Land, said point of intersection being marked with a set capped iron rebar;

Thence North 01°-05'-44"-East along said line drawn 330.00 feet Easterly of and parallel with the West line of the East ½ of Lot 3 in the Plat of Garden Land, a distance of 291.00 feet to the intersection of the Westerly extension of said Southerly line of a parcel of land as described in Official Records 20050110-0001834, Lucas County Deed Records, said intersection being marked with a found capped iron rebar;

Thence South 88°-54'-50"-Easst along said Westerly extension of the Southerly line of a parcel of land as described in Official Record 20050110-0001834, Lucas County Deed Records and along said Southerly line of a parcel of land as described in Official Record 20050110-0001834, Lucas County Deed Records, passing through a found capped iron rebar at a distance of 236.07 feet, also passing through a found capped iron rebar at a distance of 466.07 feet, a distance of 496.07 feet to the True Point of Beginning;

Said parcel of land having a present road occupied area of 8,730 square feet or 0.200 acre of land, more or less.

Parcel No. 20-24305

SECTION 2. That the approval of the Special Use Permit for a Tobacco Shop for a site located at 2041 N. Holland-Sylvania Rd, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 17 conditions as follows:

Engineering Services

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.

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.

2. Required permits for all approved work in the public right-of-way shall be obtained, before work begins.
3. The City of Toledo public water system does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.

#### Division of Environmental Services

4. 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.
5. Applicant shall maintain compliance with Ohio EPA’s General Storm Water NPDES permit programs.
6. 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.
7. 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\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
8. 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

#### Transportation

9. Bicycle parking required per TMC 1107.0900.
10. One Van accessible parking spot with an 8’ loading area is required to be shown on drawings per TMC 1107.1701 & 1107.1702.
11. All auto accessible parking spots are required to have a 5’ loading area per TMC 1107.1702
12. Wheel stops are required to be shown at parking spots abutting the sidewalk per TMC 1107.1907.

#### Plan Commission

13. A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors.

Acceptable as depicted.

14. The hours of operation of a tobacco shop shall 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.
15. 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.
16. 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.
17. 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 11, nays 0.

Passed: April 18, 2023, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 18, 2023  
Wade Kapszukiewicz  
Mayor