



## Legislation Details (With Text)

**File #:** O-585-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 11/19/2021      **In control:** City Council  
**On agenda:** 11/23/2021      **Final action:** 11/23/2021  
**Title:** Granting a Special Use Permit, for a Tobacco Shop for a site located at 5801 Telegraph Rd., in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Zoning & Planning Committee 11/17/2021

Date	Ver.	Action By	Action	Result
11/23/2021	1	City Council	Suspension	Pass
11/23/2021	1	City Council	Emergency	Pass
11/23/2021	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit, for a Tobacco Shop for a site located at 5801 Telegraph Rd., in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-8004-21) 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 5801 Telegraph Rd, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On October 14, 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 5801 Telegraph Rd., in the City of Toledo, Lucas County, Ohio.

On November 17, 2021, 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 5801 Telegraph 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 5801 Telegraph Rd., in the City of Toledo, Lucas County, Ohio 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:

7 9 2 SE 1/4E 300FT S 1/2 SE

1/4 EXCPT IN CHRYSLER ADDN SUBJTO LEGAL HWSY

Legal Description 2 -

Southeast 1/4, Section 2, Town 9 South, Range 7 East

City of Toledo, Lucas County, Ohio

SECTION 2. That the approval of the Special Use Permit, for a New Tobacco Shop for a site located at 5801 Telegraph Rd, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 25 conditions as follows:

The following twenty-five (25) 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.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. 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](http://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 (419-392-2032) to verify the backflow prevention requirements for this site.

7. The design professional or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service line, 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.
8. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
9. During construction, stormwater pollution shall be prevented with basic erosion and sediment control practices.

#### Sewer and Drainage Services

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

#### Environmental Services

12. 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.
13. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
14. 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.
15. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\\_to\\_Ohio\\_Invasive\\_Plant\\_Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
16. 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.

#### Fire Department

17. Approved premise identification is required.

Transportation

18. Bicycle parking must be shown per TMC 1107.

Plan Commission

19. The hours of operation of a tobacco shop shall be limited to 5:30 a.m. to 1 a.m. per TMC. 1104.1702.
20. The elevations propose a new patio and no changes to the exterior façade of the building. The patio is approved with landscaping as presented.
21. 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, if applicable.
22. In addition to the proposed landscape bed to the north of the patio and the four (4) arborvitae proposed between the drive aisle and the curb to the west of the patio, new canopy trees shall be added within the frontage greenbelt to bring the site closer to compliance with the requirements of TMC§1108.0202. As a condition of approval, the site shall offer at least one (1) new canopy tree along Alexis Road and at least two (2) new canopy trees along Telegraph Road. Shall be shown on a revised site plan.
23. 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.
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. Major adjustments will require an amendment to the Special Use Permit.
25. 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. Waiving Section 1104.1701 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5801 Telegraph Rd., in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

1104.1701 Location

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.

Approve a waiver to allow a tobacco shop less than 500 feet from a use established specifically for the activities of minors.

SECTION 4. 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 5. 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