



Legislation Text

File #: O-086-24, **Version:** 1

Special Use Permit Tobacco Shop 4558 Monroe Street

Zoning & Planning Committee

February 131 2024

Granting a Special Use Permit for a Tobacco Shop for a site located at 4558 Monroe Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-11004-23) 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 4558 Monroe Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 11, 2024, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit for a Tobacco Shop for a site located at 4558 Monroe Street, in the City of Toledo, Lucas County, Ohio;

On February 13, 2024 Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation the request for a Special Use Permit for a Tobacco Shop for a site located at 4558 Monroe Street, 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 granting a Special Use Permit for a Tobacco Shop for a site located at 4558 Monroe Street, 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:

KEYSTONE ADDITION LOTS 26 & 27

SECTION 2. That the approval of the granting of a Special Use Permit for a Tobacco Shop for a site located at 4558 Monroe Street, in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 11 conditions as follows:

The following eleven (11) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Plan Commission

1. 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. **No spacing violations found.**

2. 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.
3. Pursuant TMC§1107.0400, the commercial space requires one (1) parking space per 300 square feet of floor area. A total of five (5) parking spaces are required for this site. **Acceptable as depicted on site plan.**
4. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. A minimum of one (1) auto and one (1) van accessible parking spaces are required for use by persons with physical disabilities. **Acceptable with two (2) accessible spaces depicted on site plan.**
5. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces. **Acceptable as depicted.**
6. The proposed landscaping modifications shall occur within one (1) year of Ordinance approval and shall be maintained indefinitely.
7. Off-street parking and loading spaces, parking lots, maneuvering 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 toward the interior of the parking lot or to a stormwater treatment facility subject to the regulation’s approval of the Department of Public Utilities (TMC§1107.1906).
8. 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)).
9. 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.
10. 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.
11. 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