



Legislation Text

File #: O-019-24, **Version:** 1

SUP TOBACCO SHOP
240 W. ALEXIS

Granting a Special Use Permit for a Tobacco Shop for a site located at 240 W. Alexis Rd, Unit C in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-10001-23) 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 240 W. Alexis Rd, unit C, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On December 7, 2023, 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 240 Alexis Rd, Unit C, in the City of Toledo, Lucas County, Ohio.

On January 9, 2024 Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval the request for a Special Use Permit for a Tobacco Shop for a site located at 240 W. Alexis Rd, unit C, 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 240 W. Alexis Rd, unit C, 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:

7 9 2 SE 1/4 SUBDN W 1/2 SE 1/4 & PT SE C 1 & HUNT TRACT LOT 7 S 255 FT W 216.51 FT E
366.5 1 FT EXC S 70 FT

SECTION 2. That the approval of the granting of a Special Use Permit for a Tobacco Shop for a site located at 240 W. Alexis Rd, unit C, in the City of Toledo, Lucas County, Ohio, be subject to compliance with the 24 conditions as follows:

The following twenty-four (24) 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. 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.

2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

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

Division of Sewer & Drainage Services

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

Division of Environmental Services

6. 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.
7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
9. 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
10. 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.

Bureau of Fire Prevention

11. The proposed new tenant will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
12. Fire Department to receive and review interior remodeling construction plans when submitted to the Building Department. (OFC104.2 & OBC106.1.2 #5 & 901.2.1.1)
13. A fire safety inspection is required prior to occupancy (OFC105.3.3.2)

Division of Transportation

14. Bicycle parking is required per TMC 1107.0900.
15. Two auto and one van accessible parking spaces with an 8' loading aisle for van and 5' loading aisle for auto is required per TMC 1107.1701 & 1107.1702.
16. Accessible parking signage is required with a height of no less than 60" and no more than 72" above pavement per TMC 1107.1704.
17. Wheel stops are required at all parking spots abutting buildings, property lines, sidewalks and a planting strip per TMC 1107.1907.

Plan Commission

18. A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child care center, or other use established specifically for the activities of minors.
Acceptable as depicted.
19. 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.
20. No new 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.
21. 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.
22. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
23. 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.
24. 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 10, nays 0.

Passed: January 17, 2024, as an emergency measure: yeas 10, nays 0.

Attest:

Julie Gibbons
Clerk of Council

Carrie Hartman
President of Council

Approved:

January 22, 2024
Wade Kapszukiewicz
Mayor