



Legislation Text

File #: O-613-22, Version: 1

Zoning & Planning Committee

Granting a Special Use Permit, for a Medical Marijuana dispensary for a site located at 3534 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-7003-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Medical Marijuana dispensary for a site located at 3534 Dorr Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On October 13, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Medical Marijuana dispensary for a site located at 3534 Dorr Street, in the City of Toledo, Lucas County, Ohio.

On November 16, 2022, Toledo City Council's Zoning & Planning Committee considered a Special Use Permit for a Medical Marijuana dispensary for a site located at 3534 Dorr 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 a Special Use Permit, for a Medical Marijuana dispensary for a site located at 3534 Dorr Street, 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:

Parcel no 20-02477

7 9 31 SE 1/4 E 150 FT S 300 FT E 5 AC W 20 AC S 43 AC SUBJ TO DORR ST WDNG

SECTION 2. That the approval of the Special Use Permit, for a Medical Marijuana dispensary for a site located at 3534 Dorr Street, in the 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. 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.

Sewer and Drainage Services

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

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.
 - A. Construction BMPs shall be in place prior to the start of construction activities.
7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. 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.
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.

Transportation

11. Wheel stops are required at all parking spaces abutting sidewalks, property lines, planting strips and buildings per TMC 1107.1907.
12. All parking space locations, drive aisles and driveways must be clearly dimensioned and comply with TMC 1107.1911.
13. Trash gates are not allowed to swing into parking spaces, parking space are not allowed to be in the right of way and parking spaces cannot cause traffic to back into another parking space.
14. Transportation requires that the property line on Dorr Street be brought into alignment with the right of way line on Dorr Street.
15. “Do Not Enter” signage is required at exit onto College Drive to prevent wrong way traffic flow.

Plan Commission

16. Per TMC§1107.0400, Off-Street Parking Schedule “B” the proposed use exceeds a parking maximum of eighteen (18) spaces. The site is existing, therefore the depicted parking of fifty-five (55) spaces is acceptable. No additional parking shall be approved on site. Changes made in order to meet conditions shall not reduce the total amount of parking below twelve (12) spaces. Acceptable as depicted.
17. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) vehicle parking spaces. Fifty-five (55) parking spaces are provided, six are required. Acceptable as depicted.
18. 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)).
19. Per TMC§1107.1700 Accessible Parking for Physically Disabled Persons one (1) van accessible space is required and two (2) auto-accessible spaces are required. Acceptable as depicted.
20. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; acceptable as depicted on site plan.
21. A paved walkway, at least five-feet (5’) in width, shall be provided from the sidewalk along Dorr

Street to the main entrance of the building.

22. A hatched cross-walk area shall be provided from the rear sidewalk to the building traversing the drive-thru lane. Acceptable as depicted.

23. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include
 - a. A minimum ten-foot (10') to fifteen-foot (15') wide greenbelt is required along Dorr Street with one (1) tree for every thirty-foot (30') of frontage. Calculations conclude that a total of five (5) trees are required in the frontage greenbelt. A continuous hedge or shrub row, a minimum height of eighteen-inches (18") and maximum of forty-two inches (42"), shall be installed along the portion east of the entry drive in order to screen the parking lot and headlights from public view. Acceptable as depicted on site plan.

 - b. Foundation plantings along all portions of the building that are visible from the public right-of-way and landscaping at all major building entrances; Acceptable as depicted;

 - c. A Type A Landscape Buffer is required along the rear of the property where the site abuts residential zoning. This buffer shall include ten-feet (10') of landscaping and a solid wood, board on board fence. Additionally, it shall include four (4) canopy trees and fifteen (15) shrubs. Acceptable as depicted;

 - d. Landscape terminal islands with a minimum dimension of 9' shall be required at the end of each parking row along the perimeter of the site. Acceptable as depicted;

 - e. Landscape areas within the parking area must be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;

 - f. Species list for new plantings shall be submitted to Plan Commission for approval; no species list submitted.

 - g. All existing trees on site with a caliper of four (4") inches or more shall be shown and

incorporated into the landscape plan to the maximum practical extent. Credit may be given for existing trees towards landscaping requirements based upon the crediting system outlined in TMC§1108.0407;

- h. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
 - i. This site is larger than half (1/2) acre and therefore requires irrigation. An irrigation plan shall be submitted.
 - j. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage;
 - k. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties);
 - l. Ten-foot (10') high fencing shall be shadowbox, board on board, or decorative aluminum or another fence material approved by the plan director. Chain link or chain link with slat shall not be permitted. **Shadowbox acceptable as submitted.**
 - m. Topsoil must be back filled to provide positive drainage of the landscape area;
 - n. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.;
 - o. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained; and
 - p. The location, lighting, and size of any signs.
24. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks. Dumpsters may not be located in the public right-of-way. Acceptable as depicted.
25. At least one (1) waste receptacle shall be provided reasonably near to the primary entrance of the building.
26. 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)), Dumpster shall be at minimum of fifteen (15) foot from the northern property line.

27. The existing sign shall be removed.
28. Building modifications are not proposed and shall not be approved without subsequent amendment to the approved Special Use Permit. Building modifications shall follow the guidelines of TMC§1109.
29. New free-standing signs are limited to a height of forty-two inches (42") from grade and a width of twelve feet (12'). Permits for signage must be obtained through the Division of Building Inspections.
30. Applicant shall obtain and maintain proper licensing and/or certification for the distribution and sale of medical marijuana by the State of Ohio provided the State does not grant a license and/or certification to another dispensary within 1,000 feet of the subject property. See TMC§1104.2302(A). In the event that licensing is revoked, the Special Use Permit shall also expire at that time.
31. 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.
32. Approval of the Special Use Permit will lapse after one (1) year 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. Major adjustments will require an amendment to the Special Use Permit.
34. 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. 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