



Legislation Text

File #: O-085-24, Version: 1

SUP 1339 Dorr
Zoning & Planning Committee
February 13, 2024]

Granting a Special Use Permit for a Tobacco Shop for a site located at 1339 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-11002-23) 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 1339 Dorr 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 1339 Dorr 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 1339 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 granting a Special Use Permit for a Tobacco Shop for a site located at 1339 Dorr 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:

A parcel of land in the Woodland Addition, Golden Cornen Subdivision and Blake's Dorr Street Addition to the City of Toledo, Lucas County, Ohio consisting of the following described area:

Lot numbers one (1) thru eleven (11) of Blake's Dorr Street Addition, in accordance with the plat thereof recorded in Volume 15 of Plats, page 43, the west 19.5 feet of Lot numbers three (3) and four (4) of Golden Cornen Subdivision, in accordance with the plat thereof recorded in Volume 16 of Plats, page 36, and that part of Lot number one (1) in Woodland Addition, in accordance with the plat thereof recorded in Volume 4 of Plats, page 42, described as follows:

Beginning at a point which is the intersection of the south right of way (60' r/w) line of Dorr Street and the east line of Lot number one (1) of Blake's Dorr Street Addition; thence east along said right of way line 60 feet to its intersection with the west line of Lot number three (3) of Golden Cornen Subdivision; thence

South 120 feet along the west line of Lot numbers three (3) and four (4) of Golden Cornen Subdivision to the southwest corner of said Lot number four (4); thence east along the south line of said Lot number four (4) 19.5 feet; thence south 10 feet along a line which is parallel to and 40.5 feet west of the west right of way line of vacated Heston Street (60' r/w) to a point on the north right of way line of the alley between Dorr Street and Woodland A venue; thence west along said north right of way line 79.5 feet to the southeast corner of Lot number one (1) of Blake's Dorr Street Addition; thence north along the east line of Lot number one (1) of Blake's Dorr Street Addition to the point of beginning. Containing 1.18 ac or 51,285 square feet, more or less. Subject to legal highways.

Tax Parcel Number 02-21081

SECTION 2. That the approval of the granting of a Special Use Permit for a Tobacco Shop for a site located at 1339 Dorr Street, in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 19 conditions as follows:

The following nineteen (19) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of 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, from 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

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.

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 infra-structure 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>](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.

Plan Commission

11. The hours of operation shall be limited from 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio.
12. Per Off-Street Parking Schedule in TMC§1107.0304 the commercial space requires one (1) parking space per 300 square feet of floor area. A total of 55 parking spaces are required for this site. Site plan submitted depicts 60 parking spaces. **Acceptable as depicted.**
13. Per Off-Street Parking Schedule in TMC§1107.0304 one (1) bicycle parking slot is required per ten (10) parking spaces. A total of 6 bicycle slots are required for this site. Site plan submitted depicts a rack for 10 bicycles on an existing 5 foot concrete sidewalk. The location of the bicycle rack will impede pedestrian traffic. **Not acceptable as depicted. The bicycle rack shall be relocated to a more suitable location.**
14. Per TMC§1107.1701 two car accessible spaces with a 5 foot wide aisle abutting each space and one van accessible parking space with an 8 foot wide aisle abutting the space are required for a parking lot with 60 parking spaces. The site plan submitted depicts three accessible parking spaces; however, the required abutting aisle widths are not provided. **Not acceptable as depicted. The plan shall be revised to provide the required abutting aisle widths for two car accessible spaces and one van accessible space.**
15. Per TMC§1107.1907 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. The site plan submitted depicts wheel stops for all parking spaces. **Acceptable as depicted.**
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.
- 18. 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.
- 19. Approval of the Special Use Permit will lapse after one year if the criteria listed in TMC§1111.0707(A) have not been met.

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