



## Legislation Details (With Text)

<b>File #:</b>	O-677-22	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Approved	
<b>File created:</b>	12/9/2022	<b>In control:</b>		City Council	
<b>On agenda:</b>	12/20/2022	<b>Final action:</b>		12/20/2022	
<b>Title:</b>	Granting a Special Use Permit, for a Tobacco Shop for a site located at 3443 Secor Road. in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Plan Commission Report				

Date	Ver.	Action By	Action	Result
12/20/2022	1	City Council		
12/20/2022	1	City Council		
12/20/2022	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit, for a Tobacco Shop for a site located at 3443 Secor Road. in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-9003-22) 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 3443 Secor Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 3, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Tobacco Shop for a site located at 3443 Secor Road, in the City of Toledo, Lucas County, Ohio.

On December 7, 2022, 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 3443 Secor Road, 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 3443 Secor Road, 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 19 SE ¼ E 265 FT N 78.45 FT S 10 A C N 20 AC SUBJ TO LEGAL HWYS & EXCP PT IN RD

SECTION 2. That the approval of the Special Use Permit, for a Tobacco Shop for a site located at

3443 Secor Road. in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 16 conditions as follows:

The following sixteen (16) 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 One Stop Shop, (419)-245-1220.

Fired Prevention

4. Approved Premises identification is required.

Division of Transportation

5. Bicycle parking is required per TMC 11-7.0900.

Plan Commission

6. The hours of operation may 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.
7. Pursuant TMC§1107.0400, the commercial space requires one (1) parking space per 300 square feet of floor area. A total of sixteen (16) parking spaces are required for this site. Acceptable as depicted on site plan submitted with twenty-two (22) parking spaces.
8. 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.
9. 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. Two (2) bicycle parking spaces shall be provided on site. Not acceptable on site plan submitted. A revised site plan shall be submitted depicting the required bicycle parking.
10. The proposed landscaping modifications shall occur within one (1) year of Ordinance approval and

shall be maintained indefinitely.

11. 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 regulations approval of the Department of Public Utilities (TMC§1107.1906).
12. 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)).
13. 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.
14. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
15. 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.
16. 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