



## Legislation Text

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**File #:** O-465-17, **Version:** 1

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### Zoning & Planning Committee

#### **Granting a Special Use Permit for a Tobacco Shop for a site located at 5831 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; declaring an emergency.**

##### SUMMARY & BACKGROUND:

By application (SUP-5004-17) 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 5831 Dorr Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 10, 2017, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Tobacco Shop for a site located at 5831 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers.

On October 18, 2017, 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 5831 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions 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 5831 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions 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:

Parcel no. 20-12211  
Dor Rey Colony Lot 1

SECTION 2. That the approval of the Special Use Permit for a Tobacco Shop for a site located at 5831 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions shall be subject to compliance with the 28 conditions as follows:

The following twenty eight (28) 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. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850  
Right-of-Way and Inspection: Joe Warnka 419-245-1341  
Roadway: Tim Grosjean, ph. 419-245-1344  
Water: Andrea Kroma, ph. 419-936-2163  
Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221; Andy Stepnick 419-245-1338  
Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. All existing substandard sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced and/or upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. 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.
4. 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.
5. 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.
6. Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.
7. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
8. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with [BSIonlinetracking.com](http://BSIonlinetracking.com) at 800-414-4990. In the case of renovation, expansion, or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-245-1395) to verify the backflow prevention requirements for this site.
9. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, meter setting, or backflow protection device and that these devices are properly installed, tested, and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
11. Plan Commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer

system. Therefore, it appears that there are no items requiring a stormwater plan review. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required by the Division of Engineering Services. Plans will be subject to the rules and regulations of the City of Toledo, Stormwater Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

#### Sewer and Drainage Services

12. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
13. S&DS recommends 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 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.
14. The access drive to the rear parking is not wide enough to allow safe passage of two-way traffic, a minimum, of 25' is required.
15. All facilities shall comply with Americans with Disabilities Act Guidelines. ADA parking spaces shall meet the requirements of TMC 1107.17.
16. If not already established, cross access agreements shall be formalized with adjacent property owners.
17. The location of a dumpster is not indicated and should be shown on the site plan.

#### Fire Prevention

18. Site shall comply with Fire Prevention Bureau regulations.

#### Plan Commission

19. The hours of operation of a tobacco shop are limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio.
20. Approval of the Special Use Permit will lapse after one year if the criteria listed in TMC 1111.0707 have not been met.
21. 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)).
22. A retail establishment that denotes 33% or more of floor area to sale of the tobacco products is considered a tobacco shop. The use of the remaining floor area is subject to section 1104.0105. Sales of retail food and

beverages will be considered a convenience store and will be subject to the criteria listed in the TMC 1104.0600, if applicable.

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 ten-foot (10') greenbelt is required along Dorr Street frontage, and shall include one (1) tree per every thirty-feet (30') of frontage; not acceptable as depicted on site plan. Plant type and size shall be noted on revised site plan or completed landscaping plan.

b. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; shall be noted on revised site plan or completed landscaping plan.

c. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances; shall be noted on revised site plan or completed landscaping plan.

d. 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.

e. Topsoil must be back filled to provide positive drainage of the landscape area.

f. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.

g. The location, height and materials for any fencing to be installed and maintained; and

h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

24. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials (not depicted on site plan). A revised site plan shall be submitted indicating compliance with this condition.

25. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.

26. Provide at least one bicycle parking slot as required for the off-street parking Schedule A.

27. 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.

28. 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