



Legislation Text

File #: O-378-22, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit for a Tobacco Shop for a site located at 2903 Dorr Street, Suite H, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-4013-22) 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 2903 Dorr Street, Suite H, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 9, 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 2903 Dorr Street, in the City of Toledo, Lucas County, Ohio.

On July 13, 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 2903 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 Tobacco Shop for a site located at 2903 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:

PALMA ORCHARDS LOT 100 TO 113

SECTION 2. That the approval of the Special Use Permit for a Tobacco Shop for a site located at 2903 Dorr Street, Suite H, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 27 conditions as follows:

The following twenty-seven (27) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Division

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.
4. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution will provide comments regarding proposed private water mains and/or service lines.

Environmental Services

5. 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.
6. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
7. 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.
8. 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
9. 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.

Division of Sewer and Drainage

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

12. The Division of Transportation does not object to the approval of the updated site plan by the Plan Commission.

Fire Prevention

13. It appears that this tenant space will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.

14. Approved Premises identification is required.

Water Distribution

15. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
16. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
17. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
18. 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 @ (800) 414-4990. Contact the Division of Water Distribution to verify the backflow prevention requirements for the site.
19. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
20. Plans must be submitted and approved by Fire Prevention.

Plan Commission

21. Landscaping must be installed as originally approved for this development via Ref#SPR-16-06. Two (2) canopy trees shall be installed along Dorr St. Eight (8) total canopy trees are to be installed within the landscape islands in the parking lot. Five (5) viburnum mariesii are to be installed on each side of the building, along Broer Ave and Turner Ave. Foundation plantings are required along the Dorr St frontage and surrounding the monument sign. A solid row of shrubs, or a 42" tall fence, is required between the parking lot and Broer and Turner Avenues. A solid dumpster enclosure consisting of a solid wall or fence and landscaping is required.
22. Hours of operation shall be limited to between 5:30am and 1:00am, per TMC 1104.1700.
23. Any new ground signs shall be limited to a maximum height of eight (8) feet from grade. Window signage is limited to 25% of the window area.
24. 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.
25. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

26. 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. This Special Use Permit will be reviewed by the Plan Commission one year following Plan Commission approval (June 9, 2023) for landscaping compliance. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
27. 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