

## GENERAL INFORMATION

### Subject

Request	-	Special Use Permit for Tobacco Shop
Location	-	27 S. Reynolds Road
Applicant	-	Lava Francis Wild Bills of Toledo VII, LLC 1100 W. Maple Road Troy, MI 48084
Owner	-	Reynolds & Hill Plaza X LLC 6725 W Central Avenue, Unit U Toledo, OH 43617
Architect	-	Engineers, Surveyors & Associates LLC 5353 Secor Road Toledo, OH 43623

### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 1.89 acres
Frontage	-	± 224.5' along S. Reynolds Road ±222.25 along Hill Avenue
Existing Use	-	Neighborhood Shopping Center
Proposed Use	-	Tobacco Shop

### Area Description

North	-	CR / Offices, Restaurant, Retail
South	-	CR / Restaurant, Dollar Tree, Mobile Home Park
East	-	CR, RS6, / Laundromat, Single-family Home
West	-	CR / Bank, Shopping Center, Single-family Home

### Parcel History

SPR-12-05	-	Minor Site Plan Review for retail strip center located at 5151 Hill Avenue at Reynolds Road. Plan Commission approved 4/14/05
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## GENERAL INFORMATION (cont'd)

### Parcel History (cont'd)

SUP-5004-06 - Special Use Permit for a convenience store at 27 S. Reynolds Road. Approved by Ord. 625-06

### Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

## STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a tobacco shop at 27 S. Reynolds Road. The ±1.89-acre site is zoned CR Regional Commercial which requires a Special Use Permit to operate a tobacco shop. Surrounding land uses include office, restaurant, and retail to the north, to the south is a restaurant, Dollar Tree and a single-family home, to the west is a bank, shopping center and a single-family home, and a laundromat and a single-family home to the east. The applicant has a lease agreement with the owner to rent out a unit in the building for the proposed tobacco shop.

### Use Specific Regulations

- a. A tobacco shop shall not be located within 500 feet of any school, public park, public library, child day care center, or other use established specifically for the activities of minors. **The proposed use complies with this regulation.**
- b. The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1:00 a.m., or other hours consistent with a liquor permit issued by the State of Ohio. **This is listed as a condition of approval.**

### Parking and Circulation

The existing parking lot at the site is proposed to serve the tobacco shop. Per TMC§1107.0400 – Schedule B, tobacco shops require one (1) parking space per 300 square feet of floor area. The target building unit is 1,800 square feet and requires at least six (6) parking spaces. The site has forty-seven (47) existing parking spaces which is enough to serve the tobacco shop and the other uses at the site.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – Number of Required Parking Spaces for Persons with Disabilities, the applicant is required to provide at least one (1) van accessible space with an eight-foot (8') drive aisle and one (1) car accessible space with a five-foot (5') drive aisle for persons with physical disabilities. The existing off-street parking includes two accessible spaces with the required drive aisles.

## **STAFF ANALYSIS (cont'd)**

### Parking and Circulation (cont'd)

Bicycle parking is required pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300). A minimum of one (1) bicycle space shall be provided per ten (10) parking spaces. A revised site plan depicting a bicycle rack for six (6) bicycles shall be provided.

### Landscaping

The submitted site plan does not meet the parking lot landscaping conditions of approval when the building was constructed as required per SPR-12-05. In order to bring the site closer into compliance, the frontage greenbelt and parking lot landscaping is being required.

Per TMC§1108.0202, a fifteen-foot (15') greenbelt is required along public rights-of-way. At least one tree must be provided for every thirty feet (30') of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. A fifteen-foot (15') frontage greenbelt buffer is required along the property line fronting Reynolds Road and Hill Avenue. Seven (7) trees and a continuous shrub shall be provided along Reynolds Road for a frontage of  $\pm 224.5$ . The same number of trees and a continuous shrub is required along Hill Avenue. The submitted site plan shows three (3) trees and shrubs along a portion of both Hill Avenue and Reynolds Road. A revised site plan depicting the required trees and shrubs along all parking spaces in the front shall be submitted as a condition of approval.

Furthermore, **TMC§1108.0204 *Parking Lot Landscaping*** requires all off-street parking lots containing five or more off-street parking spaces to be landscaped. The total interior landscaping required in parking lots is twenty (20) square feet per parking and stacking space. Based on the number of parking spaces, 940 square feet of landscaping is required for this site. Additionally, two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces. A total of ten (10) trees and thirty (30) shrubs are required in the interior parking. The submitted site plan shows the required landscape islands with a total of four (4) trees and seventeen (17) shrubs. A revised landscape plan depicting the additional required trees and shrubs shall be submitted as a condition of approval.

### Elevations

There are no proposed changes to the building exterior.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Regional Commercial land uses. Regional Commercial uses are predominantly large-scale commercial uses intended to accommodate auto-oriented commercial development (e.g., malls, big box retailers stores and mixed-use developments). Offices and multi-family residential developments may also be interspersed within the district. The proposed use is suitable within the designated future lands use.

## STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-6003-24, a Special Use Permit for a tobacco shop at 27 S. Reynolds Road, to Toledo City Council for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code [TMC§1111.0706(A) – *Review & Decision-Making Criteria*], and
2. The proposed use is compatible with adjacent uses in terms of scale, site design and operating characteristics [TMC§1111.0706(C) – *Review & Decision-Making Criteria*].

The staff recommends that the Toledo City Plan Commission approve SUP-6003-24, a Special Use Permit for a tobacco shop at 27 S. Reynolds Road subject to the following **twenty-four (24)** conditions.

### Division of Engineering Services

1. The City of Toledo public water does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.

### Division of Sewer and Drainage Services

2. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
3. 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 Environmental Services

4. 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.
5. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
6. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.

**STAFF RECOMMENDATION (cont'd)**

Division of Environmental Services (cont'd)

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 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.
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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)

Division of Water Distribution

No comments or concerns

Fire Prevention

10. New and existing buildings shall be provided with approved address identification that meets Building & Fire Code requirements. (OBC 501.2 & OFC 505.1)
11. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Division of Transportation:

12. Bicycle parking is required per TMC§1107.1300.
13. Parking spots, drive aisles and driveways are required to be dimensioned per TMC§1107.1911.
14. Traffic Management requests the property line be brought into alignment with the right-of-way line of Reynolds Road and Hill Avenue.

Plan Commission

15. The hours of operation of a tobacco shop may be limited to 5:30 a.m. to 1:00 a.m., or other hours consistent with a liquor permit issued by the State of Ohio.

**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

16. Per **TMC§1107.1906** All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
17. Per TMC§1107.0400 – Schedule B, tobacco shops require one (1) parking space per 300 square feet of floor area. The target building unit is 1,800 square feet and requires at least six (6) parking spaces. The site has forty-seven (47) existing spaces which is enough to serve the tobacco shop and the other use at the site. **This is acceptable as depicted.**
18. A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. The existing off-street parking includes two accessible spaces with the required drive aisles. **This is acceptable as depicted.**
19. Bicycle parking is required pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300). A minimum of one (1) bicycle space shall be provided per ten (10) parking spaces. **This is not acceptable as depicted. A revised site plan depicting a bicycle rack for six (6) bicycles shall be provided.**
20. 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. Per TMC§1108.0202, a fifteen-foot (15') greenbelt is required along the property line fronting Reynolds Road and Hill Avenue. At least one tree must be provided for every thirty feet (30') of lot frontage or fraction thereof. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. Seven (7) trees and a continuous shrub shall be provided along Reynolds Road. The same number of trees and a continuous shrub is required along Hill Avenue. The submitted site plan shows three (3) trees and shrubs along a portion of both Hill Avenue and Reynolds Road. **This is not acceptable as depicted. A revised site plan depicting the required trees and shrubs along all parking spaces in the front shall be submitted;**
  - b. Two (2) canopy trees and six (6) shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces. A total of ten (10) trees and thirty (30) shrubs are required in the interior parking. The submitted site plan shows the required landscape islands with a total of four (4) trees and seventeen (17) shrubs. **This is not acceptable as depicted. A revised landscape plan depicting the additional required trees and shrubs shall be submitted;**

**STAFF RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

- c. Landscape areas within the parking area must be peninsular or island types and must be constructed with six-inch by eighteen-inch (6"x18") concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director. **This is acceptable as depicted;**
  - 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. 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;
  - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
  - g. 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;
  - h. Because the site is greater than ½ acre large, 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
21. 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.
22. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
23. 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.
24. 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.

REF: SUP-6003-24. . . July 11, 2024

SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-6003-24  
DATE: July 11, 2024  
TIME: 2:00 P.M.

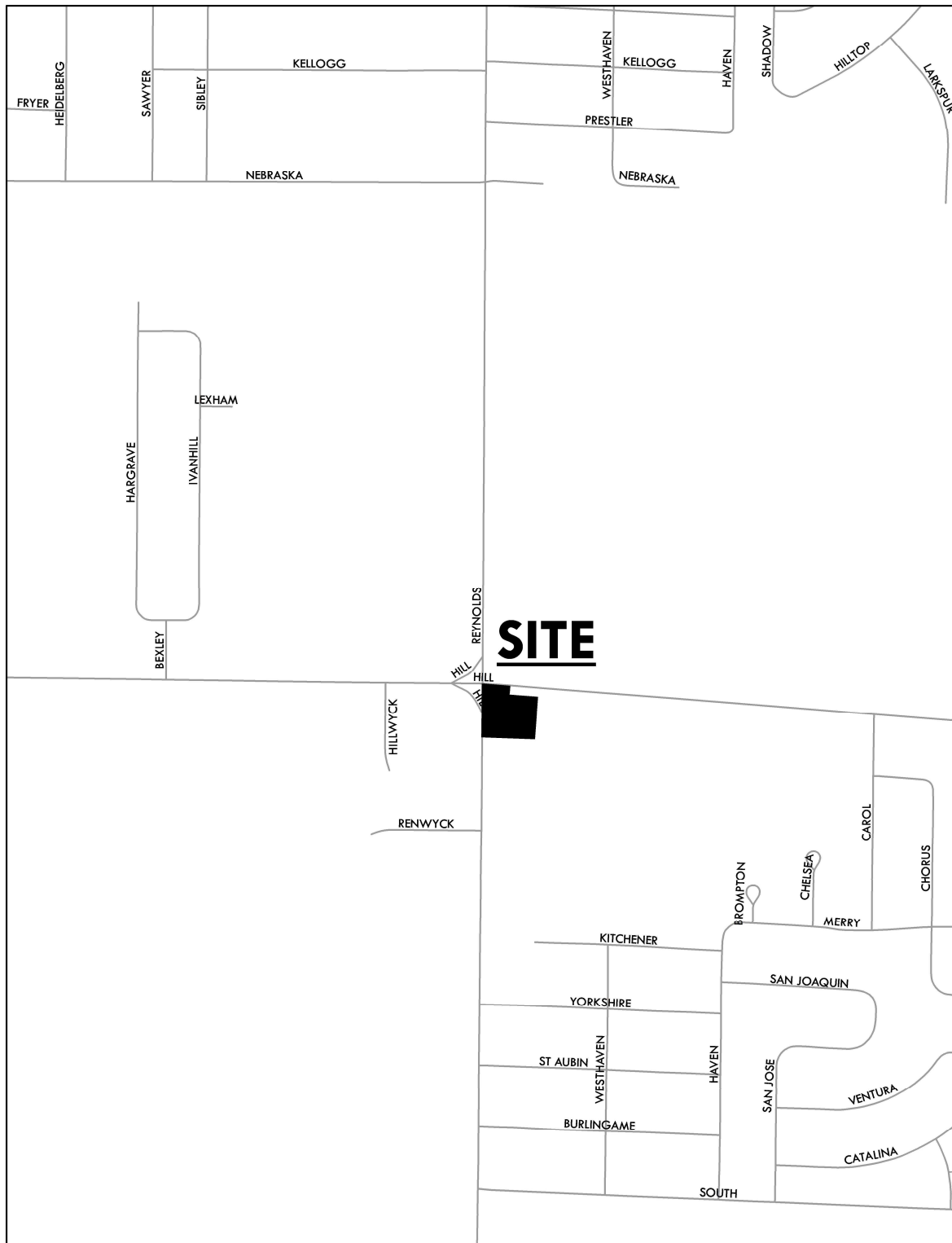
CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: August 13, 2024  
TIME: 4:00 P.M.

ET  
Three (3) sketches follow



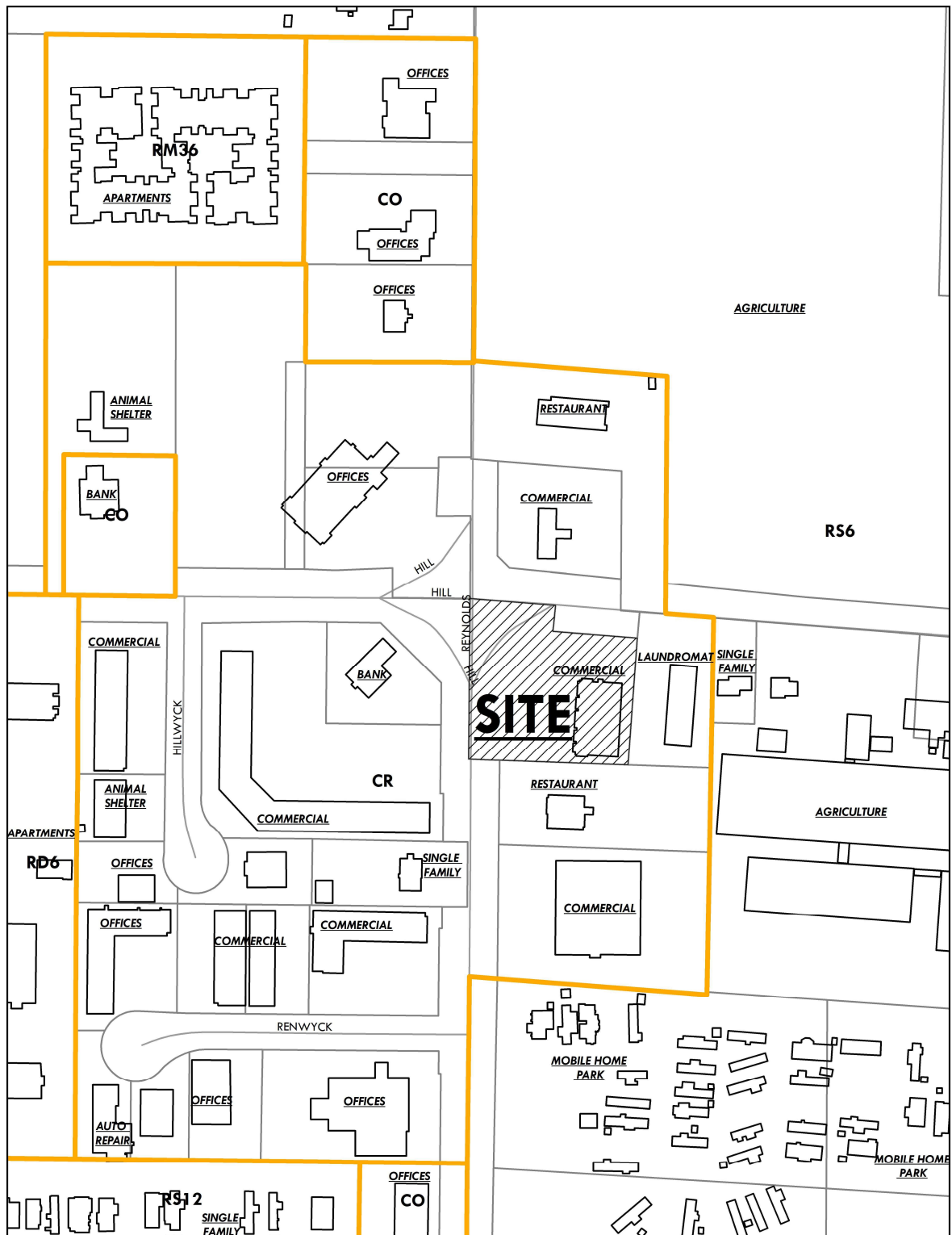
# GENERAL LOCATION

SUP-6003-24



# ZONING & LAND USE

SUP-6003-24



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