

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

REF: SUP24-00122

DATE: March 14, 2025

TO: President Carrie Hartman and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for a Special Use Permit for a Tobacco shop at 3026 Glendale Avenue.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 13th, 2025 at 2:00 P.M.

GENERAL INFORMATION

Subject

- Request - Special Use Permit for a tobacco shop
- Location - 3026 Glendale Avenue
- Applicant - Ken Allen
1100 W. Maple Road
Troy, MI 48084
- Owner - 3026 Glendale Ave LLC
1100 W Maple Road
Troy MI, 48084
- Engineer - Imad Hermiz
CK Construction LLC
37525 Hacker Drive
Sterling Heights, OH 48310
- Architect - John Sperry
Thomas DuBose & Associates, Inc.
350 S. Reynolds Rd.
Toledo, Ohio 43615

GENERAL INFORMATION (cont'd)

Site Description

Zoning	-	CN/ Neighborhood Commercial
Area	-	Parcel: ±1.1 acres
		Tenant Space:2,730 square feet
Frontage	-	±334' along Glendale Avenue
Existing Use	-	Commercial multi-tenant space
Proposed Use	-	Tobacco shop

Area Description

North	-	Apartments, University of Toledo Health Science Campus/ RD6, RS6, RS12
South	-	Toledo Commons Shopping Center / CR-SO
East	-	Single-Family Dwellings, Self-Storage, Animal hospital / RD6, RS6, CR, IL
West	-	Open Field, Apartment Complex, Southland Shopping Plaza / RD6, RS12, RM36, CR-SO

Parcel History

Z-5016-04	-	Zone Change from R-3 to C-3 at 2936-3022 Glendale Avenue. (PC recommended disapproval 8/12/04. P.Z recommended disapproval with recommendation to modify zone change request to C-1. CW approved zone change with modification to C-1 on 10/05/04 via Ord. 691-04).
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Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Map

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a tobacco shop at 3026 Glendale Avenue. The ±1.1-acre site is zoned CN (Neighborhood Commercial) and is occupied by the Shoppes at Glendale Plaza. The applicant will occupy a ±2,730 square foot tenant space. Adjacent land uses include apartments and University of Toledo's Health Science Campus to the north, single-family dwellings, animal hospital, and self-storage units to the east, Toledo Commons Shopping Center to the south, apartments and Southland Shopping center are west of the subject site. A Special Use Permit is required for all tobacco shops in the City of Toledo.

Use Specific Regulations

- a. Tobacco shops shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors. This site does not violate spacing requirements.
- b. Hours of operation may be limited to 5:30 a.m. to 1 a.m. for a tobacco shop. The applicant is proposing hours of 9:00 a.m. to 8:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays, therefore the site is compliant with hours of operation regulations.

Parking and Circulation

- a. Tobacco shops follow *Off-Street Parking schedule "B"*, requiring one (1) parking space for every 300 square feet of business tenant space plus one (1) bicycle parking for every ten (10) car parking spaces. The total tenant space is 2,730 square feet therefore nine (9) car parking spaces and one (1) bicycle parking space is required. The site plan depicts sixty-two (62) parking spaces but does not identify bicycle parking. The proposed tobacco shop shall provide a minimum of one (1) two-slot bicycle parking as a condition of approval.
- b. At least one main entrance of any commercial building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk proving a logical route for pedestrians from the right of way per TMC§1109.0204(A). **Acceptable as depicted.**

STAFF ANALYSIS (cont'd)

Landscaping

- a. The reuse of a single unit in a multi-tenant space does not require full compliance with landscape standards. Landscaping does not exist on this site.
- b. The site has roughly 334' of frontage which includes a $\pm 7'$ grass frontage greenbelt with no plantings. Staff requests the addition of eleven (11) trees, or a continuous evergreen hedge within this lawn area. This addition will bring the site closer into compliance with TMC§1108.0202 – *Frontage Greenbelt*, which requires one (1) tree per every thirty feet (30') of frontage; and a solid evergreen hedge to screen the parking lot.
- c. Additionally, staff requests that the applicant provide foundation plantings along the front of the entire building near business entrances to bring the site closer into compliance with TMC§1108.0205 – *Interior Site Landscaping*, which requires one (1) caliper tree for every one-thousand (1,000) square feet of building coverage; foundation plantings along all portions of the building that are visible from public rights-of-way; and landscaping at all major building entrances.

Signs

- a. Pursuant to TMC§1113.0702, if the premises on which a sign is located undergoes Plan Commission review, including this Special Use Permit, any nonconforming signage on the premises shall be brought fully into compliance with this Sign Code as a part of the review and approval process. The existing tenant sign shall be brought down to a maximum height of eight feet (8') as permitted in the Commercial Neighborhood Zoning District. The sign adjustment is a condition of approval.
- b. Window signage and similar obstructions may occupy no more than 25% of the total cumulative window area along a building façade. All tenants in a multi-tenant space must ensure window signage occupies no more than 25% of their total cumulative window area along a façade.

Elevations

There are no changes proposed for the building exterior at this time.

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STAFF ANALYSIS (cont'd)

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Plan targets this site for Neighborhood Mixed-Use. The Neighborhood Mixed-Use land use designation is intended to preserve and promote pedestrian-oriented commercial and mixed-use areas. Neighborhood Mixed-Use designation supports multi-family uses along with small-and-medium-scale commercial operations such as specialized retail. The existing site supports a shared parking arrangement for a mix of businesses. The addition of landscaping will reduce the urban heat island effect and promote attractive place to live; goals of Forward Toledo Comprehensive Land Use Plan. Staff recommends approval of this Special Use Permit because the project conforms to the Forward Toledo Plan and meets all applicable zoning code requirements.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP24-00122, a request for a Special Use Permit for a tobacco shop at 3026 Glendale Avenue, to the Toledo City Council, for the following two (2) reasons:

1. The use complies with all applicable provisions of the Zoning Code **(TMC§1111.0706(B))**; and
2. The use is compatible with adjacent uses in terms of scale, site design, and operating characteristics per **(TMC§1111.0706(C))**.

The Toledo City Plan Commission further recommends approval of SUP24-00122, a Special Use Permit for a tobacco shop 3026 Glendale Avenue, to the Toledo City Council, subject to the following **fifteen (15)** conditions.

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

Fire Prevention

No conditions or concerns.

Transportation

1. All parking spaces must be a minimum of 9'x18' including accessible parking spaces per TMC§1107.1911

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PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission

2. A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors. **No spacing violations found.**
3. The hours of operation of a tobacco shop shall be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval.
4. Pursuant TMC§1107.0400, the commercial tenant space requires one (1) parking space per 300 square feet of floor area. A total of nine (9) parking spaces are required for the tenant space. **Acceptable as depicted on site plan.**
5. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. A minimum of two (2) auto and one (1) van accessible parking spaces are required for use by persons with physical disabilities. **Acceptable as depicted on site plan.**
6. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “B” (TMC§1107.0400), which requires one (1) bicycle parking slot per ten (10) parking spaces. **Not depicted on site plan, one (1) bike rack with two (2) slots shall be installed and shown on revised plans.**
7. Dumpsters and trash receptacles serving commercial uses may not be located in Residential districts. Dumpsters and trash receptacles shall be screened with a minimum six-foot (6’) high wood fence pursuant to TMC§1108.0203(G). **Not acceptable as existing on site. Dumpsters shall be screened and relocated from the residential district to the owner’s property. Acceptable as depicted on site plan.**
8. Per TMC§1109.0204(A). At least one main entrance of any commercial building shall face and open directly onto a five-foot (5’) wide connecting walkway to the street sidewalk proving a logical route for pedestrians from the right of way. **Acceptable as depicted.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

9. 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)). **Acceptable as existing on site.**

10. A detailed site, lighting, fencing, and landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Eleven (11) trees or a solid evergreen hedge shall be installed and maintained in the front lawn area as a part of the Frontage Greenbelt requirements TMC§1108.0202
 - b. Foundation plantings shall be provided at all business entrances along the front of the building as required of TMC§1108.0205 – Interior Site Landscaping.
 - c. Topsoil must be back filled to provide positive drainage of the landscape areas;
 - 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 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;
 - g. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - h. The location, lighting and size of any signs.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

11. Pursuant to TMC§1113.0700 *Legal nonconforming signs*, if the premises on which a legally nonconforming sign is located undergoes a Plan Commission review, including this Special Use Permit, any nonconforming signage on the premises shall be brought into full compliance with the Sign Code as a part of the review and approval process. A sign plan shall be submitted to the Plan Director for review and approval. Such plan shall depict the following:
 - a. The existing tenant sign shall be brought down in height to a maximum eight feet (8') for a Medium profile ground sign, as permitted in the CN (Commercial Neighborhood) district.
 - b. Applicant shall obtain appropriate permits for any signage. Signage shall be in compliance with the provisions of TMC Chapter 1113 - *Signs*.
 - c. Window signage and similar obstructions may occupy up to 25% of the total cumulative window area along a building façade. Tenants in a multi-tenant space shall ensure window signage occupies no more than 25% of their total cumulative window area along a façade.
12. 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.
13. Approval of the Special Use Permit will lapse after one year if the criteria listed in TMC§1111.0707(A) have not been met.
14. 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.
15. 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.

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Respectfully Submitted,



Thomas C. Gibbons
Secretary

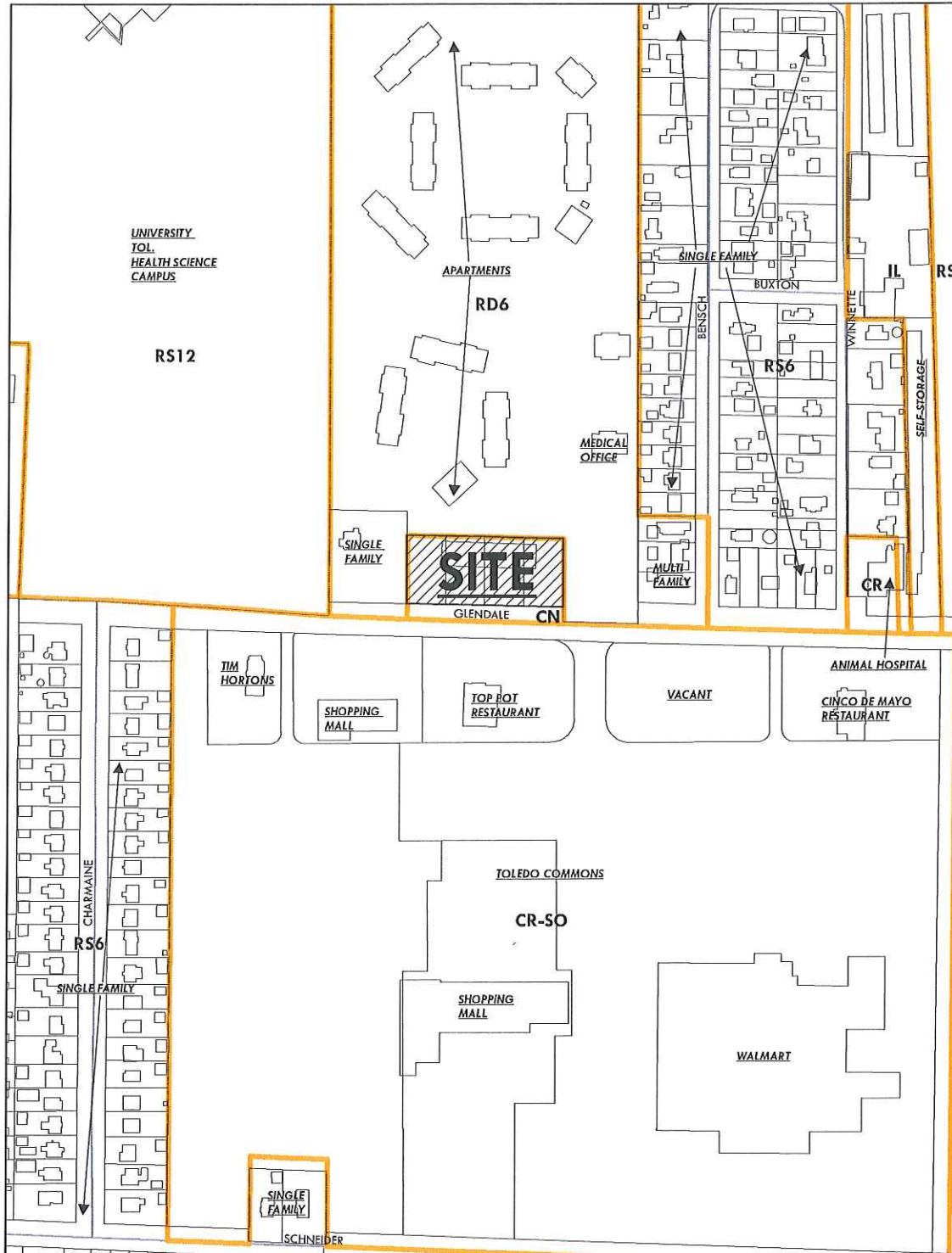
AV

Three (3) sketches follow

Cc: Ken Allen, Wild Bill's Tobacco, 1100 W. Maple Road, Troy, MI 48084

ZONING & LAND USE

SUP24-00122
ID 54



SITE PLAN

SUP24-00122
ID 54



REVISION	DATE

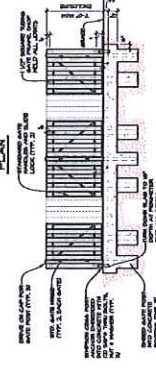
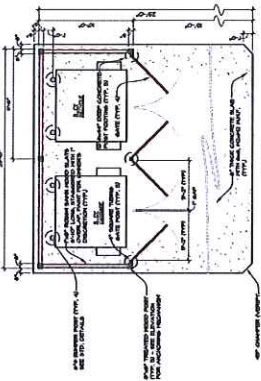


WILD BILL'S TOBACCO - TBO
3026 GLENDALE AVENUE
CITY OF TOLEDO, LUCAS COUNTY, OHIO.

DUBOSE ASSOCIATES, INC.
7400 N. ...
TOLEDO, OHIO 43623-1441
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G1.1
SHEET NO.
DATE: 01-31-25
AS NOTED
24-1177

3026 Glendale Ave-Toledo, Ohio



DOUBLE DUMPSTER ENCLOSURE
NO SCALE

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