



DATE: March 14, 2025

REF: SUP-7007-24

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

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

SUBJECT: Special Use Permit for tobacco shop at 1501 S. Detroit Avenue

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

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a tobacco shop
Location	-	1501 S. Detroit Avenue
Applicant/Owner	-	Msalim Properties, Inc. 1501 S. Detroit Avenue Toledo, OH 43614
Engineer	-	Pro Architect, LLC 20824 Whitlock Drive Dearborn Heights, MI 48127

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.52 acres
Frontage	-	± 193' along Detroit Avenue ± 113' along Glendale Avenue ± 214' along Lombard Avenue
Existing Use	-	Vacant commercial building
Proposed use	-	Tobacco shop

Area Description

North	-	Glendale Avenue and commercial businesses / CR
South	-	Single-family homes / RS6
East	-	Lombard Avenue and single-family homes / RS6
West	-	Detroit Avenue and commercial businesses / CR

Parcel History

- | | | |
|----------|---|---|
| Z-336-52 | - | Zone Change request from A to C-D for Lots 361-382 at the SE corner of Detroit Avenue and Glendale Avenue (PC rec. disapproval 1/8/1953). |
| Z-260-55 | - | Zone Change request from A Residential to C Commercial for lots 59-62 at the SE corner of Detroit Avenue and Glendale Avenue (PC approved 10/20/1955; CC approved 11/23/1955, Ord. 672-55). |
| P-1-56 | - | Off-Street parking request on lots 58-62 Glendale Place located on the south side of Glendale Avenue between Detroit and Lombard Avenues (PC approved 1/10/1956). |
| D-5-92 | - | Drive-thru bank at southwest corner of Glendale and Detroit (PC approved 4/7/1992). |

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a tobacco shop at 1501 S. Detroit Avenue. The ± 0.52 acre site is located southeast of the intersection of Glendale and Detroit Avenues. There is an existing commercial building on the site that was once used as a bank. Surrounding land uses include commercial businesses to the north across Glendale Avenue; single-family homes to the east across Lombard Avenue; single-family homes to the south; and commercial businesses to the west across Detroit Avenue.

The subject property is zoned CR Regional Commercial. A Special Use Permit is required per the Use Table in TMC§1104.0100 for a tobacco shop in the CR zoning district, and is subject to standards in Section TMC§1104.1700 - Tobacco Shops.

STAFF ANALYSIS (cont'd)

Tobacco Shop Regulations

- Per TMC§1104.1701 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. Plan Commission records and review of the area show that there is a public park within 500 feet of the proposed tobacco shop; and therefore does not meet the spacing requirement. Schneider Park is located to the southwest of the subject site across Detroit Avenue.
- Per TMC§1104.1702 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, as a condition of development approval. Particular attention will be given to tobacco shops located adjacent to any Residential district. The area to the south and east is zoned RS6 - Single-Dwelling Residential. As such, the hours of operation are recommended to be limited as a condition of approval.

Parking and Circulation

Currently there are three (3) access points to site. One from Glendale Avenue and two (2) from Detroit Avenue. As depicted on the site plan, only one access point will be for ingress to the site. This is the drive along Detroit Avenue furthest from the intersection of Glendale and Detroit Avenues. The other access point on Detroit Avenue and the access point on Glendale Avenue are depicted as egress only. Per comments received from the Division of Transportation, they are requesting that the access on Detroit Avenue, closest to the intersection of Detroit and Glendale be closed. In addition, they are requesting that the Glendale Avenue access be made as ingress only. These comments are listed as conditions of approval.

- Per the Off-Street Parking Schedule in TMC§1107.0304 commercial use buildings are required to provide one (1) parking space per 300 square feet of floor area. The building consists of 3,807 square feet, which requires thirteen (13) required parking spaces. The site plan depicts in excess of the required parking spaces and therefore complies with this requirement.
- In addition, one (1) bicycle parking space is required for every 10 parking spaces. The site plan depicts thirty-one (31) parking spaces, which requires four (4) bicycle parking space. There is no bicycle parking depicted on the site plan; therefore, the proposal does not comply with this requirement. Bicycle parking shall be provided as a condition of approval.

STAFF ANALYSIS (cont'd)

- Per TMC§1107.1701, one (1) auto accessible and one (1) van accessible parking space is required for the parking lot based on the number of parking spaces. The site plan depicts two (2) van accessible parking spaces. The proposal therefore complies with this requirement.
- Per TMC§1107.1907 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. There are wheel stops depicted on the site plan on all parking spaces except those along the east side of the parking lot. Wheel stops shall be provided for the parking spaces along the east side of the site as a condition of approval.

Landscaping

The Applicant is not proposing any changes to the existing landscape on the site. The site plan depicts what is noted as existing landscape. TMC§1114.0500 requires an existing site to be brought closer into compliance with the 2004 Zoning Code. Through a site visit, staff has noted that the majority of the existing plant material is overgrown and beyond its useful life or unable to be trimmed/pruned and still be viable. In addition, the site plan does not identify or accurately depict the plant material on the site. Staff recommends that the following be required as a condition of approval:

- Remove the existing guardrail along the east and south property lines.
- Remove all overgrown plant material and weeds, and trim any viable shrubs in front of the building along Glendale and Detroit Avenues. Supplement the remaining plant material with additional plant material to meet required foundation plantings along Glendale and Detroit Avenues per TMC§1108.0205.
- Replace existing fence along the south edge of the parking lot.
- Provide a landscape buffer along the east property line that includes one (1) tree per thirty (30) linear feet and a solid/continuous evergreen hedge to screen the parking area from the adjacent right-of-way and residential uses.

Building Design and Materials

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

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STAFF ANALYSIS (cont'd)

Neighborhood Meeting

This project was deemed to require a neighborhood meeting pursuant to TMC§1111.0200 – Neighborhood Meetings by the Plan Director. Toledo Municipal Code requires applicants invite neighboring property owners via mail to the meeting. The applicant was made aware of the neighborhood meeting requirement and provided a mailing list; however, staff has not been notified that a neighborhood meeting has been scheduled.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan designates this site as Neighborhood Mixed-Use. Neighborhood Mixed-Use land uses are a mix of multi-family uses and small-and medium-scale commercial operations such as restaurants, specialized retail, small offices and galleries. The proposed tobacco shop is consistent with the intent of this designated land use as it is a small to medium scale retail shop that will serve the surrounding neighborhood.

Despite compatibility with the future land use map, staff recommends disapproval of the Special Use Permit because the proposed tobacco shop is located within 500 feet of a public park and therefore does not meet the location requirements for tobacco shops in TMC§1104.1701.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends **disapproval** of SUP-7007-24, a request for Special Use Permit for a tobacco shop at 1501 S. Detroit Avenue, to the Toledo City Council, for the following reason:

1. The proposed use does not comply with all applicable provisions of the Zoning Code (TMC§1111.0706(B)).

Although the Plan Commission is recommending disapproval, conditions of approval are included and listed by agency of origin as Exhibit “A” for informational purposes

Respectfully Submitted,



Thomas C. Gibbons
Secretary

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Exhibit "A" follows
Three (3) sketches follow

CC: Msalim Properties, Inc., 1501 S. Detroit Avenue, Toledo, OH 43614
Pro Architect, LLC, 20824 Whitlock Drive, Dearborn Heights, MI 48127
Lisa Cottrell, Deputy Director
Lisa Karcher, Planner

EXHIBIT A

Review Agency Conditions

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.

Division of Engineering Services

No comments or concerns.

Division of Water Distribution

No proposed water utility shown. No comments at this time.

Division of Sewer & Drainage Services

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

3. 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.
4. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
5. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.
6. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.

EXHIBIT A (cont'd)

7. 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_plantspecies.pdf.
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.

Fire Prevention Bureau

9. Interior remodeling will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
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§1107.0900.
13. Accessible parking signage must be posted directly in front of the parking space at a height of no less than 60" and no more than 72" above pavement level per TMC§1107.1704.
14. Traffic Management requests that the driveway closest to the intersection of Detroit and Glendale to be closed on Detroit Avenue.
15. Traffic Management requests that the driveway on Glendale Avenue be made an entrance only driveway with "Do Not Enter" signage posted to prevent traffic from using it as an exit.

Plan Commission

16. Per TMC§1104.1701 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. Schneider Park, situated to the southwest of the subject site across Detroit Avenue, is a public park that is within 500 feet of the proposed tobacco shop and therefore does not meet the spacing requirement.
17. The hours of operation shall 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.

EXHIBIT A (cont'd)

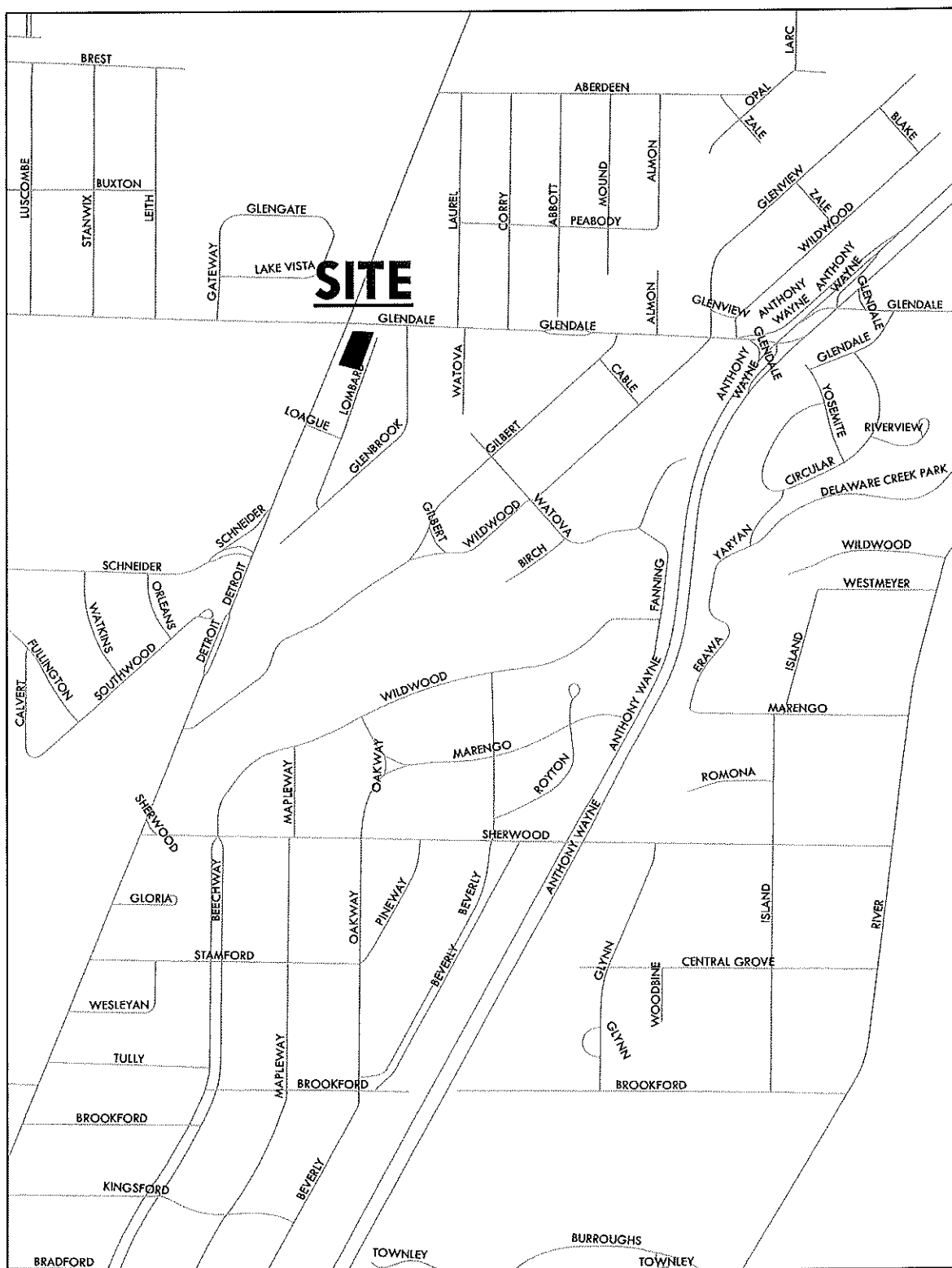
18. Per Off-Street Parking Schedule in TMC§1107.0304 the commercial space requires one (1) parking space per 300 square feet of floor area. A total of thirteen (13) parking spaces are required for this site. The site plan depicts thirty-one (31) parking spaces. **Acceptable as depicted.**
19. Per Off-Street Parking Schedule in TMC§1107.0304 one (1) bicycle parking slot is required per ten (10) parking spaces; or per TMC§1107.0901(B). A total of four (4) bicycle slots are required for this site. There are not bicycle parking slots depicted on the site plan. **Not acceptable as depicted. Four (4) bicycle slots shall be provided and shown on a revised site plan.**
20. Per TMC§1107.1701 one (1) auto accessible space and one (1) van accessible space is required. The site plan depicts two (2) van accessible parking spaces. **Acceptable as depicted.**
21. Per TMC§1107.1907 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. The site plan depicts wheel stops for all parking spaces except for the parking spaces along the east side of the parking lot. **Not acceptable as depicted. Wheel stops shall be provided for the parking spaces along the east side of the site and shown on a revised site plan.**
22. A detailed site, lighting, fencing and four (4) copies of a revised landscape plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. The existing guard rail along the east and south property lines shall be removed.
 - b. All overgrown plant material and weeds shall be removed. Any viable shrubs in front of the building along Glendale and Detroit Avenues shall be trimmed. Supplemental plant material shall be provided to enhance the remaining plant material and to meet the required foundation plantings along Glendale and Detroit Avenues per TMC§1108.0205.
 - c. The existing fence along the south edge of the parking lot shall be replaced.
 - d. A landscape buffer shall be provided along the east property line that includes one (1) tree per thirty (30) linear feet and a solid/continuous evergreen hedge to screen the parking area from the adjacent right-of-way and residential uses.
 - e. Per TMC§1108.0203 dumpsters are required to be screened on all sides with any combination of evergreen plantings, fence, or wall that is a minimum in height of six feet.
 - f. Topsoil must be back filled to provide positive drainage of the landscape areas.

EXHIBIT A (cont'd)

- g. 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.
 - h. 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.
 - i. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
 - j. The location, lighting and size of any signs.
23. Landscaping shall be installed and maintained indefinitely.
24. All proposed signage for the site shall meet the requirements of TMC§1113.000. A sign permit application shall be submitted and approved for all signage.
25. 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.
26. 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.
27. 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.
28. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

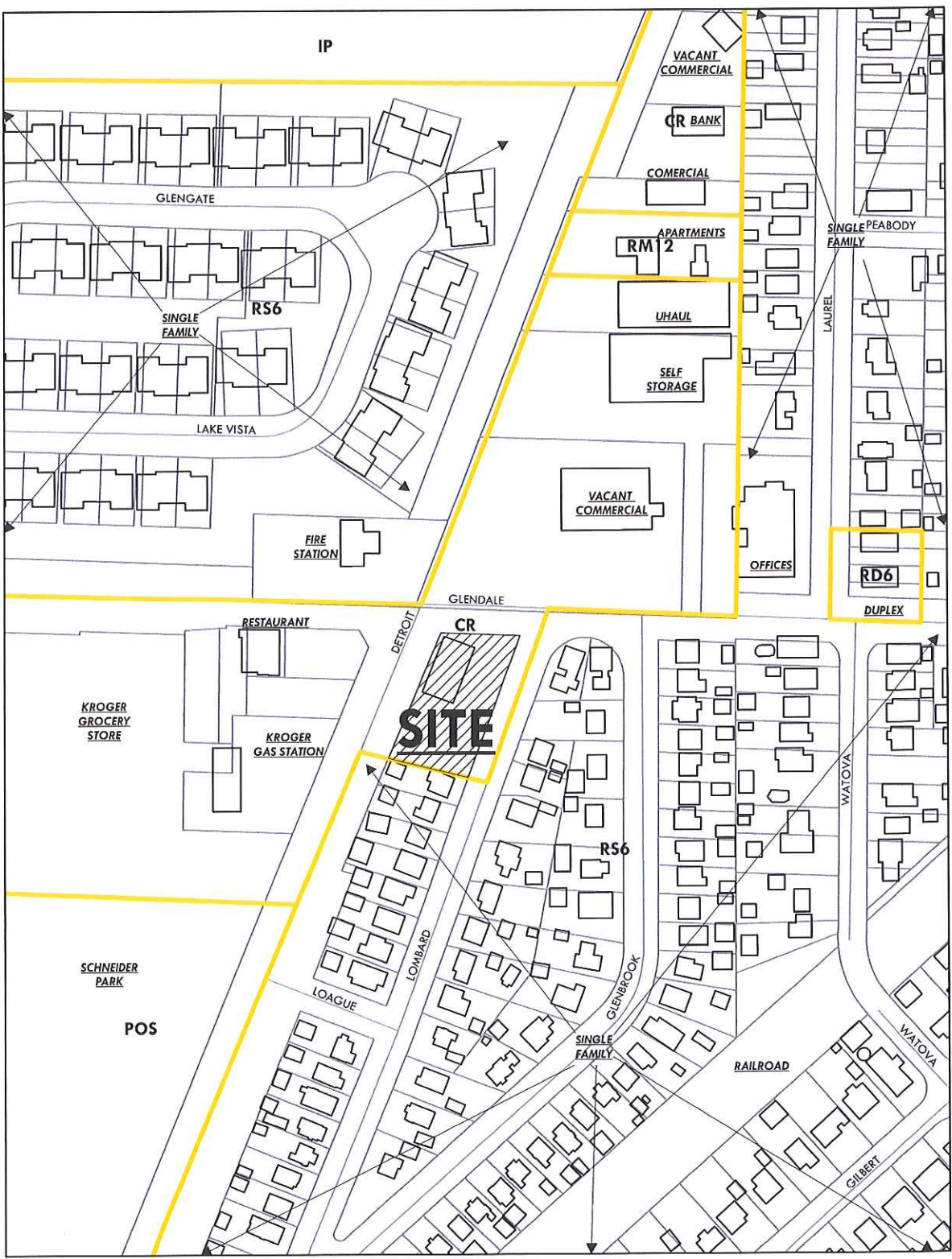
GENERAL LOCATION

SUP-7007-24



ZONING & LAND USE

SUP-7007-24



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