

**REVISED**

REF: SUP24-00113  
DATE: February 13, 2025

## GENERAL INFORMATION

### Subject

Request	-	Special Use Permit for a tobacco shop
Location	-	606 N. Reynolds Road
Applicant / Owner	-	Danny Abuhashish P.O. Box 902 Sylvania, OH 43560
Engineer	-	John A Weithman, PE P.O. Box 216 Genoa, OH 43430

### Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.118 acres
Frontage	-	± 90' along Reynolds Road ± 57' along Nebraska Avenue
Existing Use	-	Vacant commercial
Proposed use	-	Tobacco shop and cellular phone store

### Area Description

North	-	Carwash, Prestler Street and commercial uses / CR
South	-	Nebraska Avenue and Keil farm / CR and RS6
East	-	Multi-family unit and single-family homes / CR and RS6
West	-	Reynolds Road, auto parts store and single-family homes / CR and RS6

### Parcel History

No parcel history on record.

### 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 606 N. Reynolds Road. The ± 0.118 acre site is located northeast of the Nebraska Avenue and N. Reynolds Road intersection. There is a vacant commercial building on the site. The applicant is proposing to divide the building into two tenant units, one of which will be occupied by a tobacco shop. Adjacent land uses include commercial businesses to the north; a multi-family dwelling and single-family homes to the east; Keil farm to the south across Nebraska Avenue; and commercial businesses and single-family homes to the west across N. Reynolds Road.

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.

### Tobacco Shop Regulations

Tobacco shop regulations in TMC§1104.1700, address both the location and hours of operation for this use. First, tobacco shops are not permitted within 500 feet of any 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 indicates that the proposal meets the required spacing standard as none of the noted uses are within 500 feet of the subject site. Second, tobacco shop hours of operation 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, with particular attention given to proposed locations adjacent to residential districts. The majority of the area to the east of the subject property is zoned RS6 - Single-Dwelling Residential and developed with residential dwellings. As such, the hours of operation are recommended to be limited and listed as a condition of approval.

### Parking and Circulation

Currently there is site access from Nebraska Avenue. Aside from the building and accessible ramp to the building, the entire site is paved in asphalt. The asphalt extends to an existing sidewalk along Reynolds Road and is located within the street right-of-way. The reuse of existing developed sites does not typically require significant site improvements; however in this case, the applicant worked with the City to bring the site into closer compliance with existing regulations. The required parking for the site is proposed to be located within the property boundaries, and not the right-of-way. The Off-Street Parking Schedule in TMC§1107.0304 requires commercial use buildings to provide one (1) parking space per 300 square feet of floor area. The entire commercial building consists of 1,020 square feet, which equals four (4) required parking spaces. In addition, one (1) bicycle space is required for every 10 parking spaces; or per TMC§1107.0901(B) a minimum of two (2) bicycle parking slots shall be provided when the provision for bicycle parking slots is required. The site plan depicts two (2) bicycle parking slots. The site plan is in compliance with the minimum required vehicle and bicycle parking spaces.

**STAFF ANALYSIS (cont'd)**

One (1) van accessible parking space is required for a parking lot with 1-25 parking spaces per TMC§1107.1701. Van accessible spaces must have an eight-foot (8') wide aisle abutting the parking space. The submitted site plan depicts one (1) van accessible parking space. The proposal therefore complies with this requirement. In addition, since the proposed parking spaces extend to the building, a wheel stop device is required to be installed. The site plan depicts wheel stops for all proposed parking spaces; therefore, the proposal also complies with this requirement.

As noted previously, there is an existing sidewalk along Reynolds Road. There is however no sidewalk along Nebraska Avenue. Per TMC107.1303, sidewalks shall be constructed along all public streets, at the time of development, of any parcel in any commercial district. A sidewalk is therefore required to be installed along Nebraska Avenue. A three-foot (3') wide sidewalk is proposed to be installed along Nebraska Avenue. As noted by the Division of Transportation, the sidewalk is required to be a minimum of four-foot (4') wide and is listed as a condition of approval.

Landscaping

TMC§1114.0500 requires an existing site to be brought closer into compliance with the 2004 Zoning Code. A newly developed site would require a fifteen-foot (15') wide frontage greenbelt along Reynolds Road and Nebraska Avenue. To bring the site closer into compliance, the applicant is proposing a four-foot (4') wide landscaped area along Reynolds Road with shrubs and six (6) trees. The six (6) trees are more than the five (5) total required trees for Reynolds Road and Nebraska Avenue. In addition, the applicant will be removing the asphalt that is currently located in the right-of-way along Reynolds Road and a portion of asphalt to the north of the building and seeding these areas with grass. Staff notes that this is a great improvement and is consistent with the intent of the site landscaping requirements of the Planning and Zoning Code.

The applicant is proposing a six-foot (6') by eight-foot (8') concrete pad for a dumpster that is located in the front yard along Reynolds Road. The dumpster area will be enclosed by a six-foot (6') tall wood privacy fence with latched gates. Per TMC§1108.0203(G), a dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible. Due to the site constraints another location for the dumpster is not practical. A waiver will need to be approved or the dumpster relocated to an appropriate location as a condition of approval. Staff is in support of the waiver approval.

Building Design and Materials

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

Signs

Per TMC§1113.0700 – Legal Nonconforming Signs, if the premises on which a legally nonconforming sign is located undergoes a Plan Commission review, including this Site Plan Review for a 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. The existing pole sign on the site will need to be removed as a condition of approval. 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 as a condition of approval.

**STAFF ANALYSIS (cont'd)**

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.

Staff recommends approval of the Special Use Permit because the proposal meets the stated purpose of the Zoning Code, and is compatible with adjacent uses in terms of scale, site design and operating characteristics. In addition, the development as proposed will remove existing parking from the right-of-way and provide a “greener” site with less asphalt and more plant cover.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend **approval** of SUP24-00113, a request for a Special Use Permit for a tobacco shop at 606 N. Reynolds Road, to Toledo City Council for the following three (3) reasons:

1. The proposal meets the stated purpose of the Zoning Code (TMC§1111.0706(A));
2. The proposal is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C)); and
3. The proposal will remove existing parking from the right-of-way and provide a “greener” site with less asphalt and more plant cover.

The staff also recommends that the Toledo City Plan Commission make the following recommendation to Toledo City Council regarding the waiver requested for a Special Use Permit for a tobacco shop at 606 N. Reynolds Road:

**Chapter 1108: Landscaping and Screening**

**Sec. 1108.0203(G)(5) Dumpster/Trash Receptacle Screening**

Staff recommends that the Plan Commission recommend **approval** of a waiver from the requirement that a dumpster may not be in any required yard, to allow for the dumpster in the front yard along Reynolds Road due to site constraints, to Toledo City Council.

The staff further recommends that the Toledo City Plan Commission recommend **approval** of SUP24-00113, a request for a Special Use Permit for a tobacco shop at 606 N. Reynolds Road, to Toledo City Council subject to the following **thirty (30) conditions**:

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

**STAFF RECOMMENDATION** (cont'd)Division of Engineering Services

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 **proposed** 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. Nebraska Avenue in this location is an unimproved, uncurbed street. There is no formal gutter flow line; stormwater drainage flows down the street at a low spot either at the edge of pavement (EOP), or along a flow line between the EOP and the R/W line (formal or informal swale). A new sidewalk on an unimproved street may not need to follow design standards for curbed street, but rather, be graded with attention to maintaining the flow of drainage in order to prevent a nuisance of stagnant backed up storm drainage. In some cases, sidewalk may need to be flush or even set lower than the EOP.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
5. The existing pavement, if it slopes to the southeast, will continue to drain acceptably, although this is speculative because the site plan does not show existing pavement grading. If any existing sheet flow goes westward, the proposed curb needs to be done without creating a nuisance condition of retained drainage at the new curb. Anywhere drainage is redirected to landscaping at the west, north or south, needs attention to grading so as to not creating water sitting on the pavement, but instead flowing through and over any new landscaping, sidewalk, and drive approach work.

Division of Sewer & Drainage Services

6. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. 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.

**STAFF RECOMMENDATION (cont'd)**

Division of Environmental Services

8. 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.
9. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
10. 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.
11. 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](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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plantspecies.pdf).
12. 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

13. Approved premises identification is required.
14. Key box(s) for access to buildings and areas restricted by fences, gates, etc...

Division of Transportation

15. Sidewalk along Nebraska Avenue is required to be a minimum of 4-foot (4') wide.

Plan Commission

16. 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 per TMC§1104.1701. No such uses are documented within 500 feet of the proposed tobacco shop. **Acceptable as submitted.**
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.

**STAFF RECOMMENDATION** (cont'd)

18. The proposed commercial space requires four (4) parking spaces per the Off-Street Parking Schedule in TMC§1107.0304. The site plan depicts four (4) parking spaces. **Acceptable as depicted.**
19. Per Off-Street Parking Schedule in TMC§1107.0304 one (1) bicycle parking slot is required; however, TMC§1107.0901(B) requires a minimum of two (2) bicycle parking slots when the provision for bicycle parking slots is required. Two (2) bicycle parking slots are depicted on the site plan. **Acceptable as depicted.**
20. One (1) van accessible space is required per TMC§1107.1701. The site plan depicts one (1) van accessible parking space. **Acceptable as depicted.**
21. Wheel stops are required for all proposed parking spaces in the proposed development per TMC§1107.1907. The site plan depicts wheel stops for all parking spaces. **Acceptable as depicted.**
22. Per TMC107.1303, sidewalks shall be constructed along all public streets, at the time of development, of any parcel in any commercial district. A three-foot (3') wide sidewalk is proposed to be installed along Nebraska Avenue. **Not acceptable as depicted. Per Condition #13, the sidewalk shall be a minimum of four-foot (4') wide.**
23. 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. Per TMC§1108.0202, newly developed sites require a minimum 15-foot-wide frontage greenbelt along public rights-of-way that contains at least one tree for every 30 feet of frontage. To bring the site closer into compliance the applicant is proposing a four-foot (4') wide landscaped area along Reynolds Road with shrubs and six (6) trees. The six (6) trees are more than the five (5) total required trees for Reynolds Road and Nebraska Avenue. In addition, the applicant will be removing the asphalt that is currently located in the right-of-way along Reynolds Road and a portion of asphalt to the north of the building and seeding these areas with grass. **Acceptable as depicted.**
  - b. Per TMC§1108.0203(G), a dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible. The dumpster is depicted in the front yard along Reynolds Road. **Not acceptable as depicted. A waiver will need to be approved or the dumpster relocated to an acceptable location.**
  - c. Topsoil must be back filled to provide positive drainage of the landscape areas.

**STAFF RECOMMENDATION** (cont'd)

- 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. 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. **Not acceptable as depicted. Proposed shrub information shall be added to the plant schedule.**
  - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).
  - g. The location, lighting and size of any signs.
24. Landscaping shall be installed and maintained indefinitely.
25. Per TMC§1113.0700 – Legal Nonconforming Signs, if the premises on which a legally nonconforming sign is located undergoes a Plan Commission review, including this Site Plan Review for a 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. **The existing pole sign on the site will need to be removed.**
26. All proposed signage for the site shall be meet the requirements of TMC§1113.000. A sign permit application shall be submitted and approved for all signage.
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.
29. 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.
30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.



REF: SUP24-00113. . . February 13, 2025

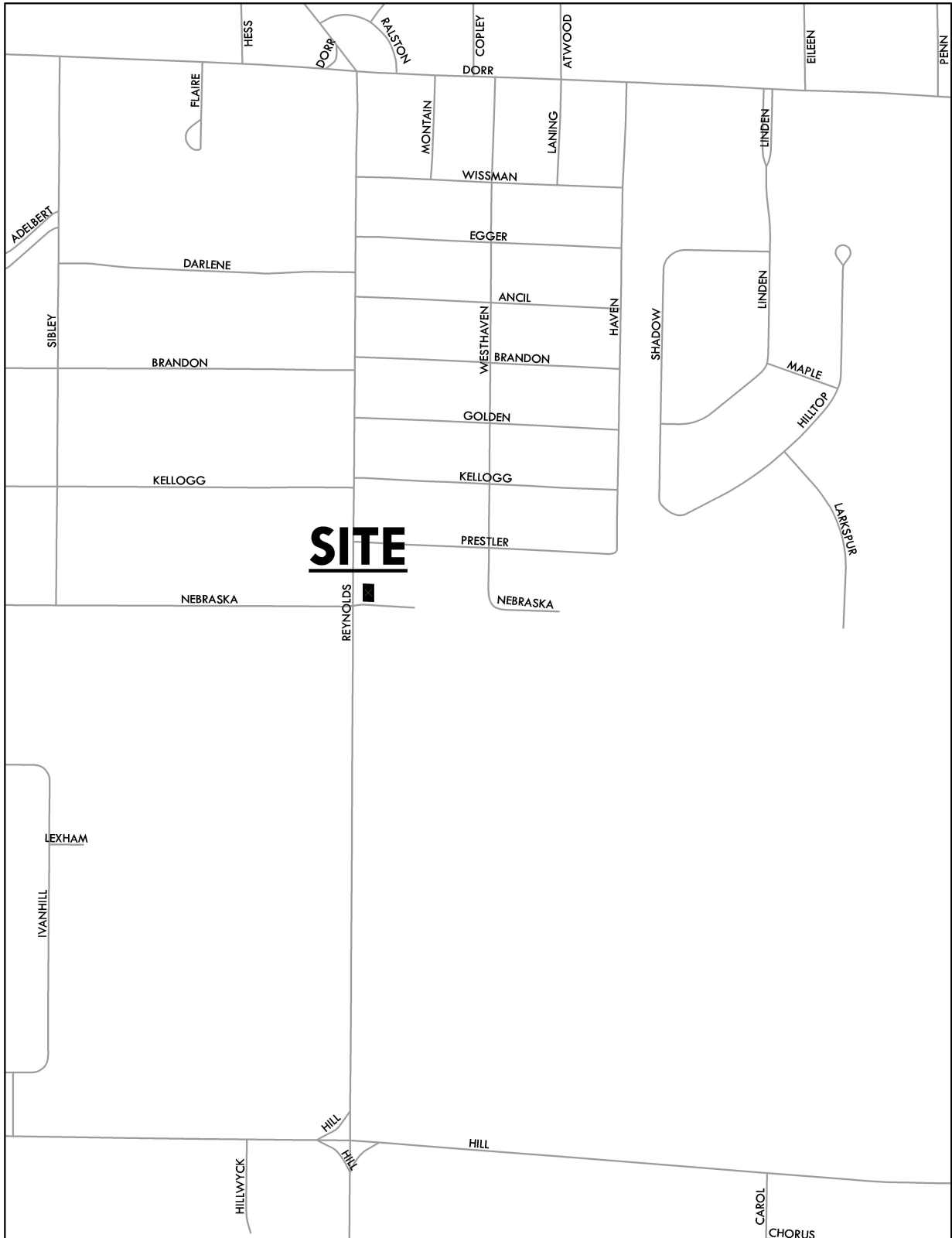
SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP24-00113  
DATE: February 13, 2025  
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: March 19, 2025  
TIME: 4:00 P.M.

LK  
Three (3) sketches follow

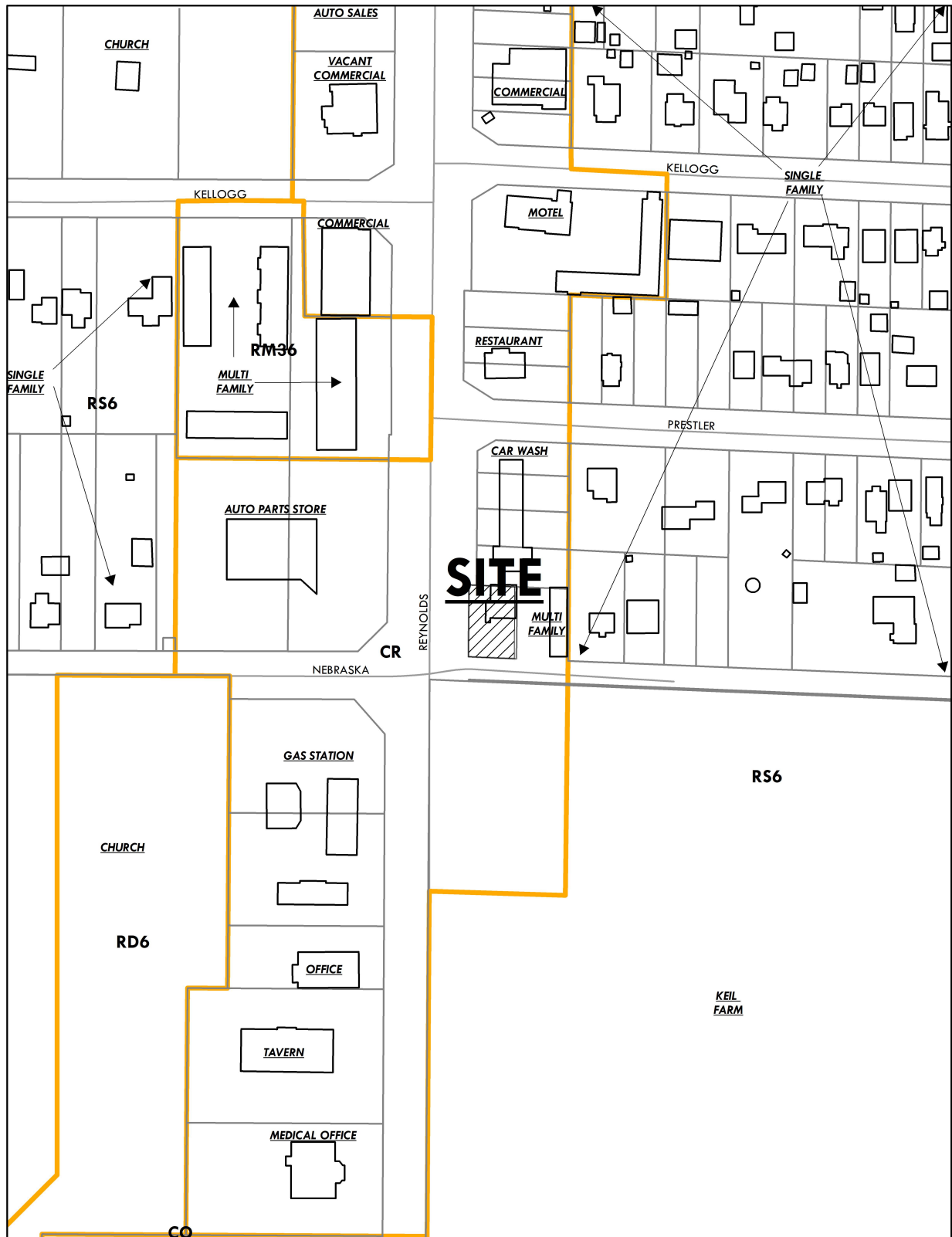
# GENERAL LOCATION

SUP24-00113



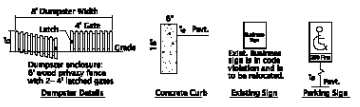
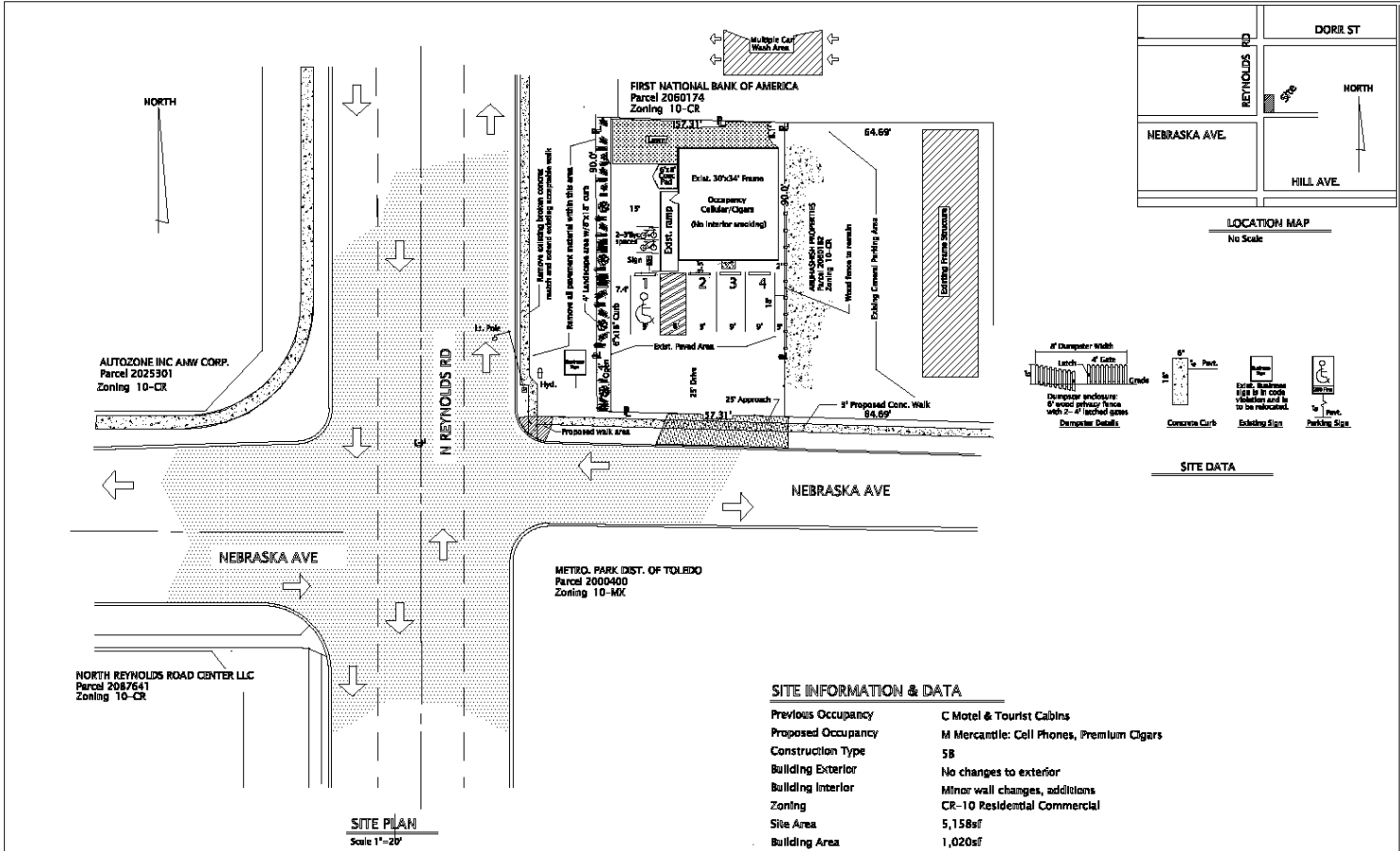
# ZONING & LAND USE

SUP24-00113



# SITE PLAN

SUP24-00113

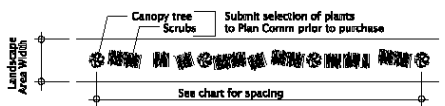


SITE DATA

SITE PLAN  
Scale 1"=20'

LANDSCAPE AREA PLANTINGS

Symbol	Quan.	Botanical Name	Common Name	Size Caliper	Root	Spacing
	6	Acer Scabrum	Legacy Sugar Maple	1-1/2"	BBS	20'o/c



SITE INFORMATION & DATA

Previous Occupancy: C Motel & Tourist Cabins  
 Proposed Occupancy: M Mercantile: Cell Phones, Premium Cigars  
 Construction Type: 5B  
 Building Exterior: No changes to exterior  
 Building Interior: Minor wall changes, additions  
 Zoning: CR-10 Residential Commercial  
 Site Area: 5,158sf  
 Building Area: 1,020sf  
 Parking: 3 Staff & Clients (9'x18')  
 1 Handicapped (12'x18')

Existing: Dumpster on site, landscaping, parking spaces striped, wheel stops,

Property Owner: 606 REYNOLDS LLC  
 Parcel: 2060177  
 Zoning: CR-10  
 Legal Description: Westhaven First  
 Lots 363 & 364 Ex E 64.64' & Ex Roadway

**JOHN A. WEITHMAN**  
 545 KROTZER AVE  
 LUCY, OHIO 43443  
 DESIGN: SITE & FLOOR MEASUREMENTS  
 PH 419-992-8923  
 email: john\_mstoneco@gmail.com

OWNER/OPERATOR  
**Danny**  
 Alpaughish  
 567-322-4711

**Danny's Up In Smoke**  
 606 N REYNOLDS RD  
 TOLEDO, OHIO 43615  
 SITE PLAN & INFORMATION

REVISED  
 01/23/25

DRAWN BY: M,TR  
 DRAWING DATE: 10/03/24

DRAWING  
 SP 1

Submitted for SPECIAL USE