TOLEDO - LUCAS COUNTY PLAN COMMISSIONS
One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: June 14, 2024
REF: SUP-1018-24

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 4103 Monroe Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on June 13, 2024 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for tobacco shop
Location	-	4103 Monroe Street
Applicant	-	Yazeed Qaimari P.O. Box 8523 Toledo, OH 43623
Owner	-	5745-39W Holdings, LLC 4820 Monroe Street Toledo, OH 43623
Engineer	-	John A Weithman, PE P.O. Box 216 Genoa, OH 43430

Site Description

Zoning	-	CR / Regional Commercial
Area	-	± 0.322 acres
Frontage	-	± 124' along Monroe Street
	-	± 114' along Bellevue Street
Existing Use	-	Commercial multi-tenant space
Proposed use	-	Tobacco shop

GENERAL INFORMATION (cont'd)

Area Description

North	-	Monroe Street and commercial businesses / CR
South	-	Light manufacturing, single-family homes and duplexes / IL & RD6
East	-	Chessie Circle Trail, single-family homes and duplexes / RD6
West	-	Bellevue Road, CVS, and commercial businesses / CR

Parcel History

No parcel history on record.

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 4103 Monroe Street. The ± 0.3220 acre site is located southeast of the Monroe Street and Bellevue Road intersection. The site is currently developed with a commercial building divided into two tenant units. The eastern unit is occupied by Metro by T-Mobile. The proposed tobacco shop will be located in the western 1,000 square feet of the building. Adjacent land uses include commercial businesses to the north across Monroe Street; the Chessie Circle Trail, single-family homes and duplexes to the east; light manufacturing to the south; and CVS and other commercial uses to the west across Bellevue 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

- 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 do not indicate any such uses within 500 feet of the proposed tobacco shop; therefore, the proposed location for the tobacco shop complies with this regulation.

STAFF ANALYSIS (cont'd)

- 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 Chessie Circle Trail, a public multi-use path abuts the subject property to the east. Adjacent to the trail is an area that is zoned RD6 - Duplex Residential District. As such, the hours of operation are recommended to be limited in the conditions at the end of this report.

The reuse of an existing developed site does not typically require significant site improvements. It is general policy to allow uses, structures, and lots that came into existence, in conformance with then-applicable requirements, to continue. The goal in review of the reuse is to allow the site to be put to productive use, but to also bring the site into closer compliance with existing regulations as is reasonable. The following items have been reviewed based on this intent.

Parking and Circulation

Circulation through the site will remain the same as it currently exists with access to and from the site through existing curb cuts on both Monroe Street and Bellevue Road. Parking will be situated around the building as it currently exists; however, the size and placement have been changed to provide for the required accessible parking spaces and bicycle slots.

- 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 for the first 50,000 square feet. The entire commercial building consists of 2,400 square feet, which equates to eight (8) 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 12 parking spaces and a bicycle rack for two (2) bicycles. The proposed number of parking spaces are in excess of what is required and the required number of bicycle slots are being provided; therefore, the proposal complies with this requirement.

- Per TMC§1107.1701 one (1) van accessible parking space is required for a parking lot with 1-25 parking spaces. Van accessible spaces must have an 8 foot wide aisle abutting the parking space. The submitted 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. The site plan depicts wheel stops for all proposed parking spaces; therefore, the proposal complies with this requirement.

STAFF ANALYSIS (cont'd)

Landscaping

The Applicant is not proposing any changes to the existing landscape on the site. Since the property fronts on Monroe Street and Bellevue Road, a minimum 15 foot wide frontage greenbelt along the public right-of-ways is required that contains at least one tree for every 30 feet of frontage per TMC§1108.0202. As developed, the current site layout does not meet this requirement. As stated previously, the goal in reviewing the reuse of an existing site is to bring the site into closer compliance with existing regulations as is reasonable. The only existing landscape in the frontage greenbelt is one tree along Bellevue Road. Staff recommends that one (1) additional shade tree be required along Bellevue Road, and three (3) shade trees be required along Monroe Street within the existing lawn area. As is, no additional green space could be allocated on-site without significant changes to the site.

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. The dumpster is located to the west of the existing building along the south property line. The site plan indicates a 6 foot high privacy fence around the dumpster. The proposed screening therefore complies with this requirement.

Building Design and Materials

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

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial land uses. Neighborhood Commercial land uses are predominately small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may be included as well. The proposed tobacco shop is consistent with the intent of this 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 a tobacco shop is a permitted use in the current zoning district and is compatible with adjacent uses in terms of scale, site design and operating characteristics.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-1018-24, a request for a Special Use Permit for tobacco shop at 4103 Monroe Street, 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)); and

PLAN COMMISSION RECOMMENDATION (cont'd)

2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C)).

The Toledo City Plan Commission further recommends approval of SUP-1018-24, a request for a Special Use Permit for tobacco shop at 4103 Monroe Street, to the Toledo City Council subject to the following **twenty-eight (28) 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.

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 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, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

   Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

4. The City of Toledo public water system 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 & Drainage Services

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

PLAN COMMISSION RECOMMENDATION (cont'd)

6. 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

7. 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.

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

9. 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.

10. 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.

11. 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

12. Any remodeling and/or change in level of use for this unused space for the proposed new occupant will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)

13. New and existing buildings shall be provided with approved address identification that meets Building & Fire Code requirements. (OBC 501.2 & OFC 505.1)

14. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Transportation

15. Accessible parking signage is required and must be no less than 60" and no more than 72" above pavement level per TMC 1107.1704.

16. Drive aisles are required to be minimum of 25' wide for two-way traffic per TMC 1107.1911. (Parking needs to be angled on west side of building with painted directional arrows on the ground for one way traffic pattern coming from Bellevue Rd.)

Plan Commission

17. 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 do not indicate any such uses within 500 feet of the proposed tobacco shop. **Acceptable as submitted.**

18. 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.

19. 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 eight (8) parking spaces are required for this site. The site plan depicts 12 parking spaces. **Acceptable as depicted.**

20. 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 minimum of two (2) bicycle parking slots shall be provided when the provision for bicycle parking slots is required. A total of two (2) bicycle slots are required for this site. The site plan depicts a bicycle rack for two (2) bicycles. **Acceptable as depicted.**

21. Per TMC§1107.1701 one (1) van accessible space with an 8 foot wide aisle abutting the space is required. The site plan depicts two (2) accessible parking spaces. **Acceptable as depicted.**

22. 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. **Acceptable as depicted.**

PLAN COMMISSION RECOMMENDATION (cont'd)

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 a minimum 15-foot-wide frontage greenbelt along public right-of-ways is required that contains at least one tree for every 30 feet of frontage. One (1) tree exists along Bellevue Road and no other landscaping is proposed. **Not acceptable as depicted. To bring the site closer into compliance with this requirement, one (1) additional shade tree shall be provided along Bellevue Road and three (3) shade trees along Monroe Street.**

    b. 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. The site plan indicates a 6 foot high privacy fence around the dumpster. **Acceptable as depicted.**

    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. 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.

    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. No new free-standing signs greater that forty-two inches (42") from grade are permitted – any proposed signage must meet the requirements if low-profile signs per Toledo Municipal Code Title Nine – Sign Code.

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.

PLAN COMMISSION RECOMMENDATION (cont'd)

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.

Respectfully Submitted,

Thomas C. Gibbons
Secretary

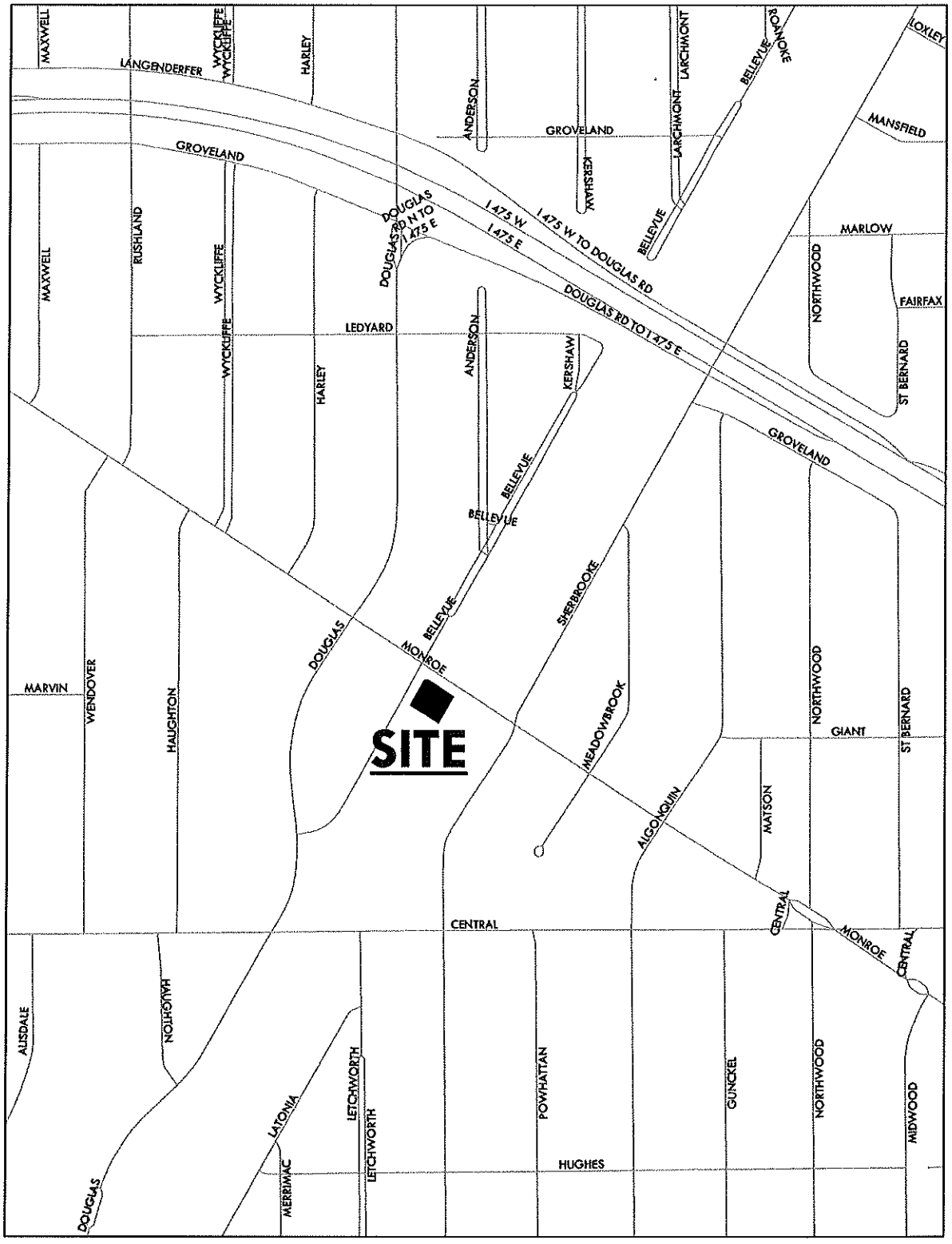
LK
Three (3) sketches follow

CC: Yazeed Qaimari, P.O. Box 8523, Toledo, OH 43623
Lisa Cottrell, Deputy Director
Lisa Karcher, Planner

GENERAL LOCATION

SUP-1018-24

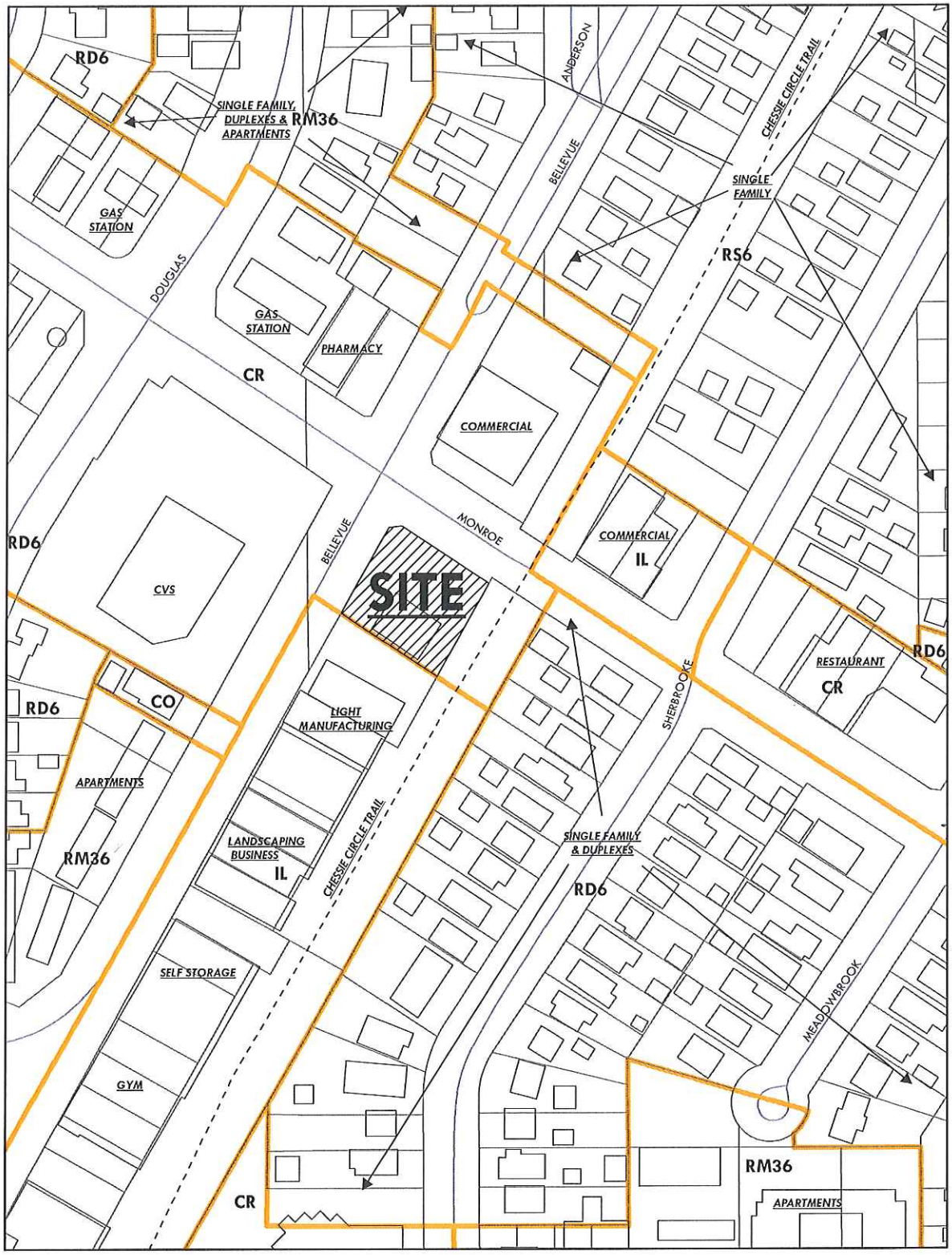
N



ZONING & LAND USE

SUP-1018-24

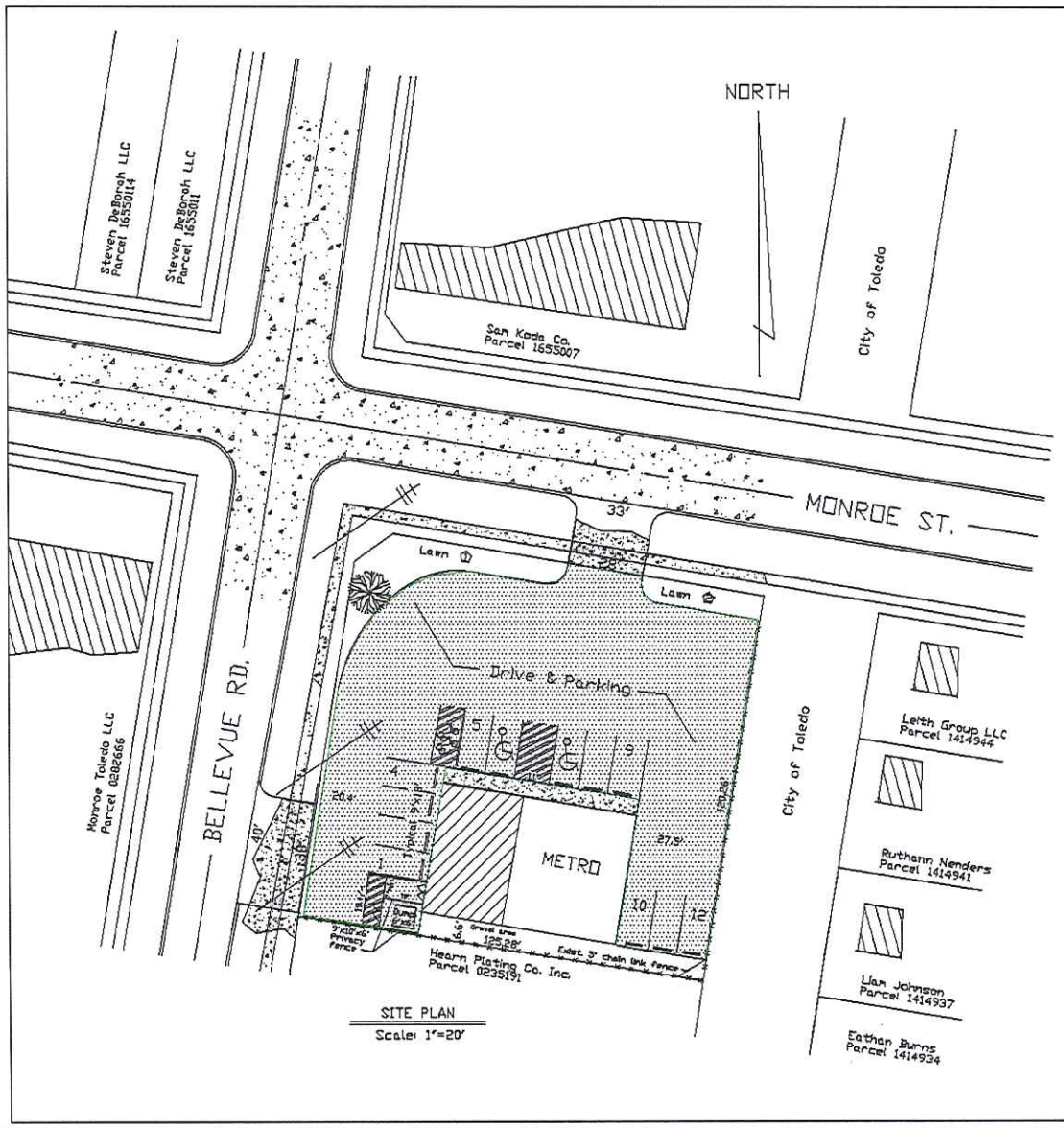
N



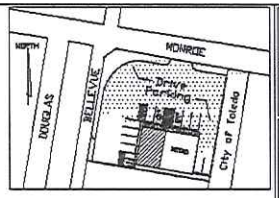
SITE PLAN

SUP-1018-24

N



SITE PLAN
Scale: 1"=20'



SITE INFORMATION & DATA

Building Code	OBC 2017
Proposed Occupancy	M Mercantile
Construction Type	IIB
Building Exterior	No changes
Building Interior	Occupancy Use
Zoning	10-CR
Site Area	15,070
Building Area	2,400sf
Project Area	1,000sf
Pavement Area	8,050sf
Parking	11
Bicycle Racks	2
Dumpster	1
Occupancy Load	16+/-
Customers	13
Staff	3 Actual
Egress width	36" & Dbl 36"
Exits required	2
Exits Supplied	2
Unisex Toilet	1-WC, 1-Lav

Power Pole

Trees
(existing, unknown species)

PLANTINGS
Lawn 1
175sf, Flowers, Shrubs
Lawn 2
85sf, Flowers, Shrubs

PROPERTY DATA
Owner 5745-39W HOLDINGS LLC
Parcel 0235001

SUBMITTED FOR OCCUPANCY

JOHN A. WEITHMAN, P.E.
P.O. BOX 215
OREGON, OHIO 43618
ENGINEERING SURVEYING
Ph 419-902-9323
email: john.nasstoledo@gmail.com

OWNER/OPERATOR
Yazeed Qahari
419-490-8080
Yqahari@aol.com

GET SMOKED VAPE AND TOBACCO
4103 MONROE ST. TOLEDO, OHIO
SITE PLAN, FLOOR PLAN & INFORMATION

REVISED 03/07/24
DRAWN BY JW
DRAWING DATE 01/20/24
DRAWING 1/1