



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: December 6, 2019

REF: SUP-5009-19

TO: President Matt Cherry and Members of Council, City of Toledo

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

SUBJECT: Request for Special Use Permit for Sweepstakes Terminal Café at 330 W. Central Avenue

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 5, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Request for Special Use Permit for a Sweepstakes Terminal Cafe
Location	-	330 W. Central Avenue
Owner	-	Nabil K Shaheen 6930 Dorr Street Toledo, OH 43615
Architect	-	Bryan Ellis Glass City Engineering & Surveying 2001 River Road Maumee, OH 43537

Site Description

Overlay District	-	Cherry Street Urban Neighborhood Overlay
Zoning	-	Regional Commercial / CR
Area	-	.376 Acres. 1500 sq. ft. unit.
Frontage	-	97' along Central Ave
Existing Use	-	Restaurant
Proposed Use	-	Sweepstakes Terminal Cafe

GENERAL INFORMATION (cont'd)

Area Description

North	-	Vacant Land / CR
South	-	Convenience Store and Single-Family Homes / CR and RM36
East	-	Convenience Store, Vacant Lot, Phone Store / CR
West	-	Convenience Store, Phone Store / CR

Parcel History

V-147-74	-	Vacation of a portion of an alley that ran parallel to Cherry Street and a portion of an alley that ran parallel to Central Avenue. Approved by Ord. 747-74.
V-90-81	-	Vacation of an alley northwest of Central Avenue and Cherry Street. Approved by Ord. 376-82.

Applicable Plans and Regulations

- Toledo Municipal Code (TMC), Chapter Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Cherry Street Legacy Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a sweepstakes terminal café at 330 W. Central Ave. The 1,500 square foot site is located at the south end of an existing strip center. Surrounding land uses include vacant land to the north, a carry out and phone store to the east along Cherry Street, a market and single-family homes to the south, and another market to the west. The site is zoned CR, Regional Commercial and a sweepstakes terminal café is a permitted use in this zoning district, subject to approval of a Special Use Permit.

Per TMC 1104.2500 *Sweepstakes Terminal Cafes*, a cafe is subject to two criteria, which are as follows:

A Sweepstake Terminal Cafe shall not be located within a 2,000 foot radius of another Sweepstake Terminal Cafe. This spacing shall apply to Sweepstake Terminal Cafes operating pursuant to a Special Use Permit or operating without such Special Use Permit, by virtue of having been in operation prior to the requirement to obtain such permit.

A Sweepstake Terminal Cafe shall not be located within a 1,000 foot radius of a church, school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

STAFF ANALYSIS (cont'd)

The proposed site does not meet the above criteria. There are **two spacing violations**. The site is located five hundred and ninety-six (596) feet from the Old West End Academy, an Elementary School managed by Toledo Public Schools. The site is also eight hundred and three (803) feet from the First Church of God, a church located to the southwest at 3026 Collingwood Boulevard. Additionally, the Kent Branch Library, another use established specifically for minors, is just over one thousand (1,000) feet to the west of the site.

Parking and Circulation

The site and shared parking lot can be accessed from West Central Avenue to the south and from Cumberland Place to the north. The site is existing and parking is shared with other tenants. As a condition of approval, one (1) handicap accessible space and two (2) bicycle slots shall be provided in a revised site plan.

Landscaping

Regarding the exterior of the building, significant landscaping improvements are not required for tenants of a shared commercial building looking to reuse an existing site. This location does not offer space for landscaping without requiring the removal of blacktop, which will not be required.

Toledo 20/20 Plan

The *Toledo 20/20 Plan* makes the following recommendations for the Old Towne and Warren-Sherman neighborhoods: introducing more service businesses in the area, enforcing aggressively the housing code, and improving the schools. The proposed use does not advance these objectives. The Future Land Use Map designates this site for Neighborhood Commercial Use. The proposed use is compatible with this recommendation.

Cherry Street Legacy Plan

This site is located within the Cherry Street Overlay, and the vision of the Cherry Street Legacy Plan shall be considered. The Cherry Street Legacy Plan emphasizes redevelopment areas, streetscape and enhanced transportation patterns, neighborhood safety and pride, and incentive housing and commercial programs. The plan also discusses the important connection between safe, healthy neighborhoods and improved academic performance and social skills in children. The Cherry Street Legacy neighborhood group has voiced its opposition to this application. Mercy Health owns property directly to the east and north of this site, and is also opposed to this application.

STAFF ANALYSIS (cont'd)

Staff is recommending disapproval because the proposed site is located less than one thousand (1,000) feet from a school and less than one thousand (1,000) feet from a church. This is in violation of the *Spacing Requirements* laid out in TMC§1104.2501(B). Adopted via Ord. 353-18 in August of 2018, this section of the zoning code defines Sweepstakes Terminal Cafes and applies limitations on their locations to prevent them from being too close to locations established specifically for the activities of minors. These limits are consistent with other commercial uses which have the potential to create negative secondary effects on surrounding property owners and/or the neighborhood.

Although staff is recommending disapproval, agency conditions are included as Exhibit "A" of this report.

PLAN COMMISSION RECOMMENDATION

The Plan Commission recommends that the Toledo City Council disapprove SUP-5009-19, a request for a Special Use Permit for a Sweepstakes Terminal Cafe to be located at 330 W. Central Ave, to the Toledo City Council, for the following **two (2)** reasons:

1. The proposed use does not comply with all applicable provisions of this Zoning Code because it is within 1,000 feet of a school and within 1,000 feet of a church, per TMC§1104.2501(B), and
2. The proposed use has the potential to affect the value of other property in the neighborhood in which it is to be located. (TMC 1111.0706.B Review & Decision-Making Criteria).

The Toledo City Plan Commission recommends to the Toledo City Council take the following actions on the following waivers:

Chapter 1104 Use Regulations

1104.2500 Sweepstakes Terminal Cafes

1104.2501 Spacing Requirements

A. A Sweepstake Terminal Cafe shall not be located within a 2,000 foot radius of another Sweepstake Terminal Café. This spacing shall apply to Sweepstake Terminal Cafes operating pursuant to a Special Use Permit or operating without such Special Use Permit, by virtue of having been in operation prior to the requirement to obtain such a permit.

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STAFF RECOMMENDATION (cont'd)

B. A Sweepstake Terminal Cafe shall not be located within a 1,000 foot radius of a church, school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.

Disapprove a waiver to allow a Special Use Permit for a Sweepstake Terminal Café to be located within 1000 feet of a church, school, public park, public library, licensed day care center, or other use established specifically for the activities of minors.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Gibbons".

Thomas C. Gibbons
Secretary

ML
Exhibit "A" Follows
Three (3) sketches follow

CC: Lisa Cottrell, Administrator
Matt Lascheid, Associate Planner
Nabil Shaheen; 6930 Dorr Street; Toledo, OH 43615
Glass City Engineering & Surveying; 2001 River Road; Maumee, OH 43437

Exhibit "A"
Agency Conditions

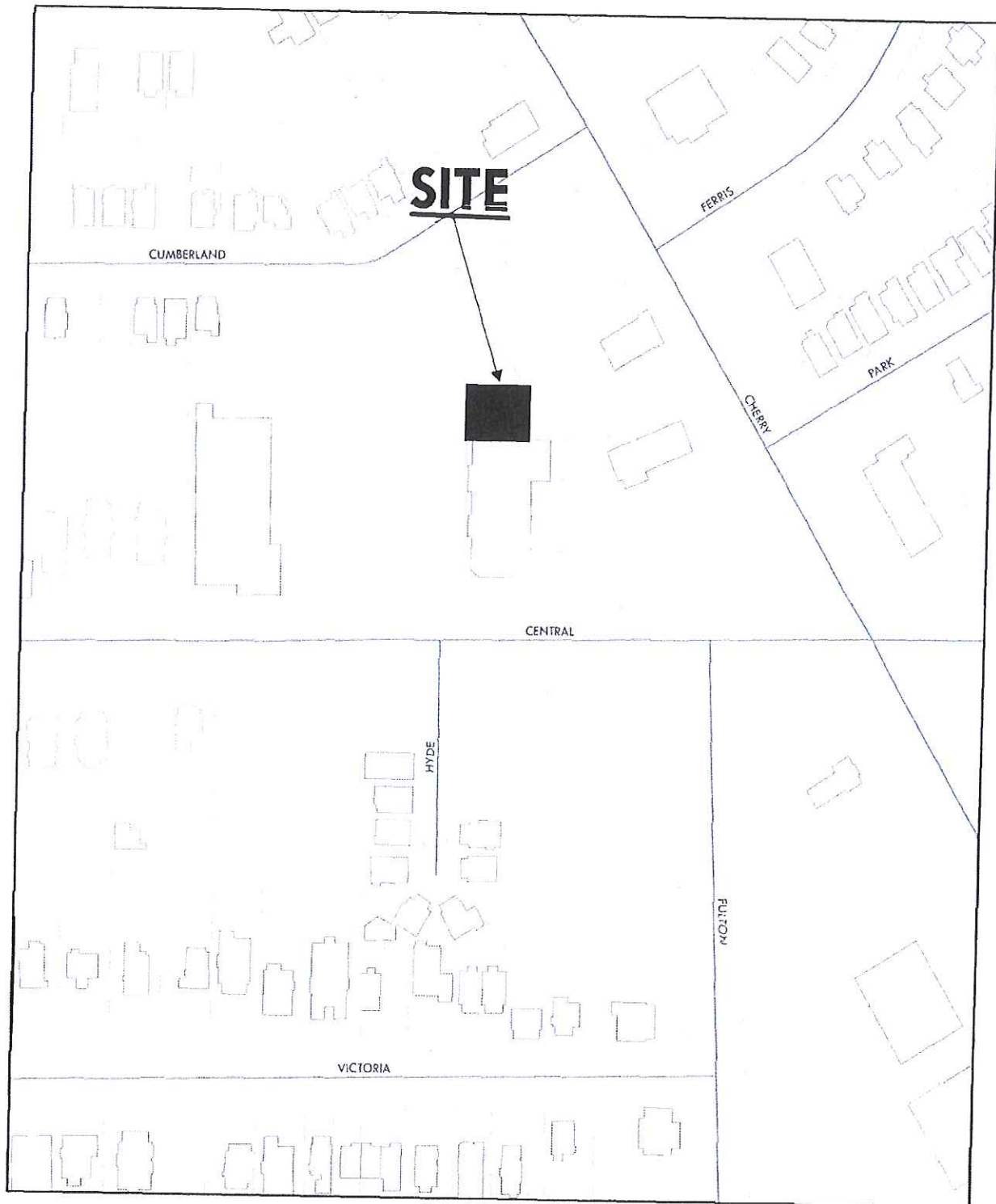
The following **eight (8)** conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Plan Commission

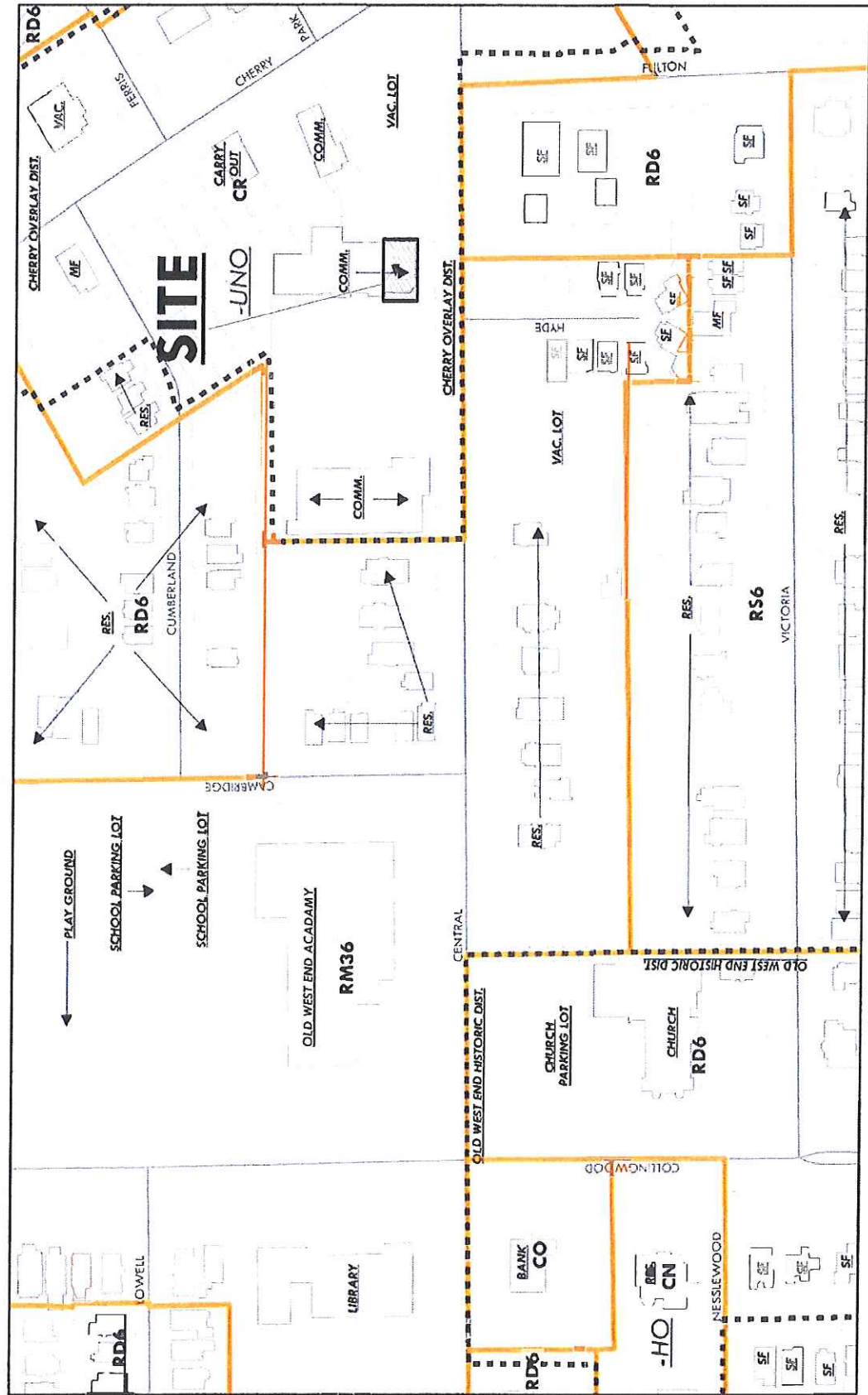
1. A waiver of **TMC§1104.2501** shall be obtained to allow a Sweepstakes Terminal Café to be opened within a 1,000 foot radius of a church, school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.
2. No person, partnership, corporation, or other entity shall operate or conduct a Sweepstake Terminal Café without first obtaining an annual license to operate therefor from the City of Toledo Department of Finance, Division of Taxation and Treasury. The license to operate shall first be obtained prior to the initial operation of the Sweepstake Terminal Café and annually thereafter, with the subsequent annual application and associated fee due prior to the 1st day of August of each calendar year.
3. Per **TMC§1107.0300** and **TMC§1107.0900(B)**, a minimum of two (2) bicycle parking slots shall be provided. **Shall be shown on revised site plan if approved.**
4. Handicap accessible parking spaces shall be located at the entrance to the site. **Shall be shown on a revised site plan if approved.**
5. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
6. 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. Major adjustments will require an amendment to the Special Use Permit.
7. Approval of the Special Use Permit will lapse after one (1) year if the criteria in **TMC§1111.0707** have not been met.
8. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

GENERAL LOCATION

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