



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: February 13, 2020

REF: SUP-12002-19

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

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

SUBJECT: Special Use Permit for s sweepstakes terminal café at 5614 and 5616 Secor Road (parcel address 5624 Secor Road)

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 13, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Request for Special Use Permit for a sweepstakes terminal cafe

Location - 5614 and 5616 Secor Road (parcel address 5624 Secor Road)

Applicant - Ali Mahmoud
3331 Herr Road
Sylvania, OH 43560

Owner - Don Wong
DW28 Sidney Plaza LLC
P.O. Box 5580
Toledo, OH 43613

Architect - John Ciampa
6725 W Central Avenue
Toledo, OH 43617

Site Description

Zoning - Regional Commercial District / CR

Area - ±0.83 acres

Frontage - ±210' along Secor Road

Existing Use - Multi-tenant shopping center

Proposed Use - Sweepstakes terminal cafe

Overlay - None

GENERAL INFORMATION (cont'd)

Area Description

North	-	Credit union / CR
South	-	Doctor's office, retail / CR
East	-	Single Family Homes / RS6
West	-	Car dealership, apartments / CR

Parcel History

SUP-5018-06	-	Special Use Permit for a Convenience Store at 5624 Secor Road. PC approved 8/10/2006. CC approved 9/13/2006. Ord. 693-06 approved 10/3/2006.
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Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a sweepstakes terminal café at 5614-5616 Secor Road (parcel address 5624 Secor Road). A sweepstakes terminal café is defined in the Toledo Municipal Code as any business, establishment, room or place where four (4) or more game of chance entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the computerized sweepstake terminal or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or later time (TMC§1116.0191.1). Conversely, an arcade is defined as any business, establishment, room or place where customers play games of skill for rewards and/or prizes, may allow minors (TMC§1116.0106.1).

Surrounding land uses include a credit union and small big-box store to the north; to the east are single-family homes; to the south is a medical office, commercial tenant spaces, and single family homes; and, to the west are apartments and auto sales.

The Sweepstakes Terminal Cafe will be located in one (1) unit of a multi-tenant neighborhood shopping center. The unit consists of ±2,263 square feet of the total building area (±9,100 square feet). The letter of intent states that the establishment will serve packaged snacks and that the hours of operation will be from 7:00am to 12:00am (midnight).

Per TMC§1104.2500 – *Sweepstakes Terminal Cafe*, a sweepstakes terminal cafe is subject to two criteria, which are as follows:

STAFF ANALYSIS (cont'd)

- 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.*
- B. *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.*

The site does not meet one of these criteria. Although the site is not within a 2,000 foot radius of another sweepstakes terminal café, it is within a 1,000 foot radius of Trilby Park, making the proposed use in violation of TMC§1104.2501(B). Unless otherwise specified, separation distances between a proposed use and an existing use or district are measured from property line to property line by the shortest distance. For leased space in multi-tenant properties, the measurement shall be from the outer boundaries of the leased space (TMC§1106.0208). Geospatial data shows that measured from the outer boundary of the leased space to the edge of the parcel occupied by Trilby Park is a distance of ±956 feet. In order to facilitate the development, the applicant will require a waiver of TMC§1104.2501(B).

Parking and Circulation

The site is a tenant space and parking is shared among the tenants. The entire retail center requires thirty-one (31) spaces; forty-six (46) spaces are available. One (1) auto accessible space and one (1) van accessible space is required per TMC§1107.1700. Additionally, four (4) bicycle parking slots are required. These shall be depicted on a revised site plan.

Landscaping

The site was established before the 2004 zoning code update and therefore not required to fully comply with the landscape requirements.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Plan targets this site for CN Neighborhood Commercial land uses. This zoning district is intended accommodate predominantly small and medium scale commercial uses that serve neighborhoods and nearby residential areas. Small and medium scale office and mixed uses may be included.

STAFF ANALYSIS (cont'd)

Staff recommends disapproval of the Special Use Permit since the proposed use does not comply with all applicable provisions of the zoning code (TMC§1111.0706.B *Special Uses - Review and Decision-Making Criteria*). Additionally, the use is not compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0707.C *Special Uses - Review and Design-Making Criteria*).

Although staff is recommending disapproval, conditions of approval are included as "Exhibit A".

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP-12002-19, a request for a Special Use Permit for a sweepstakes terminal cafe, to be located at 5614-5616 Secor Road (parcel address 5624 Secor Road), to the Toledo City Council, for the following two (2) reasons:

1. The proposed use does not comply with all applicable provisions of the zoning code (TMC 1111.0706.B).
2. The use is not compatible with adjacent uses in terms of scale, sight design and operating characteristics. (TMC 1111.0707.C).

The Toledo City Plan Commission makes the following recommendation to the Toledo City Council on the following waiver request for the Special Use Permit for a sweepstakes terminal café for a site located at 5614-5616 Secor Road (parcel address 5624 Secor Road):

Chapter 1104 Use Regulations

Sec. 1104.2501(B) Sweepstakes Terminal Cafes: Spacing Requirements

A Sweepstakes Terminal Café shall not be located within a 1,000 foot radius of a church, school, public park, public library, licensed child daycare center, or other us established specifically for the activities of minors.

Disapprove a waiver to allow for a Sweepstakes Terminal Café to be located within a 1,000 foot radius of a public park.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

TO: President Cherry and Members of Council
February 13, 2020
Page 5

REF: SUP-12002-19

DD

Three (3) Sketches Follow

Exhibit "A" Follows

Cc: Ali Mahmoud 3331 Herr Road, Sylvania OH 43560
John Ciampa, 6725 W Central Avenue, Toledo OH 43617
Don Wong, DW28 Sidney Plaza LLC, P.O. Box 5580, Toledo OH 43613
Commissioner, Division of Engineering Services
Environmental Services
Fire Prevention
Commissioner, Division of Transportation
Lisa Cottrell, Administrator
Dana Doubler, Planner

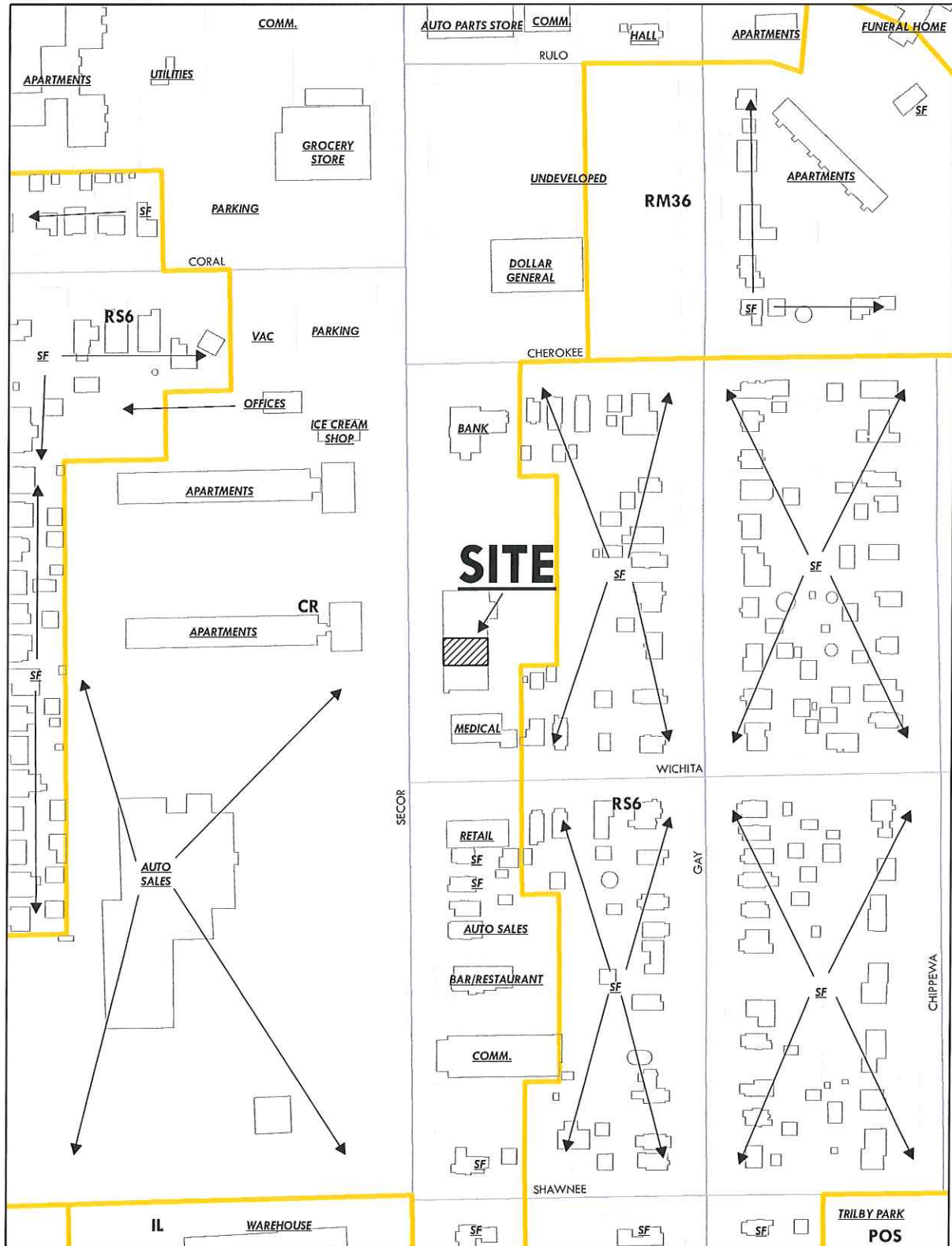
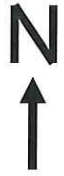
GENERAL LOCATION

SUP-12002-19
ID 55



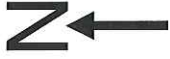
ZONING & LAND USE

SUP-12002-19
ID 55

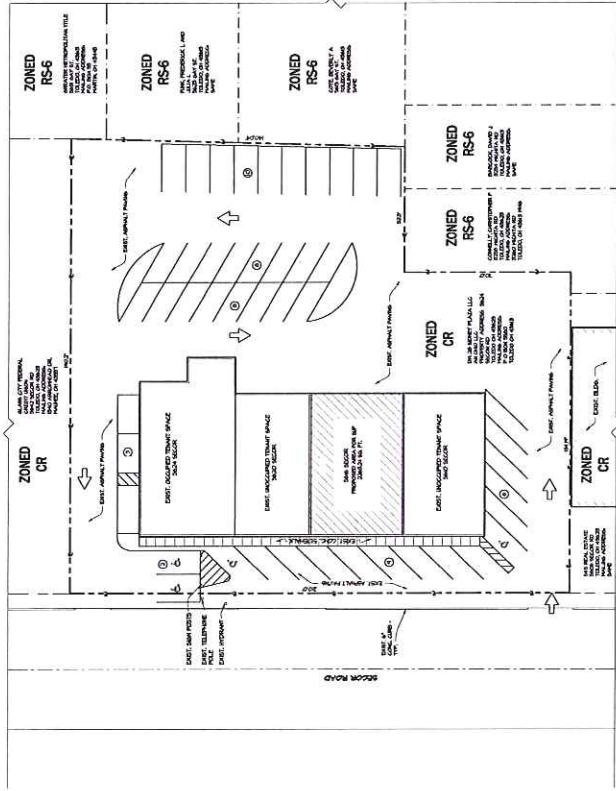


SITE PLAN

SUP-12002-19
ID 55



SUP APPLICATION FOR: SWEEPSTAKES TERMINAL CAFE 5616 SECOR RD.



LOCATION PLAN

ZONING CODE INFO	
PROPOSING JURISDICTION	CITY OF TOLEDO
ZONING CODE	CR
PROPOSED ZONING	CR
PROPOSED OCCUPANCY	RESTAURANT/CAFE
PROPOSED AREA	17,000 SF - 8,100 SF / 200 SF = 31 SPACES
PROPOSED PARKING	48 TOTAL PARKING SPACES 4 EXISTING PARTICIPATED SPACES
LEGAL DESCRIPTION	PARCELS 1000, LOT 208 TO 241

JOHN CAMPA ARCHITECT
6925 W. CENTRAL AVE. #1000, OHIO 43817
TEL: 419/285-8270 FAX: 419/299-1876

REVISIONS SHEET PLAN LOCATION PLAN CODE INFORMATION

SUP APPLICATION FOR
SWEEPSTAKES TERMINAL CAFE

5616 SECOR RD.
TOLEDO, OHIO

DATE: 08/20/2019
JOB NUMBER: 12002-19
DRAWN BY: JAC
CHECKED BY: JAC

SHEET: 1
OF: 1

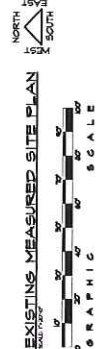


EXHIBIT "A"
(agency conditions)

The following **seventeen (17)** conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Fire Prevention

1. Approved premises identification is required.

Plan Commission

2. 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.
3. No person, partnership, corporation, or other entity shall operate or conduct a Sweepstakes 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.
4. Required spaces for persons with disabilities must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path. **Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance.**
5. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **Not acceptable as depicted on site plan. One (1) van accessible space with an eight foot (8') drive aisle and one (1) car accessible space with a five foot (5') drive aisle shall be depicted. No accessible spaces on the site plan depict a sufficient drive aisle.**
6. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. **Not depicted on the site plan. A revised site plan shall be submitted showing compliance.**
7. 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.

EXHIBIT "A" (cont'd)
(agency conditions)

Plan Commission (cont'd)

8. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
9. 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.
10. 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.