

**TOLEDO - LUCAS COUNTY PLAN COMMISSIONS**

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: June 10, 2022

REF: SUP-4008-22

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 a Sweepstakes Terminal Café at 3344 Secor Rd, Unit A106-A107

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 9, 2022 at 2:00 P.M.

**GENERAL INFORMATION**

Subject

- Request - Special Use Permit for a Sweepstakes Terminal Café
- Location - 3344 Secor Rd, Unit A106-A107
- Applicant - Youssef (Joe) Saadeh  
3344 Secor Rd  
Units A106-A107  
Toledo, OH 43604
- Owner - RYS Holdings LLC  
3154 Navarre Ave  
Oregon, OH 43616

Site Description

- Zoning - CR / Regional Commercial
- Area - ± 1.87 acres
- Frontage - ± 175' along Secor Road  
± 108' along Executive Parkway
- Existing Use - Strip-style Shopping Center Vac. Tenant Space
- Proposed Use - Sweepstakes Terminal Cafe

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	CR/ Drive-Thru Restaurants, Restaurants, Grocery, Commercial, Parking
South	-	CR / Restaurant, Tobacco Shop
East	-	CR / Retail, Apartments
West	-	CR / Bank, Retail, Restaurants

Parcel History

D-5-84	-	Drive-up review for proposed restaurant at 3440 Secor Rd (PC Approved 7/12/84).
SUP-9003-19	-	Special Use Permit for a sweepstakes terminal café at 3344 Secor Road (Withdrawn)

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 to operate a Sweepstakes Terminal Café at 3344 Secor Road. The ± 1.87 acre site is zoned CR and is occupied by a commercial strip-style shopping center with two buildings each housing several units. The applicant has requested the special use permit to cover units A106 and A107 of the shopping center. To the north of the site is a drive-thru restaurant, another shopping center containing a grocery store, restaurants, and other commercial uses; to the east of the site is the other building comprising the shopping center and apartments; to the south of the site is a strip-style shopping center containing restaurants and a tobacco shop; and to the west of the site is a bank, retail, and restaurant uses. A Special Use Permit is required in order to operate a Sweepstakes Terminal Café on any premise in the City of Toledo.

An overview of project details is included in this analysis. A detailed list of all project related items is included in the agency conditions at the end of this report.

**STAFF ANALYSIS (cont'd)**

Use Specific Regulations

Per TMC§1104.2500 Sweepstakes Terminal Cafes are subject to several use specific regulations for the spacing. This use does not violate these regulations and meets the following:

- a. There are no Sweepstakes Terminal Cafes within 2,000 feet of the proposed facility.
- b. There are no churches, schools, public parks, public library, licensed child day care center, or other use established for the activity of minors within 1,000 feet of the proposed facility.

Although there is an existing church building west of the site on Executive Parkway within 1,000 feet of the subject property, the building has been purchased by the applicant and is not currently housing an active congregation and therefore is not considered a church.

Parking

The reuse of a single unit in a multi-tenant space does not typically require significant site improvements. Parking for the shopping center is ample to accommodate the majority of commercial uses.

Landscaping

Minor landscaping upgrades are required when occupying a multi-tenant space. A continuous line of shrubs and two (2) canopy trees along the portion of the parking lot facing Secor Road shall be required per TMC§1108.0204 Parking Lot Landscaping (Interior and Perimeter) in order to screen headlights from the parking area and to reduce urban heat islands in the area.

Elevations

No building modifications are proposed or required for this project. At the time of publication, a building permit has been issued for ongoing façade modifications to the building.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan recommends this site for Regional Commercial uses. This category accommodates large-scale, auto-oriented uses along with a mixture of office and multiple family residential uses. The proposed use is consistent with this recommendation. Further, the project complies with all applicable provisions of this Zoning Code 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-4008-22, a request for a Special Use Permit for a Sweepstakes Terminal Café located at 3344 Secor Rd, Unit A106-A107, to the Toledo City Council, for the following **two (2) reasons**:

1. The use complies with all applicable provisions of the Zoning Code **TMC 1104.0701.B**; and
2. The use is compatible with adjacent uses in terms of operating characteristics (such as noise, traffic generation, and other impacts associated with the use's operation) **TMC 1111.0706.C**.

The Toledo City Plan Commission recommends approval subject to the following **twenty-seven (27)** conditions:

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

### 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
4. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution will provide comments regarding proposed private water mains and/or service lines.

## **PLAN COMMISSION RECOMMENDATION (cont'd)**

### Division of Water Distribution

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
7. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
8. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ (800) 414-4990. Contact the Division of Water Distribution to verify the backflow prevention requirements for the site.
9. Existing water service lines to structures removed from the site will be abandoned by the City of Toledo at the developer's expense.
10. Plans must be submitted and approved by Fire Prevention.

### Sewer and Drainage Services

11. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
12. S&DS requires that the 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

### Environmental Services

13. 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.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Environmental Services (cont'd)

14. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
15. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
16. 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\\_plant\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
17. 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.

Transportation

18. Bicycle parking is required per TMC 1107.0900.
19. Van and auto accessible parking spaces are required to be a minimum of 9'x18' with a 5' loading aisle for auto and 8' loading aisle for van per TMC 1107.1700
20. Accessible parking signage is required at every accessible parking space per TMC 1107.1704
21. Wheel stops are required at property lines, sidewalks, planting strips and builders per TMC 1107.1907.
22. Dumpster locations must be shown per TMC 1107.1910.
23. No parking space is allowed to perpendicularly abut and adjacent space.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission

24. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. A greenbelt is required along the Secor frontage, and shall include two (2) trees and a continuous line of evergreen shrubs when adjacent to the parking lot. Shrubs shall be used to screen headlights. **Acceptable as depicted;**
  - b. All existing trees on site with a caliper of four (4") inches or more shall be shown and incorporated into the landscape plan to the maximum practical extent. Credit may be given for existing trees towards landscaping requirements based upon the crediting system outlined in TMC§1108.0407;
  - c. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
  - 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 and direction of any proposed lighting (lights are to be directed away from adjacent residential properties);
  - f. 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; and
  - g. The location, lighting, and size of any signs.
25. 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.
26. 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.

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**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

27. 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.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

JGL

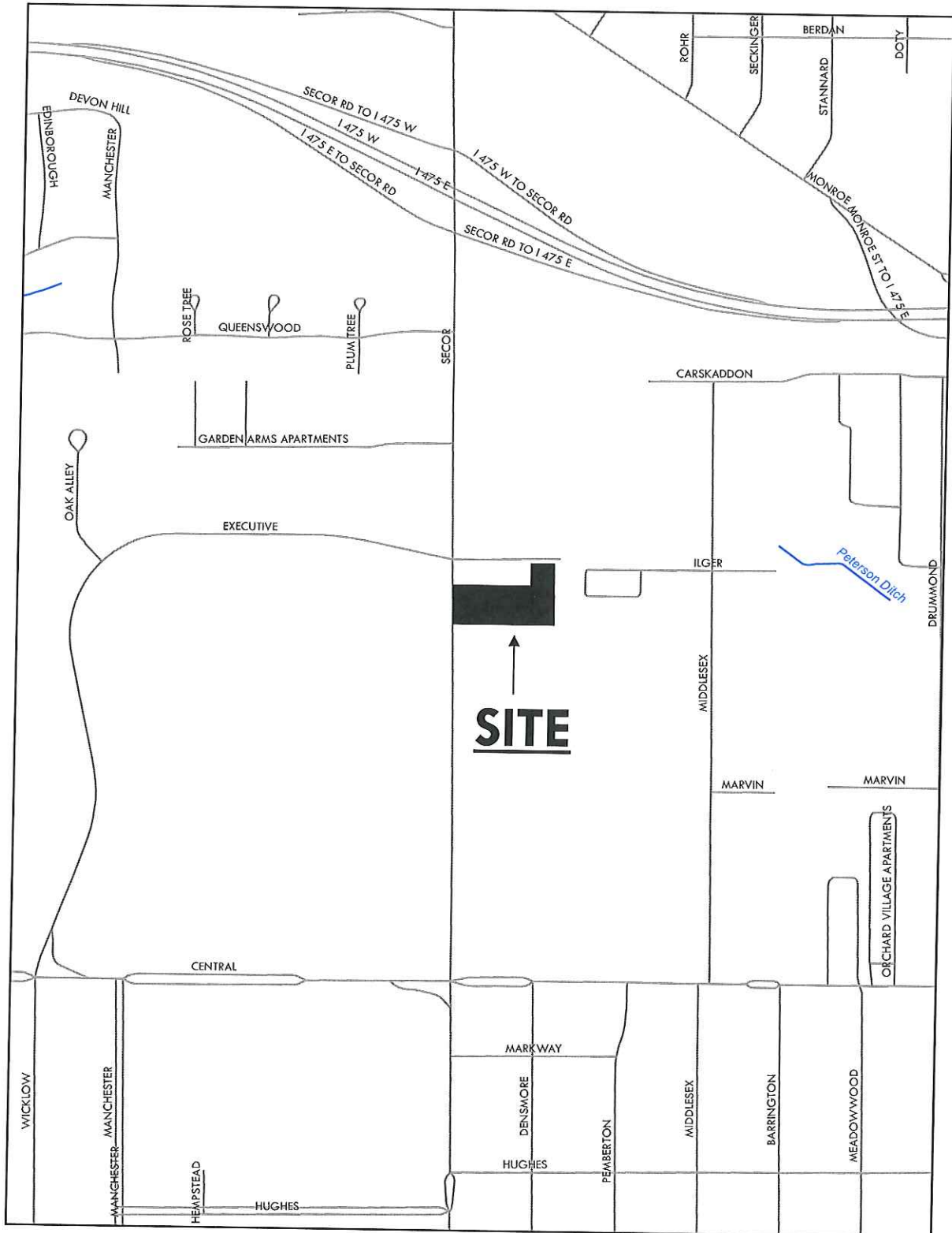
Three (3) sketches follow

Cc: Joe Saadeh  
RYS Holdings  
Lisa Cottrell, Administrator  
Jonny Latsko, Planner



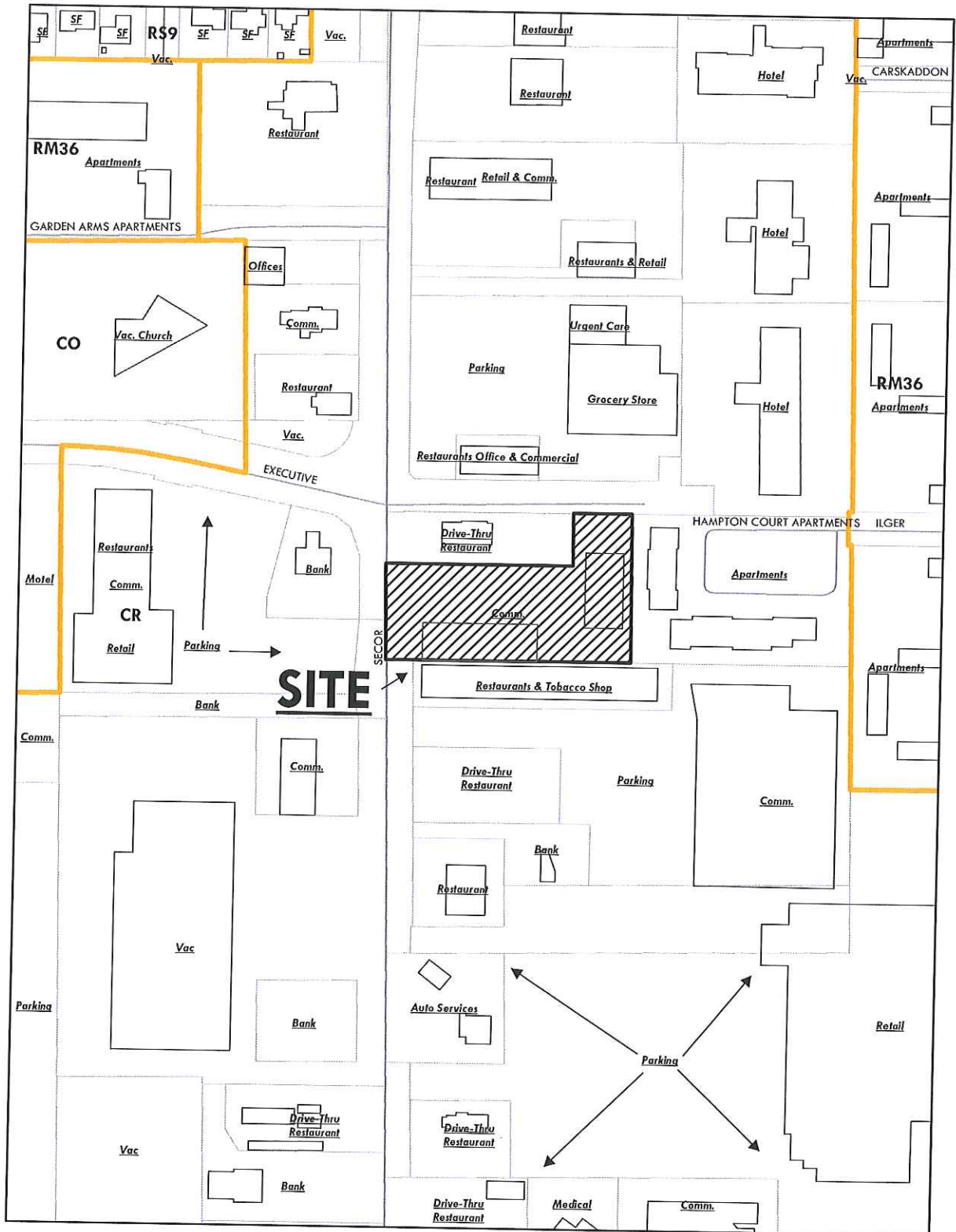
# GENERAL LOCATION

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# ZONING & LAND USE

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# SITE PLAN

**JOHN A. WEITHMAN, P.E.**  
P.O. BOX 216  
GENOA, OHIO 43030  
PH 419-902-9333  
email: john.weithman@gnmail.com

**OPERATOR**  
Joe Sadeh  
419-622-8082

**OWNER/OPERATOR**  
Samrock LLC

**ROYAL FORTUNE CLUB**  
SITE PLAN & DATA  
344 SECOR RD, UNITS A106/A107  
TOLEDO, OHIO

**DATE OF BLDG**  
11/11/11

**REVISIONS**

NO.	DATE	BY	DESCRIPTION

**SITE INFORMATION & DATA**

Building Code	DBC 2011
Previous Occupancy	A3 Electronic Games
Proposed Occupancy	A3 Electronic Games
Construction Type	ITB
Building Exterior	No changes
Building Interior	Minor wall changes
Zoning	10-CR Regional Com.
Site Area	14,550sf
Building Area	2,200sf
Asphalt Paved Parking	>50 Mail Area
>15 Site Area	
General Parking Spaces	18' x 9'
Handicapped Spaces	18' x 11'-6"
Existing Pavement	meets walk areas
No specific landscape areas defined	

Property Owner	RYS Holdings
Parcel	1826347
Accession	0910029
Legal Description	7 9 20 SV 1/4 SLY 265.73' NLY 1088.15' VLY 450.08' as meas. on S line, excl NLY 330' as measured on N line

**LOCATION MAP**

**EXECUTIVE PARKWAY**

**SITE PLAN**  
Scale: 1" = 50'

**Demer**

Demer	Parcel
1	Secor Village LLC 1887740
2	Secor Village LLC 1826343
3	Bennett Growth Prop. LLC 1826349
4	Hampton Court LLC 1826347
5	RYS Holdings LLC 1826399
6	Mone Real Estate LLC 2216629
7	Fifth Third Bank 2216632
8	Market Place XLLC 2216632

**General Parking Area**

**Executive Parkway**

**Secor Road**

**North**

SUBMITTED FOR  
SPECIAL USE