



# 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: January 10, 2020

REF: SUP-10006-19



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 sweepstakes terminal café at 5339 Dorr Street (parcel address 5357 Dorr Street)

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 9, 2020 at 2:00 P.M.

## GENERAL INFORMATION

### Subject

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

Location - 5339 Dorr Street (parcel address 5357 Dorr Street)

Owner - Hani Safar  
2706 Buckhorn Drive  
Sylvania, OH 43560

Architect - Rossi & Associates, LLC  
C/O: Scot Rossi  
970 S. Byrne Road  
Toledo, OH 43609

Architect - Wah Yee Associates  
42400 Grand River Avenue #200  
Novi, MI 48375

### Site Description

Zoning - Regional Commercial District / CR

Area - ±0.80 acres

Frontage - ±394' along Dorr Street

Frontage - ±160' along Sibley Road

Existing Use - Multi-tenant shopping center

Proposed Use - Sweepstakes Terminal Cafe

Overlay - None

Neighborhood Org. - Reynolds Corners Community Development, Inc.

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	Single Family Homes, Vacant Commercial / RS6, CR
South	-	Apartment Building / CR
East	-	Religious Assembly, Multi-Tenant Retail / CR
West	-	Single Family Homes / RS6

Parcel History

No file on record

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 5339 Dorr Street (parcel address 5357 Dorr Street). This type of use is defined 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 single family homes and a small, vacant office building to the north across Dorr Street; to the east is an Islamic Center and further east across Flare Drive is a multi-tenant retail building; an apartment building is to the south; and, to the west are single family homes.

The Sweepstakes Terminal Cafe will be located in one (1) unit of a multi-tenant neighborhood shopping center. The unit consists of ±3,500 square feet of the total building area (±38,623 square feet). Approximately 3,000 square feet of the unit will be equipped with computers and other stand-up sweepstakes terminals. The remaining 500 square feet will be utilized for employee office and storage space. The letter of intent states that the establishment will be a recreational entertainment facility which will provide a fun and social experience to customers of all ages.

## STAFF ANALYSIS (cont'd)

Per TMC§1104.2500 – *Sweepstakes Terminal Cafe*, 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.*
- 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 radius of two (2) religious assemblies, making the proposed use in violation of TMC§1104.2500(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 front door of the leased space to the edge of the parcel occupied by the closest religious assembly is a distance of ±310 feet. In order to facilitate the development, the applicant will require a waiver of TMC§1104.2500(B).

### Parking and Circulation

The site is a tenant space and parking is shared among the tenants. The entire retail center requires 129 spaces; 168 spaces are available. Four (4) auto accessible spaces and one (1) van accessible space is required per TMC§1107.1700. Additionally, seventeen (17) 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 CR Regional Commercial land uses. This zoning district is intended to accommodate predominantly large-scale commercial uses intended to accommodate auto-oriented development (e.g.: malls, big-box retail stores, and mixed use development). Offices and multi-family residential developments may also be interspersed within these districts.

**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 recommend disapproval of SUP-10006-19, a request for a Special Use Permit for a Sweepstakes Terminal Cafe, to be located at 5339 Dorr Street (aka 5357 Dorr Street), 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 made 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 5339 Dorr Street (parcel address 5357 Dorr Street):

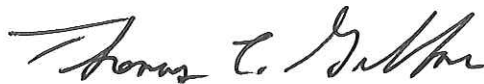
**Chapter 1104 Use Regulations**

**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 religious assembly.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

TO: President Cherry and Members of Council  
January 10, 2020  
Page 5

REF: SUP-10006-19

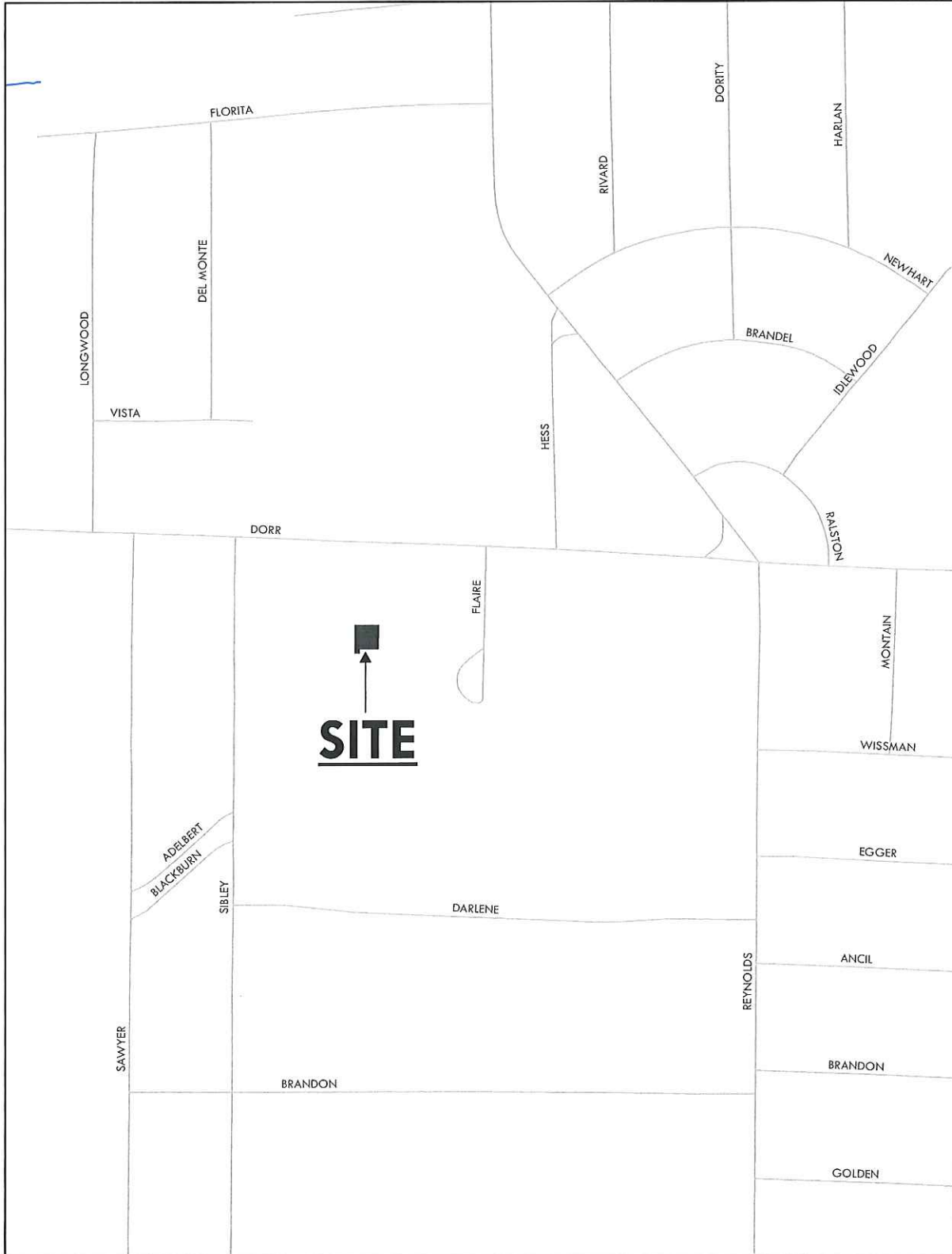
DD

Four (4) sketches Follow  
Exhibit "A"

Cc: Hani Safar, 2706 Buckhorn Drive, Sylvania, OH 43560  
Jerome Parker Esq., Gressley, Kaplin & Parker LLP, One SeaGate, Suite 1645, Toledo OH  
43604  
Rossi & Associates, LLC, C/O: Scot Rossi, 970 S. Byrne Road, Toledo, OH 43609  
Fire Prevention  
Lisa Cottrell, Administrator  
Dana Doubler, Planner

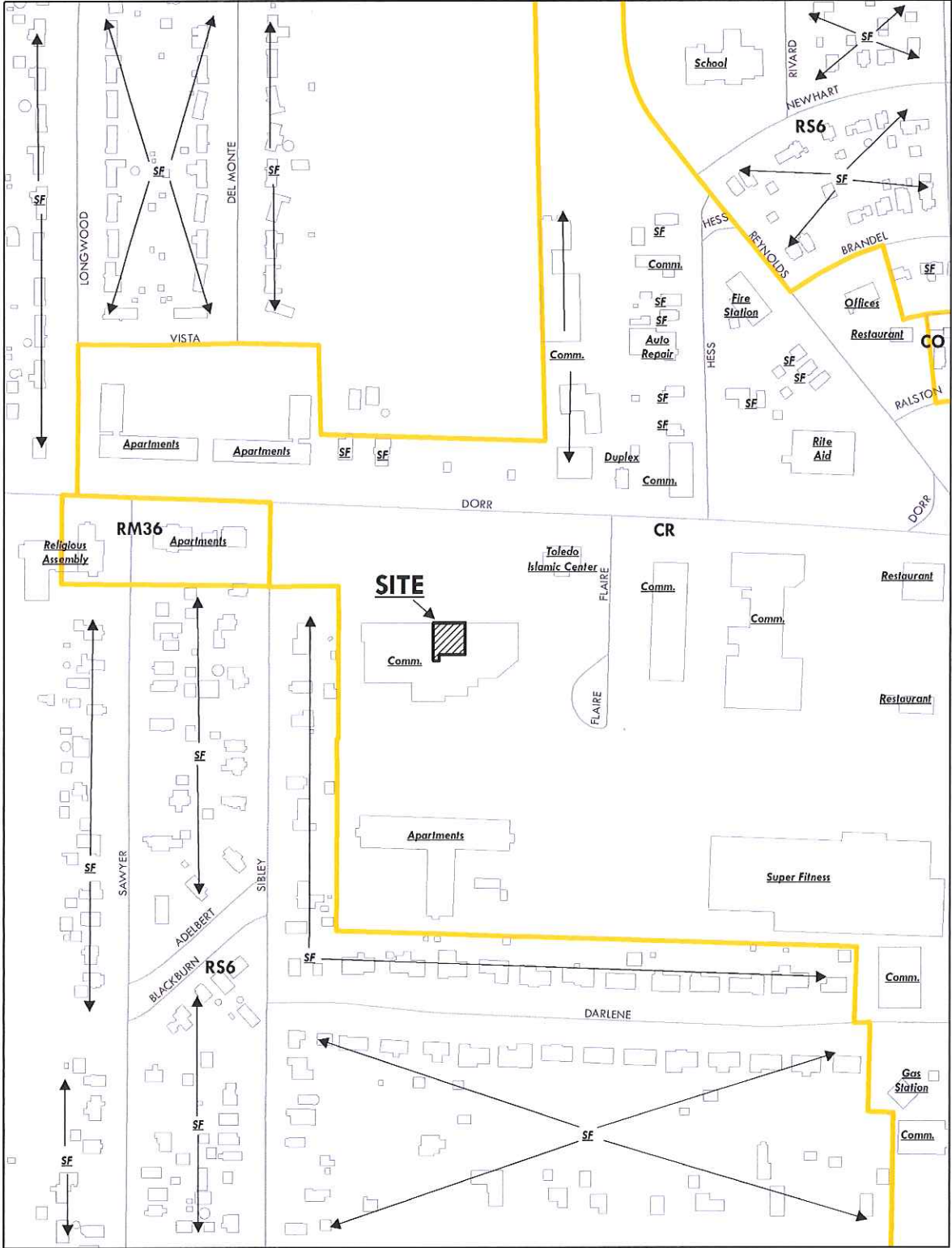
# GENERAL LOCATION

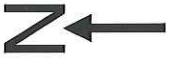
SUP-10006-19  
ID 119



# ZONING AND LAND USE

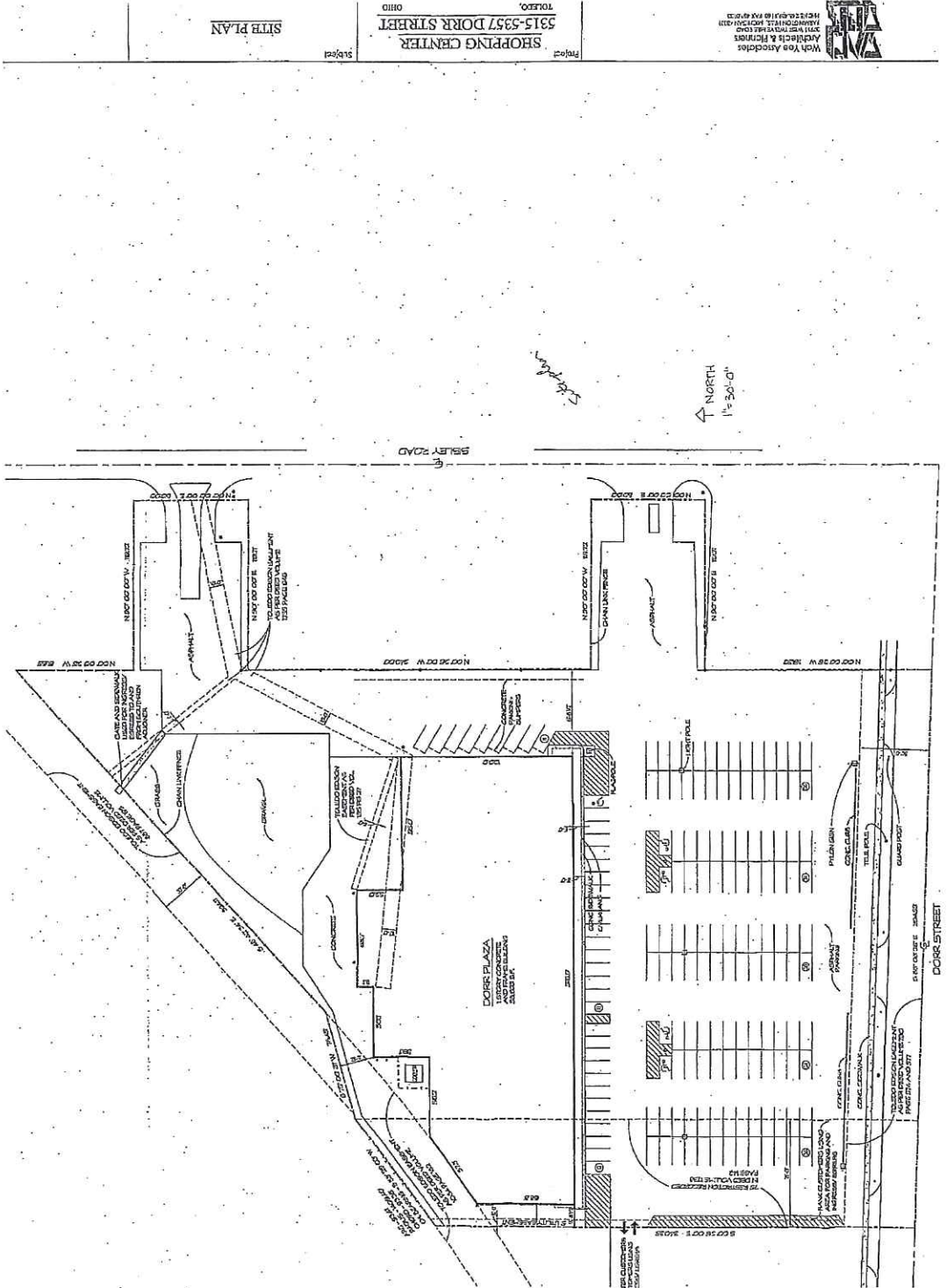
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ID 119

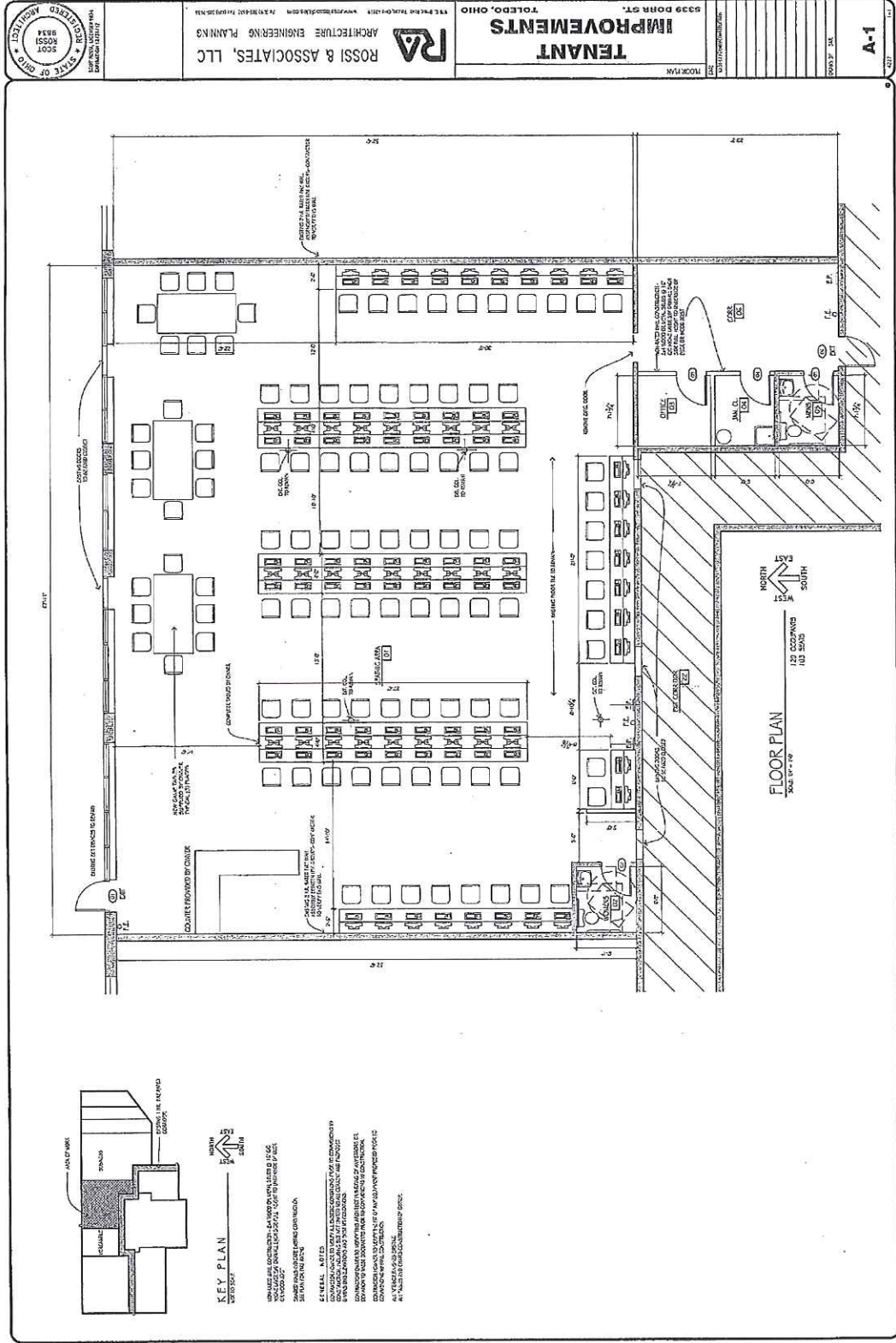
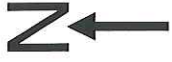
SITE PLAN





# FLOOR PLAN

SUP-10006-19  
ID 119



	<b>ROSS &amp; ASSOCIATES, LLC</b> ARCHITECTURE ENGINEERING PLANNING	5339 DORN ST.
		TOLEDO, OHIO
<b>TENANT IMPROVEMENTS</b>		
FLOOR PLAN		
DRAWN BY: JAE		
DATE: 11/15/2019		
A-1		

**EXHIBIT "A"**  
(agency conditions)

The following **thirteen (13)** 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 1<sup>st</sup> 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. Required spaces for persons with disabilities must be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs must be posted directly in front of the parking space at a height of no less than 60 inches and no more than 72 inches above pavement level **(Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).**
6. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.

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

Plan Commission (cont'd)

7. 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. TMC§1107.0900(B) states: "When the provision of bicycle parking slots is required, the minimum number of slots provided shall be two (2)". **(Not depicted on the site plan. A revised site plan shall be submitted showing compliance).**
8. Site plan was submitted without permission from the design professional. A new site plan shall be submitted.
9. Hours of operation shall be Monday to Thursday 9am-9pm, Friday 11am-8pm, Saturday 9am-2pm, and closed on Sunday.
10. 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.
11. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
12. 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.
13. 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.

Hani Safar, Letter of Intent

October 24, 2019

Hani Safar  
2706 Buck Horn Drive  
Toledo, OH 43560  
904-238-5828

RE: Special Use Permit for 5339 Dorr Street Toledo, OH 43607

To Whom it may Concern:

I write you this letter on October 24th, 2019, as a formal request for a Special Use Permit from the Toledo-Lucas County Plan Commission.

My company sees great potential for commercial growth and development in the Toledo Community. So I've brought my experts, years of experience, and capital to invest and give back to Lucas County.

On November 3rd, 2017, I submitted a request for a Commercial Building Alteration Permit for my leased property at 5339 Dorr Street. After earning permit approval, I immediately began making the necessary alteration with due diligence, which has cost us two years of time and funding. Today, the building is fully compliant and up to city code guidelines to include, building and electrical code as well as successful HVAC & Fire Protection inspections. On September 27th, 2019, I received my Certificate of Occupancy to open for business. Much to my surprise and after all the time, effort, and thousands of dollars spent, I was informed that I was no longer qualified to receive licensing due to a new ordinance, which was legislated after my initial permit request submission in 2017.

After being notified of the new zoning ordinance, I did seek the advice of a legal attorney who has informed me that I do not violate the spacing criteria, meaning my building is neither within 2,000 feet of a similar use nor within 1,000 feet of a church, school, park, daycare center or a use specified for minors.

I kindly ask that you consider my request for a Special Use Permit as I'm not in violation of the zoning ordinance, and I'm eager to begin investing in the Toledo Community by creating jobs and giving back.

I look forward to hearing from you soon. Should you have any questions, comments, or concerns, please feel free to reach me at anytime via phone at 904-238-5828 or 904-294-5955 or via email at safarg@live.com.

Best regards,  
Hani Safar

**Reynolds Corners Community Development**  
5636 Dorr Street Toledo, Ohio 43615 419-535-5667 cell 419-376-9129  
*Rocleen L. Reihing, President Chris Cremean, Vice President, Karen Cremean,, Secretary*  
*“Neighbors Helping Neighbors To Make A Better Neighborhood”*

December 2, 2019

Toledo-Lucas County Plan Commission                      REF: Z-10006.19  
One Government Center Suite 1620  
Toledo, OH 43606

Dear Mr. Pullum & Commissioners, *Please give copies of this letter to the Commissioners:*  
*Ken Fallows, Chairman, Eric Grosswiler, Vice Chairman, Julie Bryant, John Escobar, Brandon*  
*Rehkopf*

My name is Rocleen Reihing, facilitator and representing Reynolds Corners Neighbors and also a close neighbor to this site. **This letter is in reference to Z-10006-19 to obtain a waiver request for a Special Use Permit for a Sweepstakes Terminal Café at 5339- 5341 Dorr St. (aka 5357 Dorr St. Plaza) I will not be attending December 5<sup>th</sup> Plan Commission meeting due to due health reasons and the parking situation, so please use this letter as our voice in opposition! Thank you.**

**WE ARE AGAINST THIS REQUEST, The reasons are:**

**The Reynolds Corners Neighbors Supports Lucas County and City of Toledo’s Plan Commission**

- ❖ *Staff recommendation*
- ❖ **DISAPPROVAL!**

**PLEASE REMEMBER WE ARE A NEIGHBORHOOD COMMUNITY AND WE WOULD LIKE TO KEEP OUR NEIGHBORHOOD FREE FROM INAPPROPRIATE BUSINESSES!**

❖ **FEET FROM SITE**

- ❖ **In same Plaza                      5313 Dorr St.- Toledo Islamic Center**
- ❖ **In same Plaza                      5357 Dorr St- Fun Factory Amusement Center**  
**Open Play for Children Daily 1pm-8pm,**  
**Weekends: Fri., 12-9pm, Sat 10am-9pm., Sun 12-6pm**
- ❖ **847 ft                      5509 Dorr St – Chinese Alliance Church**
- ❖ **847 ft                      5509 Dorr St – Kid Time Childcare**
- ❖ **964 ft                      5522 Dorr St --St. Benedict Catholic Elementary School**
- ❖ **964 ft                      5522 Dorr St. - Little Flower Catholic Church**
- ❖ **1698 ft                      5605 Dorr St.- Day Care Center**

**Legal & Moral Issues:**

Reference to an article: **Internet Sweepstakes Café’s: Unregulated Storefront Gambling in the Neighborhood** by *David O. Stewart, Ropes & Gray, LLP*

- *Quote:* “Café owners and managers are neither licensed nor subject to criminal background checks.
- No one regulates the fairness and integrity of café games
- The results of café gambling are not reported publicly
- Cafes siphon gambling revenue from state as commercial casinos and racetracks, there reducing the funds that go to public education, health and social programs.
- Yet cafes pay no gaming taxes whatever
- Cafes need not exclude underage gamblers, nor are they required to give their customers information about compulsive gambling counseling options”
  - **Compulsive Gambling can destroy relationships, family and lives.**

- **Gambling is an addiction as strong as any drug**

**We would like to keep our neighborhood in excellent and acceptable conditions for our present residents and for future generations to come.**

We do not want these kinds of activities for our community in our neighborhood. The City of Toledo and surrounding cities voted to have Hollywood Casino in our area. We do not need more gambling institutes! We do not want or need to have neighborhood casinos at every corner to increase crime within OUR neighborhoods. There already is one in our neighborhood at N. Holland Sylvania Rd & Bancroft.

The applicant is from Sylvania, Ohio do you think Sylvania would OK this in their boundaries?  
NO, that is why they come to Toledo because they have a better chance of getting this approved here to corrupt our neighborhoods. Toledo needs to be stronger in voting NO, to these un-wanted neighborhood Businesses!

Respectfully and Sincerely,

Rocleen L. Reihing



WAH YEE ASSOCIATES  
ARCHITECTS & PLANNERS  
Since 1961

January 2, 2020

Toledo-Lucas County Plan Commission  
One Government Center  
Suite 1620  
Toledo, OH 43604

Ref: Sup-10006-19  
Sweepstakes Terminal Café  
5339 Dorr Street  
(Parcel Address 5357 Door Street)

Attn: Planner, Doubler

We are not involved in this Project. The Site Plan attached to the Special Use Permit request was drawn by us 15 years ago for a past client, not Hani Safar.

Sincerely,

William J. Eland

CC: Hani Safar  
Scott Rossi





# 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



November 8, 2017

Loai Safar  
Cypr City  
5339 Dorr Street  
Toledo, OH 43615

**RE: Building Plans for Tenant Improvements for Internet Café at 5339 Dorr Street  
Building Plan Ref. No.: BB17-03165**

Dear Loai Safar:

The Division of Building Inspection has referred to this office Building Plans for the above project for conformance with the Toledo Zoning Code. I have signed off on the plans as being in conformance with zoning. However, I would like to take this opportunity to remind you that per Ordinance 272-12, Internet Café's must be licensed in the City of Toledo. If you have not already done so, please contact the City of Toledo's Finance Department regarding licensing procedure.

Please contact me at 419-245-1200 if you have any questions.

Sincerely,

Lisa Cottrell  
Administrator

cc: Scot Rossi, AIA, Rossi & Associates, 970 S. Byrne Road, Toledo, OH 43609  
Paul Syring, General Counsel, Law Department  
Sullivan Nicholls, Admin Officer – Treasury  
Steven Shrake, Chief Building Official  
Julie Gibbons, Assistant Clerk of Council  
Tom Gibbons, Director