



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

REF: SUP-11001-19

DATE: January 15, 2021

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 cafe

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 14, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a sweepstakes terminal cafe
Location	-	820 Matzinger Road
Owner	-	MAS Ventures, LLC Chris Markho 812 Matzinger Road Toledo, OH 43612
Architect	-	Glass City Engineering and Surveying, LLC Bryan Ellis 2001 River Road Toledo, OH 43537

Site Description

Zoning	-	Regional Commercial District / CR
Area	-	6.9 acres
Frontage	-	150' along Matzinger Road
Existing Use	-	Vacant building and unpaved parking lot
Proposed Use	-	Sweepstakes Terminal Cafe

GENERAL INFORMATION (cont'd)

Area Description

North	-	Industrial building and storage yard / IG
South	-	Ottawa River / IG
East	-	Industrial building and storage yard / IG
West	-	Gas station / CR

Parcel History

Z-60-63	-	Zone change from M-2 to C-3. Plan Commission approved on 4/11/63.
T-331-63	-	Lot split approved on 11/8/63, no plat required.
M-30-97	-	Res. 73-79, Stickney Neighborhood North of I-75 to Designate Community Development District and Community Development Plan.
M-8-04	-	Amendment to Stickney Neighborhood North of I 75 to Designate Community Development District and Community Development Plan, Admin Approved.
T-101-20	-	Lot split approved on 10/6/20, no plat required.

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 820 Matzinger Road. Surrounding land uses include industrial business to the north and west side, a gas station to the east, and the Ottawa River to the south.

The cafe will be located in a vacant building with 1600 square feet for the gross building area (GBA). 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.

STAFF ANALYSIS (cont'd)

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

- A. *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. *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.*

The site meets both of these criteria. First, the site is not within 1,000 feet of any public park, public library or day care center. Second, the subject site is not located within a 2,000 foot radius of another Sweepstake Terminal Cafe.

The applicant has stated in the letter of intent that this Sweepstakes Terminal Café will not be open to the general public and restricted to the drivers of the trucks parking and refueling at this site. The access will be restricted by utilizing a key card for entrance and no signage will be displayed on or off site for this use. The building that will house the Sweepstakes Café is an existing service garage that will undergo minor exterior modifications for the conversion.

Parking and Circulation

The site plan submitted depicts one gated access point on Matzinger Road with a second gated entrance located off the side road on Kettering Road. Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*: Schedule A, a sweepstake terminal cafe is required to have one (1) parking space per every 300 square feet of gross floor area, plus one (1) bicycle parking slot per every 10 parking spaces. The number of parking spaces required is five (5) and one (1) handicap parking space located in the front of the building based on the square footage of the building that is 1,600 square feet. The site plan submitted depicts a total of fifteen (15) parking spaces with two (2) handicap accessible parking space for the entire building. The site plan will have to be revised to indicate the bicycle rack and the dumpster location with the appropriate screening.

STAFF ANALYSIS (cont'd)

Landscaping

The site was established before the 2004 zoning code update and therefore not required to fully comply with the landscape requirements. However, per TMC§1114.0502, the site is required to be brought closer into compliance. A minimum 15' frontage greenbelt is required for the site along Matzinger Road frontage and shall not be located within the right of way. The greenbelt shall include at least one (1) tree every thirty-feet (30') of lot frontage. With ±150' of frontage on Matzinger Road, a total of five (5) trees is required in the frontage greenbelt. Trees are not required to be evenly spaced and may be clustered. Staff shall only require a consistent frontage greenbelt and foundation plantings in order to bring the site closer into compliance with current landscaping regulations. The site plan submitted shows the required landscaping and is in compliance with the above requirements.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Plan targets this site for commercial uses and is surrounded by light and heavy industrial properties. This area is considered an industrial district from the past and for the future. The Toledo 20/20 recommends designating large parcels of land as future business or industrial parks, and to aggressively market the existing Brownfield's for industrial uses.

Staff recommends approval of the Special Use Permit since the proposed use complies with all applicable provisions of the zoning code (TMC 1111.0706.B *Special Uses - Review and Decision-Making Criteria*). Second, the site will be a re-use of an existing, vacant building. Finally, the use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC 1111.0707.C *Special Uses – Review and Design-Making Criteria*).

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommended approval of SUP-11001-19, a request for a Special Use Permit for a Sweepstakes Terminal Cafe, to be located at 820 Matzinger Road, to the Toledo City Council, for the following three (3) reasons:

1. The use is compatible with adjacent uses in terms of scale, sight design and operating characteristics.
2. The applicant is proposing a re-use of an existing, vacant commercial building located in the industrial district; and
3. The proposed use complies with all applicable provisions of this Zoning Code (TMC 1111.0706.B *Review & Decision-Making Criteria*).

PLAN COMMISSION RECOMMENDATION (cont'd)

The Toledo City Plan Commission recommended approval of SUP-11001-19, a Special Use Permit for a sweepstakes terminal café at 820 Matzinger Road, to the Toledo City Council, subject to the following thirty-five (35) 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.

Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

2. 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.
3. 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.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.

STAFF RECOMMENDATION (cont'd)

Engineering Services (cont'd)

7. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Engineering Services for review and approval.
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. In the case of renovation, expansion or modification projects, all existing backflow devices must be verified and registered. Where devices are missing, they shall be added. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
9. The design professional or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service line, meter setting or backflow protection device and that these devices are properly installed, tested and in good working order. The City, at its discretion, has the authority to mandate the entire service, including meter and backflow prevention device, be brought into compliance with current City of Toledo standards.
10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
11. A drawing shall be submitted to the city for review and approval of the direction of flow of the runoff from the existing asphalt millings. Sheet flow to an adjacent pervious surface would be acceptable if the adjacent pervious surface is to remain as such per the SUP site plan. A plan to infiltrate the drainage through the grindings would not be accepted because future traffic will compact the grindings into an impervious surface. The plan shall provide adequate space to allow for infiltration so as not to form a nuisance, or shall include an overland flow path to the river as part of the drainage plan so as not to form a nuisance.
12. Any site plan changes made during the development of stormwater approval drawings shall be done in coordination with Plan Commission staff.

Sewer and Drainage Services

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

STAFF RECOMMENDATION (cont'd)

Sewer and Drainage Services (cont'd)

14. 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 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.

Environmental Services

15. 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.
16. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
 - i. Construction BMPs shall be in place prior to the start of construction activities.
 - ii. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
17. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

Environmental Services

18. 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.
19. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
20. 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.

STAFF RECOMMENDATION (cont'd)

Division of Transportation

21. All drive aisles and parking areas shall be of nonporous surface per TMC 1107.
22. Appropriate signage for handicap spaces shall be provided per TMC 1107.17.

Fire Prevention

23. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
24. Maintain all fire department access.
25. Approved Premises identification is required.

Plan Commission

26. Approval of the Special Use Permit will lapse after one year if the criteria listed in TMC 1111.0707 have not been met.
27. Applicant shall obtain a Sweepstakes Terminal Café license, per TMC Chapter 736, before any building permits will be issued.
28. Site is subject to spacing per TMC 1104.2500.
29. 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 to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)). **Acceptable as depicted on site plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

30. A detailed landscaping plan (separate from building & site plans) three (3) copies shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A 15' greenbelt is required along Matzinger Road frontage, not to be located in the right of way, and shall include one (1) tree per every thirty-foot (30') of frontage for a total of five (5) trees. **Acceptable as depicted on site plan).**
 - b. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 108.0400 Landscape Materials Standards. **Acceptable as depicted on site plan.**
 - c. Foundation plantings for the full street-facing building elevation; and landscape areas at major building entrances. **Shall be noted on landscaping plan.**
 - 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. Topsoil must be back filled to provide positive drainage of the landscape area.
 - f. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.
31. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials (**not depicted on site plan**). A revised site plan shall be submitted indicating compliance with this condition.
32. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

33. Provide at least one bicycle parking slot as required for the off-street parking Schedule A.
34. 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.
35. 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.

Respectfully submitted,



Thomas C. Gibbons
Secretary

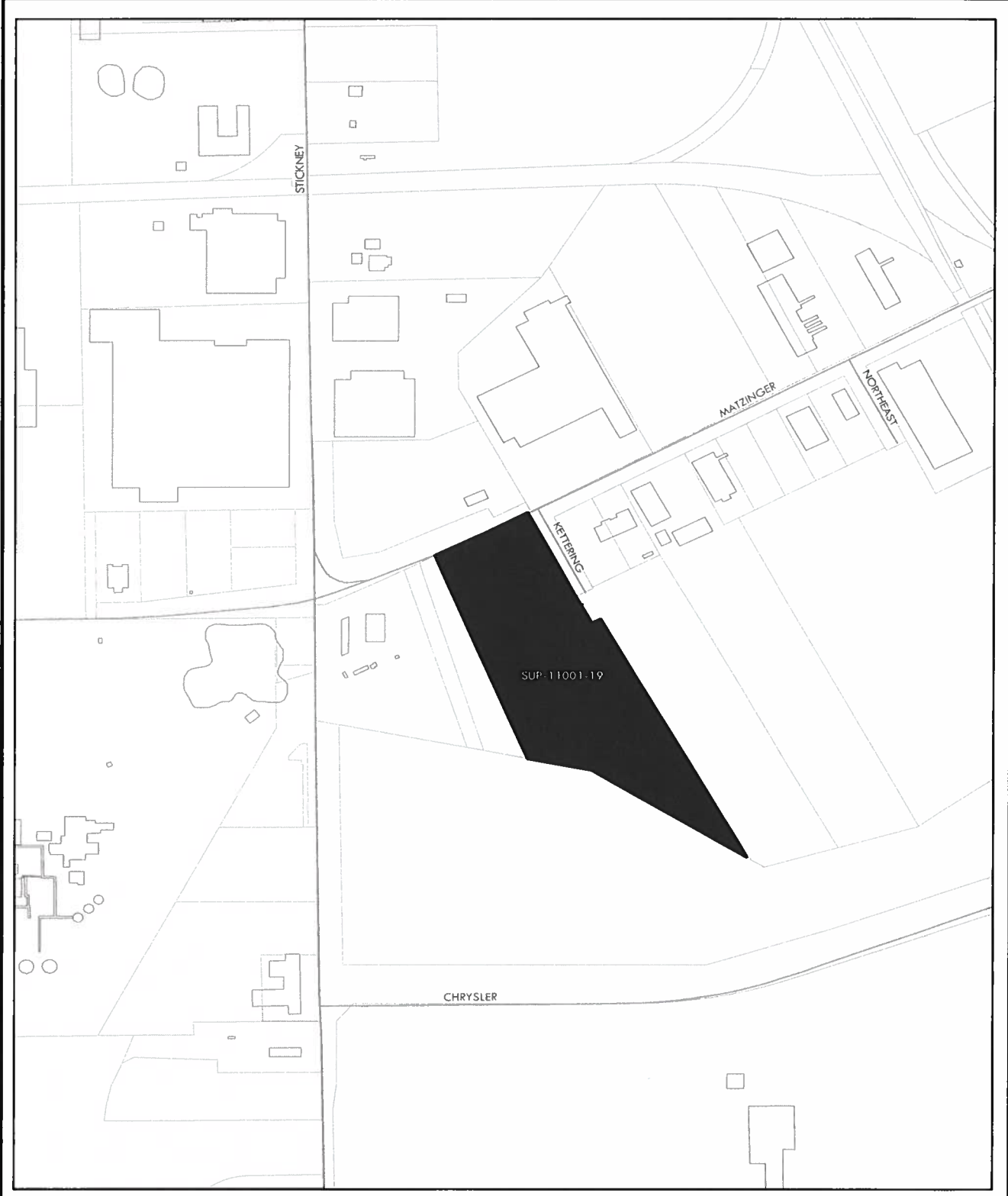
MLM

Three (3) sketches follow

Cc: MAS Ventures, LLC, Chris Markho, 812 Matzinger Road, Toledo, OH 43612
Glass City Engineering and Surveying, LLC, Bryan Ellis, 2001 River Road, Toledo, OH 43537
Engineering Services
Sewer and Drainage Services
Division of Transportation
Environmental Services
Fire Prevention
Lisa Cottrell, Administrator
Molly Maguire, Principal Planner

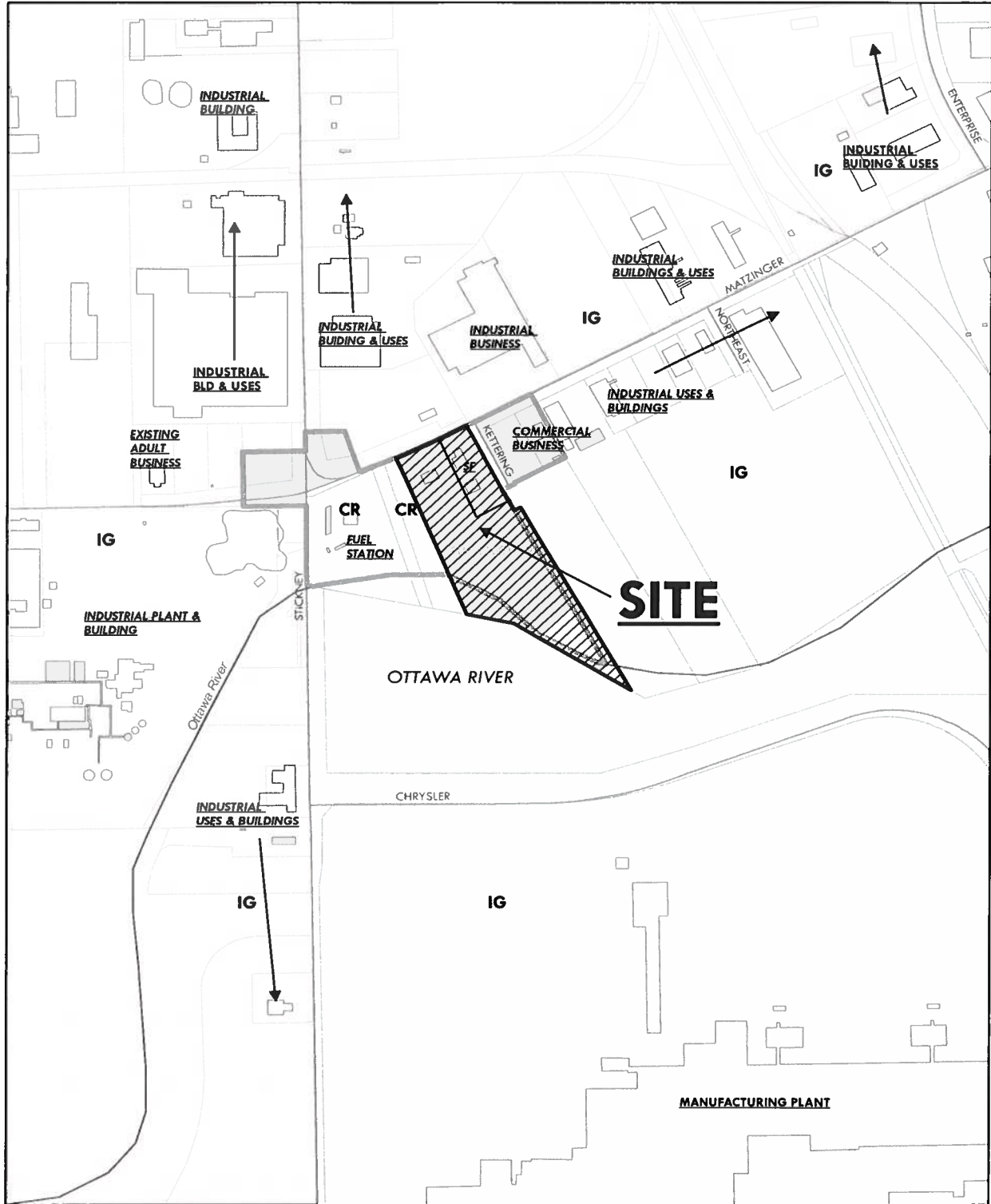
General Location

SUP-11001-19



Zoning & Land Use

SUP-11001-19



owner	mailing address 1	mailing address 2
CITY OF TOLEDO	ONE GOVERNMENT CENTER SUITE 2	TOLEDO OH 43604
CASSENS LAND INC AN ILCORP	145 N KANSAS ST	EDWARDSVILLE IL 62025 1770
SHELLY MATERIALS INC AN OHIO CO	2301 PROGRESS ST	DOVER OH 44622 9641
MAS VENTURES LLC	812 MATZINGER RD	TOLEDO OH 43612
RJ PROPERTY HOLDINGS LLC, A MIC	4747 OTTER CREEK RD	LASALLE MI 48145
PERSTORP POLYOLS, INC A DE CORP	600 MATZINGER RD	TOLEDO OH 43612
STICKNEY PROPERTIES LTDAN OH LT	4901 STICKNEY AVE P O BOX 6976	TOLEDO OH 43612
FCA US LLC	1000 CHRYSLER DR	AUBURN HILLS MI 48326
MATZINGER REALTY LLC	9308 TRANQUIL BREEZE LN	SYLVANIA OH 43560
JNZ PROPERTIES INC	920 MATZINGER RD	TOLEDO OH 43612 3821
ASC ENTERPRISES LTD	5733 SUNSET LAKE	SYLVANIA OH 43560
GDP PROPERTIES LLC AN OHIO LIMIT	1010 MATZINGER RD	TOLEDO OH 43612 3823
D & L STORAGE, LLC, AN OHLIMITED	857 MATZINGER RD	TOLEDO OH 43612
MATZINGER PROPERTY INC	4747 KETTERING DR	TOLEDO OH 43612 3873
BUCKEYE INVESTMENT PROPERTIES,	1038 MATZINGER RD	TOLEDO OH 43612 3850
FAUR WPC (OH) LLC A DELAWARE LI	P.O. BOX 214829	AUBURN HILLS, MI 48321-4829
R A K SERVICES LLC	5410 N CITATION RD	TOLEDO OH 43615
L P INVESTMENT CO AN OHIOPTSHP	4922 STICKNEY AVE	TOLEDO OH 43612 3717
ANN ARBOR ACQUISITION CORP	315 W 3RD ST	PITTSBURG KS 66762
GM OHIO REAL ESTATE HOLDINGS LI	700 E PARK BLVD STE 104	PLANO TX 75074
COYLE MECHANICAL INC, AN OHIO C	940 MATZINGER RD	TOLEDO OH 43612 3821
MOUNTAIN PROPERTY MANAGEME	4949 STICKNEY AVE	TOLEDO OH 43612
BOARD OF LUCAS COUNTY COMMIS	ONE GOVERNMENT CTR #800	TOLEDO OH 43604
GLASS CITY ENGINEERING & SURVEY	2001 RIVER ROAD	MAUMEE OH 43537



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: December 21, 2020
REF: SUP-11001-19
PLANNER: M. Maguire

NOTICE OF PUBLIC HEARING

on

Date: Thursday, January 14, 2021

Request: Special Use Permit for a sweepstakes terminal cafe

Location: 820 Matzinger Road

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the **project applicant** as well as owners of property within and contiguous to and directly across the street from subject parcel (or parcels at the addresses of such owners appearing on the County Auditor's current tax list). Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at **2:00 p.m.** on **Thursday, January 14, 2021** as a Zoom meeting. You may attend this hearing by clicking on the following link at the time of the hearing. You will then be added as an "attendee" and will have opportunity to communicate via a "question and answer" tab. We will receive your comments/questions, and a facilitator will communicate them to the Commission Members. **If you are the project applicant, please make every effort to attend the hearing.**

Zoom Link please join from your PC, Mac, Linux, iOS or Android:

<https://toledo-oh-gov.zoom.us/j/81582335037>

Or for Telephone please dial: 602 333 2017 (USA number)

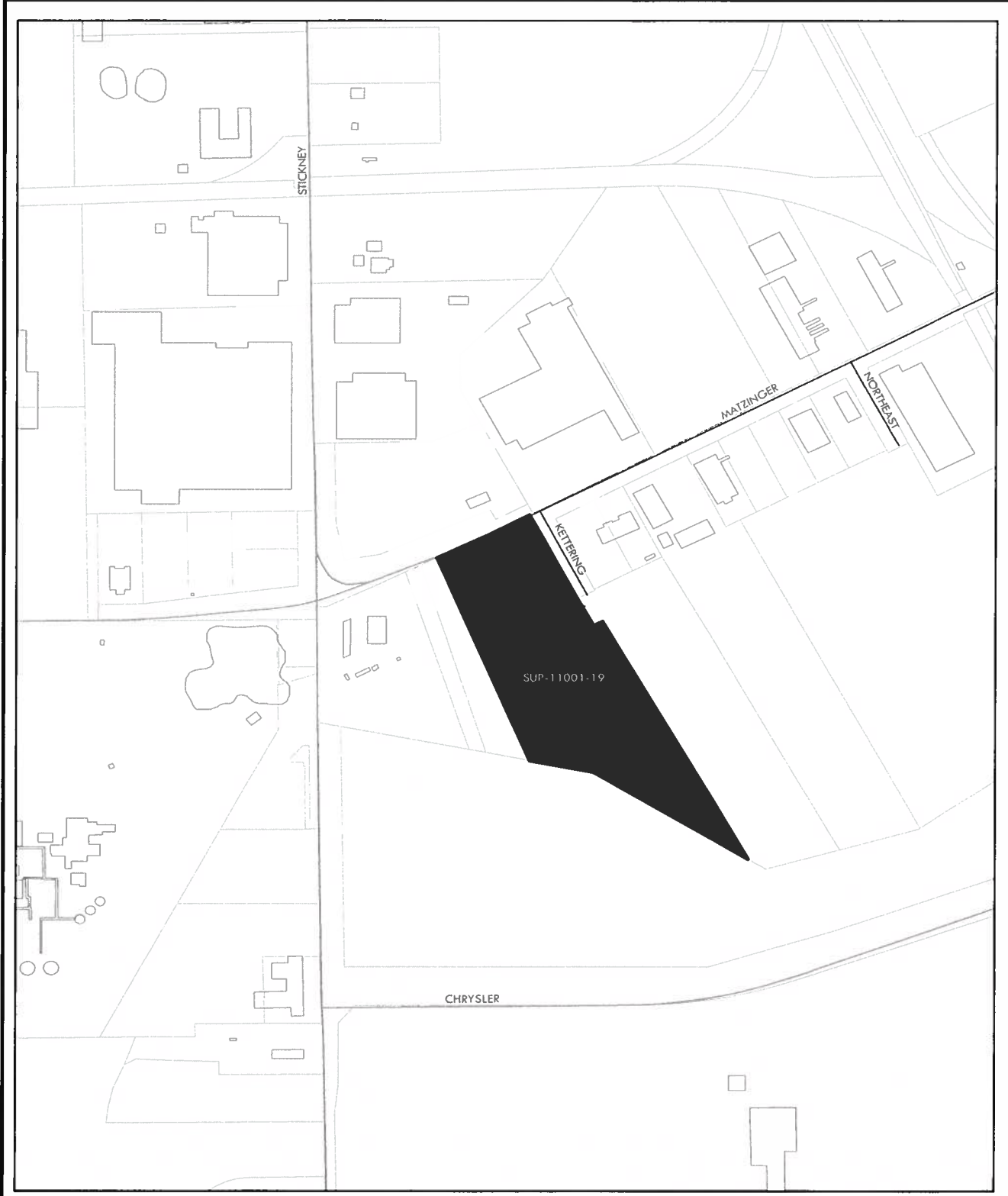
Conference code: 165882

You may also call the office of the Toledo City Plan Commission at **419-245-1200** or email any comments that you have to the planner at molly.maguire@toledo.oh.gov. We will ensure that your comments are incorporated as part of the public record.

TOLEDO CITY PLAN COMMISSION

General Location

SUP-11001-19



CITY OF TOLEDO, OHIO

Clerk of Council
One Government Center
Toledo, Ohio 43604

Julie Gibbons
Assistant Clerk of Council

Telephone
419-245-1060

Date: December 21, 2020
Ref: SUP-11001-19

NOTICE OF PUBLIC HEARING

Wednesday, February 17, 2021

The Zoning and Planning Committee of Council, at a Zoom meeting to be held on Wednesday, February 17, 2021 at 4:00 p.m., will consider the following request:

**Special Use Permit for a sweepstakes terminal café for a site located at
820 Matzinger Road.**

When: February 17, 2021 4:00 PM Eastern Time (US and Canada)

Topic: Toledo City Council Zoning & Planning Committee Meeting

Please click the link below to join the webinar:

<https://toledo-oh-gov.zoom.us/j/84938443246?pwd=bn5DVjVvNEtQcnJIN2ZlY2h5WVY0dz09>

Zoom (click on Join a Meeting tab) Passcode: 253123

Or Telephone please dial:

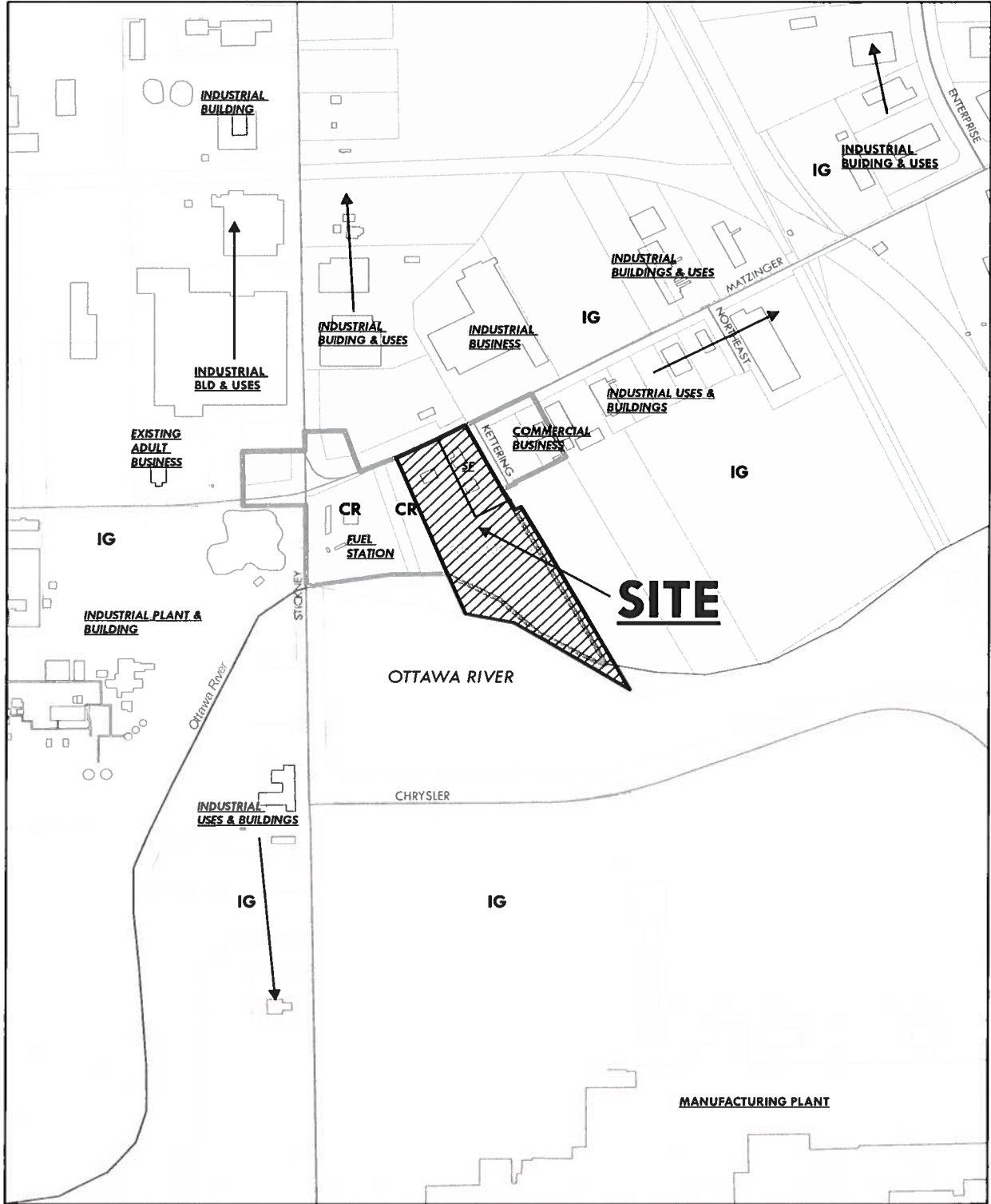
USA 602 333 2017

USA 8882045987 (US Toll Free)

Conference code: 623767

Zoning & Land Use

SUP-11001-19



PUBLIC HEARING

CASE NO. SUP-11001-19

REQUEST: SPECIAL USE PERMIT FOR A SWEEPSTAKES CAFE

APPLICANT NAME: CHRIS MARKO

ADDRESS: 820 MATZINGER RD (ACCESS DRIVE OFF OF KETTERING)

DATE: JANUARY 14, 2021 TIME: 2:00 PM

Contact Person: CHRIS MARKHO

Contact Person Phone Number: 419-283-6387

PLACE: Council Chamber, 1st Floor, One Government Center
Jackson & Erie Streets, Toledo, OH

For Further Information, Contact
The Toledo-Lucas County Plan Commissions

PHONE: (419) 245-1200 FAX: (419) 936-3730

TMC 1111.0304

CITY OF TOLEDO

SIGN POSTING REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedure established by the City Zoning Code (TMC 1111.0304) are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of the public rights-of-way (if the way has been in use) also require signs.

The applicant is responsible for posting the required sign(s) and ensuring that the signs remain posted throughout the 15-day period prior to public hearing. **Failure to maintain the signs during this entire period may be cause for deferral or denial of the application.** Upon notification, the sign(s) is to be picked up at the Toledo-Lucas County Plan Commission office between the hours of 8:00 a.m. and 4:45 p.m.

1. LOCATION

- A. The sign shall be conspicuously located. **It shall be located within twenty feet of the public sidewalk (or edge of public street).** Plan Commission staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be two to seven feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign in order to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then in addition to a sign placed on the property a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. Sign(s) shall be mounted on a post, stake or building at the site.

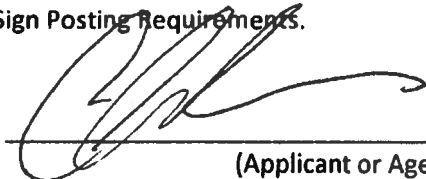
4. PERIOD OF POSTING

- A. Signs must be posted from (dates) 12/29/2020 to 2/26/2021.

5. REMOVAL

- A. The sign shall not be removed before the final hearing on the request.
- B. The sign shall be removed between seven (7) and ten (10) days after the final hearing.

I hereby acknowledge that I have read the above Sign Posting Requirements and discussed them with the Plan Commission staff. I understand all the requirements and agree to comply with each of them. I acknowledge receiving a copy of these Sign Posting Requirements.



(Applicant or Agent)

CHRIS MARKHO

(Print Name or Organization)

419-283-6387

(Telephone No.)

I issued 3 signs for this application 12/29/20

(Date)

MOLLY / MATT

(Staff Member)

Location of sign(s) Matzinger, Kettering, and Stickney

CASE NUMBER SUP-11001-19



SUP-11001-19

LANDSCAPE PLAN

