TOLEDO - LUCAS COUNTY PLAN COMMISSIONS
One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-373

May I

DATE: March 11, 2022
REF: SUP-12007-21

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 1122 N Byrne Rd.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 10, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a sweepstake terminal café
Location	-	1122 N Byrne Road Unit 14
Tenant	-	George Brkat & Khalill Kezi 1122 N Byrne Road Unit 14 Toledo, OH 43607
Owner	-	Sanyoura Management LTD 1122 N Byrne Road Unit 12 Toledo, OH 43607
Architect	-	John Sperry Thomas DuBose & Associates, Inc 350 S Reynolds Road Suite B Toledo, OH 43615

Site Description

Zoning	-	CR Regional Commercial
Area	-	± 2.0 acres
Frontage	-	± 189.2' along N Byrne Road
Existing Use	-	Vacant structure
Proposed Use	-	Sweepstakes Terminal Cafe

GENERAL INFORMATION (cont'd)

North	-	Laundromat & vacant lots / CR
East	-	Single-family residential / RS6
South	-	Single-family residential / RS6
West	-	Student housing, dollar store & restaurants / RM36 & CR

Parcel History

Z-16-C133	-	Zone change from R-1 to C-2. PC approved 12-01-1960.
Z-16-C144	-	Zone change from R-1 to C-2. PC approved 8-03-1961.
D-8-82	-	Proposed drive-thru at 1114 N Byrne Rd.
M-12-62	-	Interim zoning for area bounded by Nebraska, Dorr, Brentwood, and City Line. PC approved 5-3-1962.

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 for a sweepstakes terminal café located at 1122 N Byrne Road Unit 14. The ±2.0-acre site is comprised of two (2) parcels: a five-unit strip mall with an attached apartment complex. Surrounding land uses include student housing, a dollar store and restaurants to the west, a laundromat and vacant lots to the north, and single-family residential to the east and south.

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.

Use Specific Regulations

The TMC 1116.0248 defines a sweepstake terminal cafe as: Any business, establishment, room or place where four (4) or more games 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 a later time.

STAFF ANALYSIS (Cont'd)

The applicant is proposing the development of a sweepstakes terminal café within an existing vacant strip mall unit.

Spacing

1104.2501 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. This location is complaint with all spacing requirements.

STAFF ANALYSIS (cont'd)

Parking

Per TMC 1107.0300 Off-Street Parking Schedule A, the minimum number of required spaces must be 1 space per 300 square feet of business and 1 bike rack per 10 parking spaces. The tenant space is 1,500 square feet and the site plan indicates eighteen (18) parking spaces and is compliant.

Landscaping

The reuse of an existing site is not required to comply fully with current landscape standards. However, the site should have a Type A landscape buffer along 125' of the southern boundary between the residential and commercial zoning districts from the existing fence to the sidewalk. A Type A landscape buffer is a 10' deep buffer including four (4) canopy trees and fifteen (15) shrubs for every 100' of distance. This would equal five (5) canopy trees and eighteen (18) shrubs in total to bring the site closer to compliance. Frontage Greenbelt requirements indicate that at least one (1) tree must be provided for every thirty (30) feet of lot frontage or fraction thereof. No landscaping is indicated in the frontage along Byrne Road. To be compliant a revised site plan must include three (3) trees and a solid evergreen hedge within a 15-foot greenbelt adjacent to the existing tree lawn within the right of way. This could be achieved in the area surrounding the existing tenant sign. All improvements are listed as conditions.

Elevations

The building is existing, therefore there is no review of the building elevation.

In keeping with current Plan Commission policy and the requirements of the updated Sign Code (soon to be adopted); new ground signage will be limited to low-profile monument signage.

STAFF ANALYSIS (Cont'd)
20/20 Plan

The *Toledo 20/20 Comprehensive Plan* targets this area as CN Neighborhood Commercial zoning district is intended to accommodate pedestrian oriented small-scale retail and service businesses which serve nearby residential areas. Staff is recommending approval because the use conforms to the 20/20 Plan and meets all applicable zoning code requirements.

THIS CASE WAS DEFERRED FROM THE PLAN COMMISSION HEARING ON 02/10/2022

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-12007-21, a request for a Special Use Permit for a sweepstakes terminal cafe located at 1122 N Byrne Road Suite 14, to the Toledo City Council, for the following **two (2) reasons:**

1. The use complies with all applicable provisions of the Zoning Code **TMC 1111.0706.A; and**

2. The use is compatible with adjacent uses in terms of scale, site design, and operating characteristics per **TMC 1111.0706.C**.

The Plan Commission recommends approval subject to the following **twenty-six (26)** 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.

PLAN COMMISSION RECOMMENDATION (cont'd)
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, from One Stop Shop, (419) 245-1220.

Sewer and Drainage Services

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

5. 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

6. 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.

7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

8. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)
Environmental Services (Cont'd)

9. 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

10. 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.

Fire Department

11. 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.

12. Approved premise identification is required.

Transportation

13. Bicycle parking must be shown per TMC 1107.0900.

14. One van accessible parking with an 8' loading aisle for van is required per TMC 1107.1701 and TMC 1107.1702.

15. Parking areas loading areas, driveways, drive aisles and maneuvering areas are required to be made of concrete, asphalt, and or other dust-free material per TMC 1107.1906. (Stone and gravel are not permitted.)

16. Wheel stops are required at all parking spaces abutting sidewalks, buildings, planting areas and property lines per TMC 1107.1907.

17. 25' wide drive aisle is required where there is two-way traffic per TMC 1107.1911. (Perpendicular parking spaces that abut the existing sign is not permitted.)

18. If one is not already established, a cross-access agreement is required with all adjacent property owners.

PLAN COMMISSION RECOMMENDATION (cont'd)
Plan Commission

19. If applicable, dumpsters shall be screened from view and may not be located in any required setback or landscape buffers and as far from residential areas as possible per TMC 1108.0203.G.

20. Two (2) bicycle parking racks must be shown per TMC 1107.0300.

21. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot.

22. 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. Per TMC 1108.0202.B.1 Frontage Greenbelt requirements indicate that at least one (1) tree must be provided for every thirty (30) feet of lot frontage or fraction thereof. No landscaping is indicated in the two (2) frontages along Byrne Road. To be compliant a revised site plan must include three (3) trees and a solid evergreen hedge within a 15-foot greenbelt adjacent to the existing tree lawn within the right of way.

    b. In addition to the existing landscaping at the site, a Type A landscape buffer along 125' of the southern boundary between the residential and commercial zoning districts from the existing fence to the sidewalk must be included. This would equal five (5) canopy trees and eighteen (18) shrubs in total to bring the site closer to compliance.

       In lieu of a Type A Landscape Buffer, the retaining wall to the south of the property shall be reconstructed. 3/10/2022

    c. Landscape areas within the parking area must be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;

    d. Topsoil must be back filled to provide positive drainage of the landscape area.

    e. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)
Plan Commission (Cont'd)

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 shall meet the standards included in TMC 1108.0400 Landscape Materials Standards. **Calculations shall also be provided indicating compliance will all required landscaping requirements.**

23. No new free-standing signs greater than forty-two (42) inches from grade are permitted – any proposed signage must meet the requirements of Toledo Municipal Code Title Nine – Sign Code.

24. 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.

25. 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.

26. 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

Thomas C. Gibbons
Secretary

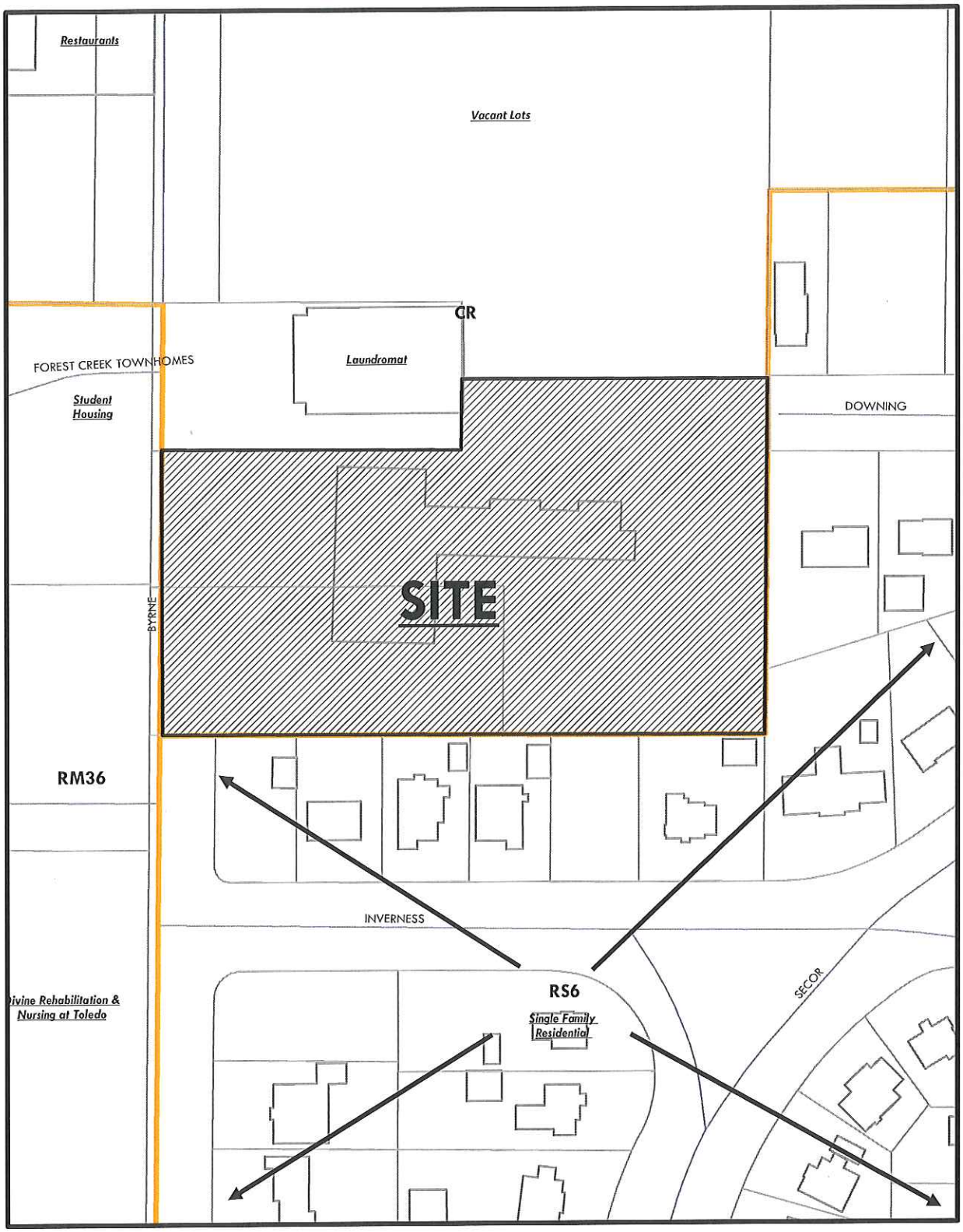
Four (4) sketches follow

Cc: George Brkat & Khalill Kezi; 1122 N Byrne Road Unit 14; Toledo, OH 43607
Sanyoura Management LTD; 1122 N Byrne Road Unit 12; Toledo, OH 43607
John Sperry; Thomas DuBose & Associates, Inc; 350 S Reynolds Road Suite B
Toledo, OH 43615
Lisa Cottrell, Administrator
Matt Lascheid, Associate Planner

ZONING & LAND USE

SUP-12007-21

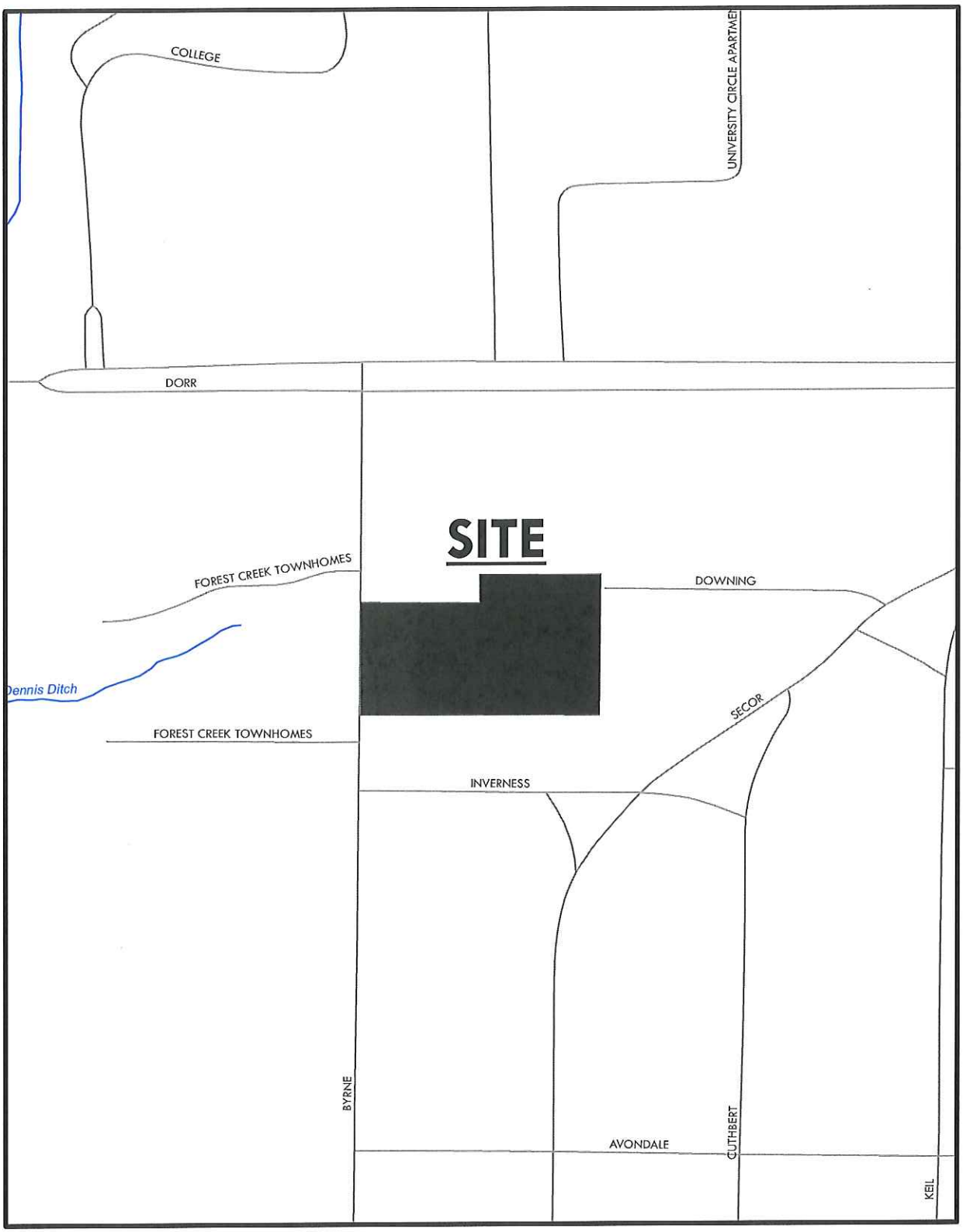
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GENERAL LOCATION

SUP-12007-21

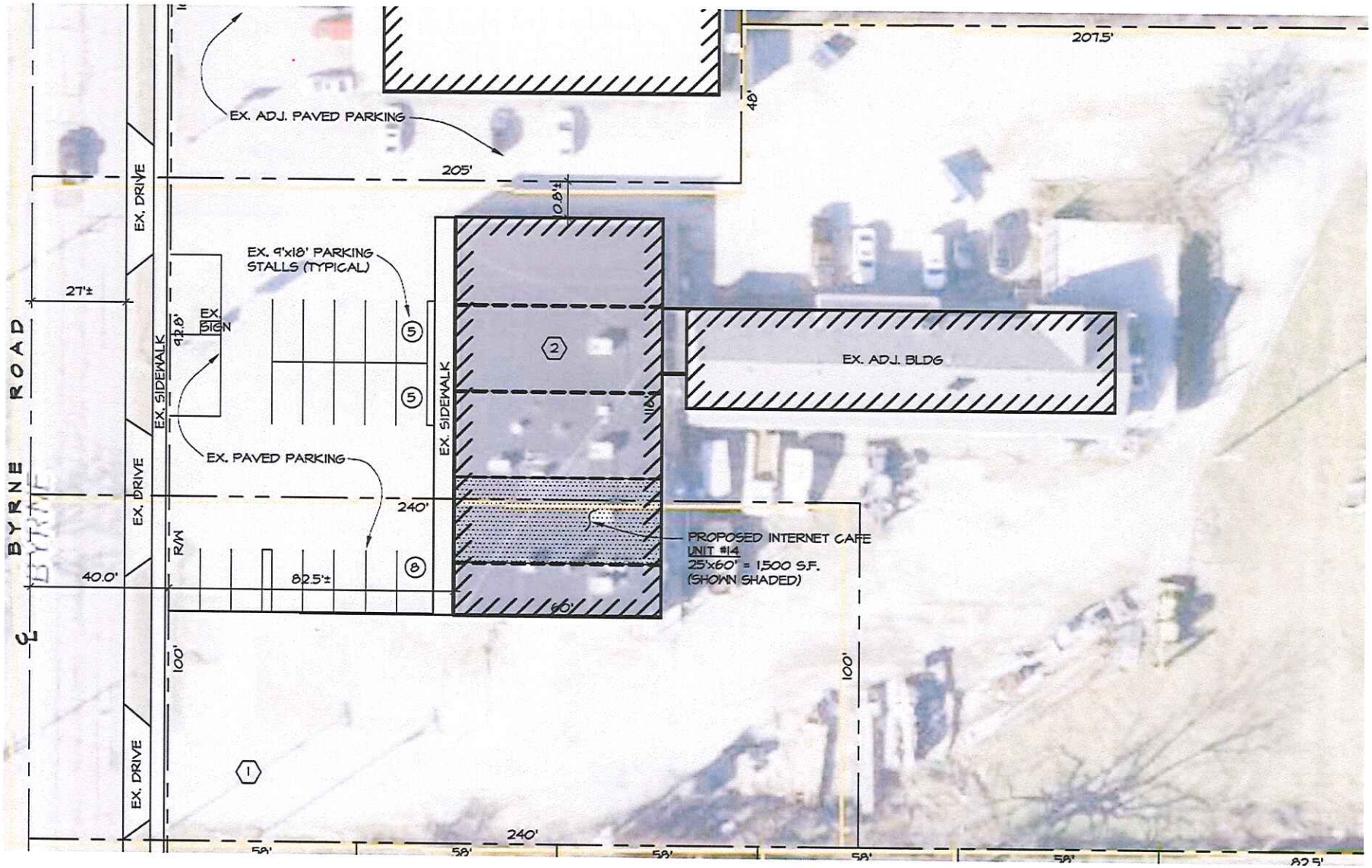
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SITE PLAN

SUP-12007-21

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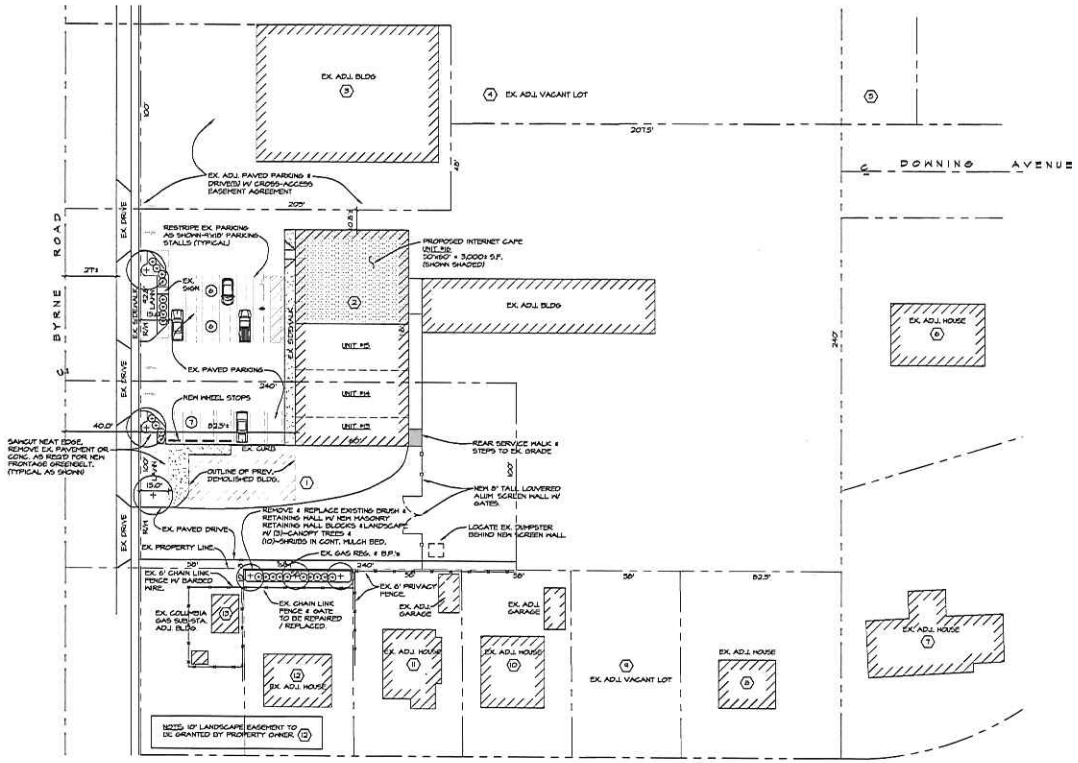






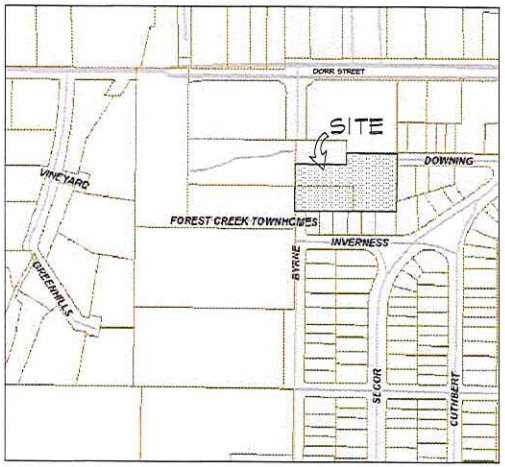






SITE PLAN

SCALE: 1"=30'-0"

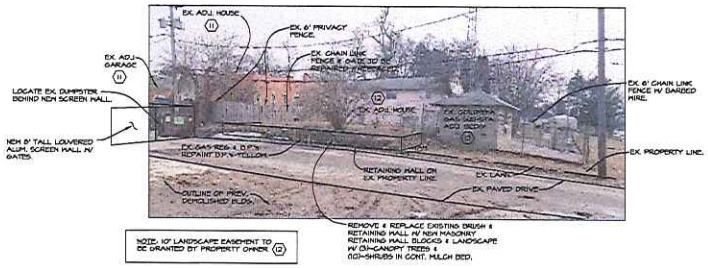


SITE LOCATION MAP

NO SCALE

Properties Information

	Owner	Parcel No.	Zoning	Use
1	Sanyourd Management	2002294	CR	Commercial
2	Sanyourd Management	2002295	CR	Commercial
3	TAF Investments	2002291	CR	Commercial
4	University Brd. Trustees	2002307	CR	Commercial
5	University Brd. Trustees	2088457	CR	Commercial
6	Bassam Awad	2088461	RS-6	Residential
7	W A Gardner	2088487	RS-6	Residential
8	Gregory Cunningham	2088491	RS-6	Residential
9	Gregory Cunningham	2088494	RS-6	Residential
10	Jehovah's Witness	2088487	RS-6	Residential
11	Victor Green	2088501	RS-6	Residential
12	Beverly Harrison	2088504	RS-6	Residential
13	Columbia Gas	2003507	RS-6	Residential



DETAIL @ SOUTH PROPERTY LINE

NO SCALE

ISSUED FOR	DATE
REVISED	02-24-22
REVISED	02-25-22
REVISED	03-04-22
REVISED	03-07-22

SPECIAL USE PERMIT (S.U.P.) FOR:
PROPOSED INTERNET CAFE-UNIT 14, 1122 N. BYRNE ROAD
CITY OF TOLEDO, LUCAS COUNTY, OHIO 43607

SITE PLAN & INFORMATION

DeWOLL DuBose & ASSOCIATES, INC.
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Toledo, Ohio 43615
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www.MJDose.com
Design & Consulting Engineers

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DRAWN
J. SPERRY, E.I.
CHECKED
DATE
12-22-21
SCALE
AS NOTED
JOB NO.
21-223
SHEET
PG1