



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: August 10, 2018

REF: Z-7001-18

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

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

SUBJECT: Request for a Zone Change from CN Neighborhood Commercial to CR Regional Commercial at 2102 & 2104 Holland-Sylvania Road.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 9, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Zone Change from CN Neighborhood Commercial to CR Regional Commercial
Location	-	2102 & 2104 Holland-Sylvania Road
Applicant	-	DW 28 Holland Sylvania LLC P.O. Box 5580 Toledo, OH 43613

Site Description

Zoning	-	CN / Neighborhood Commercial
Area	-	± 0.671 acres
Frontage	-	± 226' along Holland-Sylvania Road
Existing Use	-	Neighborhood Shopping Center
Proposed Use	-	Sweepstake Terminal Cafe

Area Description

North	-	Neighborhood Shopping Center / CN
South	-	Commercial Vacant Land / CN
East	-	Single Family Residential / RS6
West	-	Neighborhood Shopping Center / CN

Parcel History

Z16-C64	-	Zone Change from R-A to C-1 for lots 310 through 315 of Bancroft Highlands Plat 2. Approved by Adams Township Trustees on 10/13/58.
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GENERAL INFORMATION (cont'd)

SUP-6023-96 - Request for a Special Use Permit for a convenience store at 2114 Holland-Sylvania Road. Plan Commission recommended approval with conditions on 8/21/96, City Council approved on 9/3/96. Ord. 647-96.

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Zone Change from CN Neighborhood Commercial to CR Regional Commercial for a site located at 2102-2104 Holland-Sylvania Road. The .67 acre site is occupied by a 14,450 square foot (GBA) multi-tenant commercial building, constructed in 1965. It is located at the northeast corner of Holland-Sylvania Road and Parkstone Drive, south of Bancroft Street.

Surrounding land uses include retail and other neighborhood commercial services to the north and west; vacant commercial property to the south; and single-family dwellings (Bancroft Highlands) to the east. The commercial parcels to the north, south and west are all currently zoned CN.

The applicant has purchased the Sweepstake Terminal café business in the end unit of the building and wishes to continue that operation. The business has been operating without benefit of the required license or occupancy permit. *Internet Cafes* or *Sweepstake Terminal Cafes* fall under the *Sports & Recreation, Participant – Indoor* use category (TMC§1116.0246.A), and as such are permitted only in CR, CD and IL zone districts. It is not a permitted use in the site's current zoning district, therefore, a zone change from CN to one of these districts is required for the use to continue.

A text amendment to categorize Sweepstake Terminal Cafes as a distinct use, and one that will require a Special Use Permit (SUP), is pending (M-9-18). The Plan Commission unanimously recommended approval of the amendment on July 12, 2018 and the case is now awaiting City Council approval. The amendment will require a Special Use Permit (SUP) for Sweepstake Terminal Cafes. Should the subject request for a zone change to CR be approved, the applicant would be required to apply for this SUP.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial land uses; *“Predominantly small and medium scale commercial uses that serve neighborhoods. Small and medium scale office and mixed uses may be included.”* This differs significantly from the Plan’s definition of Regional Commercial which states; *“Predominantly large-scale commercial uses intended to accommodate auto-oriented development. (e.g.: malls, big box retail stores, & mixed use developments) Offices and multiple family residential developments may also be interspersed within these districts.”*

Staff recommends disapproval of the zone change request because it does not conform to the Toledo 20/20 Plan. The proposed CR Regional Commercial zoning is the most intense commercial zoning district and permits uses that are of a regional nature. The site abuts a single family residential neighborhood to the east that could be negatively affected by the introduction of CR zoning. Finally, allowing CR Regional Commercial zoning on this site will be precedent-setting and will make the other nearby CN Neighborhood Commercial zoned sites vulnerable to similar zone change requests.

Neighborhood Meeting

Due to the more intensive commercial zoning requested by the applicant, staff is requesting the applicant host a neighborhood meeting. Meeting notifications will need to be sent to the mailing address list provided to the applicant generated by the staff.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of Z-7001-18, a Zone Change from CN Neighborhood Commercial to CR Regional Commercial at 2102 & 2104 Holland-Sylvania Road to Toledo City Council for the following four (4) reasons:

1. The CR zoning is inconsistent with the recommendation of the Toledo 20/20 Comprehensive Plan for this area of Holland-Sylvania Road (TMC§1111.0606(A) Review & Decision-Making Criteria).
2. The CR zoning is not compatible with existing land uses within the general vicinity of the subject property (TMC§1111.0606(B) Review & Decision-Making Criteria).
3. A Zone Change to CR Regional Commercial is inconsistent with the zoning classification of properties within the general vicinity of the site (TMC§1111.0606(C) Review & Decision-Making Criteria); and
4. CR Regional Commercial zoning on this site will be precedent-setting and will make the other nearby CN Neighborhood Commercial zoned sites vulnerable to similar zone change requests

TO: President Cherry and Members of Council
August 10, 2018
Page 4

REF: Z-7001-18

Respectfully Submitted,

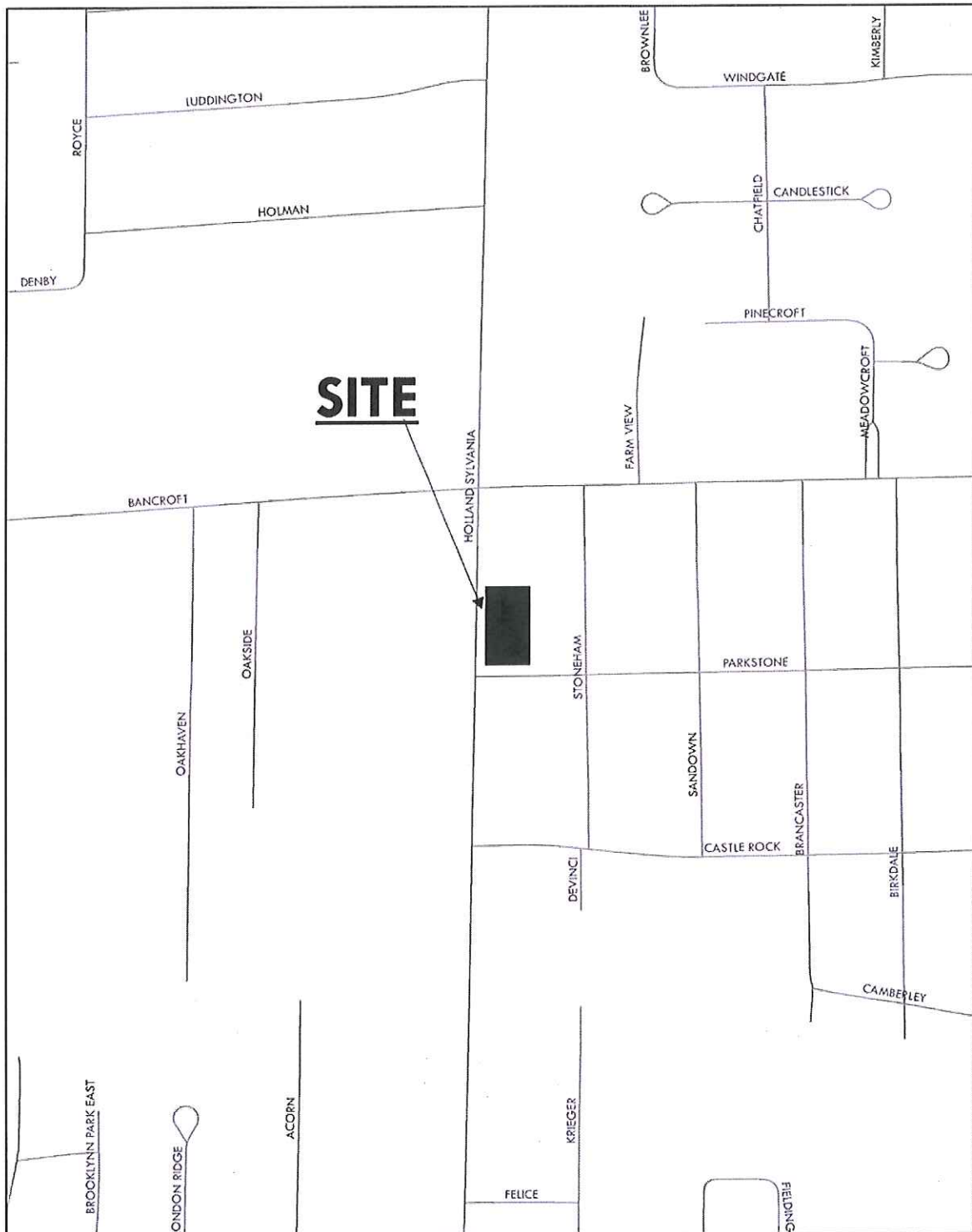
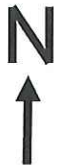
A handwritten signature in black ink, appearing to read "Thomas C. Gibbons". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas C. Gibbons
Secretary

Two (2) sketches follow
CC: Lisa Cottrell, Administrator
Daryl Graus, Planner

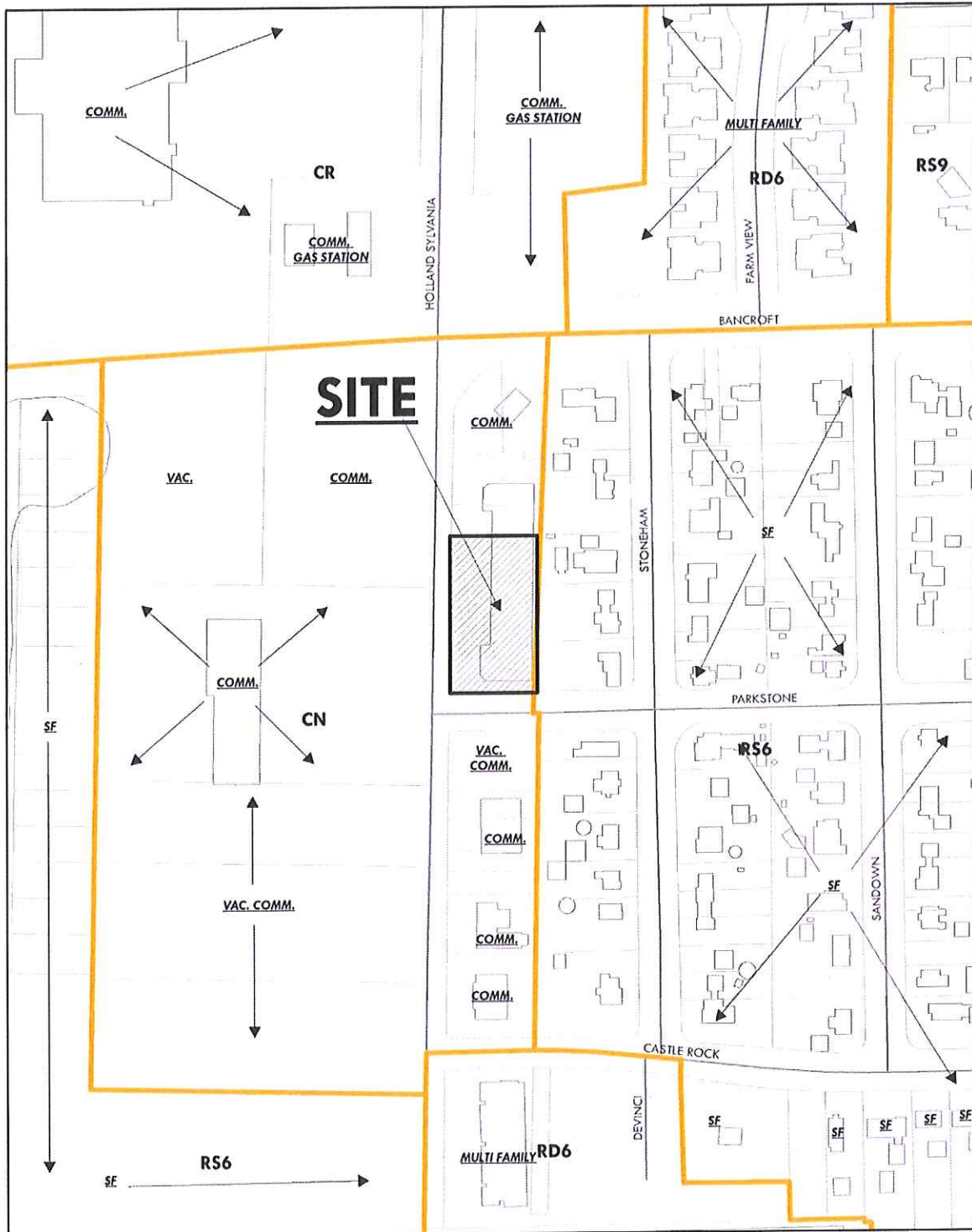
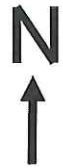
GENERAL LOCATION

Z-7001-18
ID 118



ZONING & LAND USE

Z-7001-18
ID 118



PETITION IN SUPPORT OF ZONING CHANGE

We the undersigned neighbors and customers support the zone change from CN to CR for the property owned by DW28 LLC and located at 2102-2104 N. Holland Sylvania Rd., Toledo, OH 43615. We understand and support the proposed use (internet café) of the property by J'S Arcade, operated by Jamal Shaheen.

Name

Address

- 1 Maureen Neeney 1928 Woodbridge 43615
- 2 Jim Jupp 2103 Sandown Toledo 43615
- 3 Shirley Payne 2131 SANDOWN To 43615
- 4 Cheryl 2115 SANDOWN Toledo OH 43615
- 5 Reola Howe 521 N. Drury Holland Oh. 43528
- 6 Marcia Buzay 341 Hilton Jr. Tol 43615
- 7 Peggy Mundy 1202 Sawyer Tol 43615
- 8 Volunteer Signature
- 9 Frederick 909 Independence Tol 43600
- 10 Kevin Beyer 5342 Mariast rd tol 43615
- 11 Antionette M Yarbrough 7255 Apache Trail 43528
- 12 Rachelle Walcott 425 Torrington Dr. 43615
- 13 Cathy Brown 4060 Rojer rd 43623
- 14 Glenn Walton 425 Torrington Dr. To OH 43615
- 15 Emma 51 Charles Chous Toledo Oh. 43615
- 16 Byrnell H. Brown 1045 S. Durr Rd Swanton 43555
- 17 Walter Brown 10121 Ohio State Line Rd. 43360
- 18 Rami Shaheen 6930 Norr St
- 19 AYAD Itaw 3309 Kirkull Rd Tol
- 20 Suzanne Hicks 3222 Kumbal

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Name

Address

- 1 Suzanne White 1112 Sawyer Rd Toledo 43615
- 2 Marcelle W. Williams 821 Sawyer Rd Toledo
- 3 Fred Hummel 819 Sawyer Toledo
- 4 Kurt Heumann 1202 SAWYER Rd. Toledo, OH 4315
- 5 Robert J. Bell 1206 Sawyer Toledo, OH 43615
- 6 Kayla Zeman 1206 Sawyer Rd Toledo OH 43615
- 7 Dan [Signature] 10430 Airport Hwy #33 Swanton, OH 5
- 8 James Megot 1214 Sawyer Rd Toledo, Ohio
- 9 Crystal J. Purdue 1213 Sawyer Rd Toledo, OH 43615
- 10 Chivella Brewton 1255 BYRNE p#214 Toledo, OH, 43614
- 11 Jamie R. [Signature] 312 Pulaski Toledo 43608
- 12 Ashley Brewton 1232 Sawyer Rd Apt. 302
- 13 Trent Lucio 5402 Florita Dr Toledo OH 43615
- 14 Michelle Sullivan 5402 Florita Dr. Toledo, OH 43615
- 15 [Signature] 1747 Longwood Dr Toledo, OH 43615
- 16 Christina Cucunato 1723 Longwood Dr Toledo, OH 43615
- 17 [Signature] 1705 Longwood Dr Toledo OH
- 18 [Signature] 1652 Longwood Dr. Toledo OH 43615
- 19 [Signature] 1635 Longwood & Dr. Toledo OH
- 20 Margaret Johnson 5635 Amberley Dr Toledo 43607

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Name

Address

- 1 VICKY MOLNAR 6103 REO ST. Toledo, 43615 (419) 297-319.
- 2 BETH Konrad 3601 Mill Ave. Toledo Ohio 43607
- 3 Anthony Spearman 2627 Strauss Ave Toledo, OH 43609
- 4 Jovonne Robinson 929 Avondale Ave 43607
- 5 Charlotte Brassfield 702 N Byrnes 43607
- 6 ~~John~~ 804 meadowchase Ln. 43615
- 7 Joseph Dwyer 5000 Monroe St. Toledo
- 8 Carol Smith 1741 Castgate Toledo 43614
- 9 Melissa Miller 3370 Gibraltar Heights Dr. Toledo, OH 43609
- 10 Anita Jude 809 meadowchase Ln TOL OH 43615
- 11 Eugene Blossom 10930 Airport Hwy Lot 209 43615
- 12 ~~Joe~~ Brylenn Daniels 7th Vanhill Toledo OH 43615
- 13 Sandy Brown 3612 W. Circle Ct. Toledo OH 43615
- 14 Tracy Woodson 2005 Circle Dr Toledo OH 43607
- 15 Margaret Sherman 149 Eldred Toledo OH 43609
- 16 ~~Anna~~ 149 Eldred Toledo, OH 43609
- 17 ROBERT BRASSFIELD 702 N Byrnes Toledo, OH 43607
- 18 EVELYN GILLARD 2040 Sandringham OH 43615
- 19 Mark Kenton 215 RENOVA RD
- 20 STEVE Brown 3612 W. Circle CT. Tol. OH 43615

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"

August 3, 2018

PLEASE GIVE THIS LETTER TO THE PLAN COMMISSIONERS

Toledo Lucas County Plan Commission

REF: Z-7001-2018

One Government Center

Toledo, Ohio 43606

Dear Members of the Plan Commission and Daryl Graus, Planner

Ken Fallows, Chair, Julia Bryant, John Escobar and Brandon Rehkopf

My name is Rocleen Reihing, facilitator and representing Reynolds Corners Neighbors. This letter is in reference to a request for an ***Internet Café Gambling Business- Jackpot Palace*** to obtain Zone Change and a Special Use Permit at 2102 & 2104 N. Holland Sylvania Rd. from CN Commercial to CR Regional Commercial zoning and we received a ***Notice of Public Hearing for August 9, 2018 at 2:00 pm at Council Chamber, First Floor, One Government Center***

- **WE ARE AGAINST the Zone change FROM CN Neighborhood Commercial TO CR Regional Commercial**
- The reasons are:
 - **The Reynolds Corners Neighbors Supports Lucas County and City of Toledo's**
 - ***Staff recommendations of disapproval!***
 - **CR zoning is inconsistent with recommendations of the Toledo 20/20 plan(TMC 1111.0606(A))**
 - **Inconsistent with zoning classification of properties within general vicinity of the site (TMC 1111.0606(B))**
 - **CR zoning is inconsistent with zoning classification of properties within general vicinity of site(TMC 1111.0606(C))**
 - **CR Regional Commercial zoning on this site will be precedent-setting and will make the other nearby CN Neighborhood Commercial zones sites vulnerable to similar zone change requests**
 - ***We as property owners have invested our lives with our families to have a wonderful, crime free neighborhood to raise our children***

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 corrupt our citizens.

The City of Toledo should BAN these unwanted casinos in our community!

Please Vote NO on this zone change and take into consideration of banning these neighborhood casinos, so we may keep our neighborhoods free of these potential businesses that could cause blight and corruption.

Thank you for your time in reading our concerns,

Rocleen L. Reihing, President

Ref: Z-7001-18

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*We as property owners have invested our lives and livelihood for us and our families to have a
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Signature: Bernadette + Robert Butler

Address: 2228 Farm View Ct Toledo Ohio 43615

Ref: Z-7001-18

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Signature: Maria Hallett

Address: 5125 Durbin St

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Signature: _____

Address: _____

Sharon M. Belisle
2233 Farm View Ct
Toledo, OH 43615

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Signature: _____

Address: _____

Hailey Perkins
5625 Barr

Ref: Z-7001-18

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Signature: Don Reynolds

Address: 5636 Doan St

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Signature: Mrs. G. B. Gattler

Address: 2231 Farmview Ct Tol OH 43615

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Signature: Gordon Geebung

Address: 5636 Dow St

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Signature: Will Malone Will Malone & Rebekah Burchfield

Address: 2118 Stoneham Rd, Toledo, OH 43615

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Signature: Mandie Reising

Address: 5625 Dan

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Signature: Nancy J. Szelowski

Address: 2104 Oakside Rd Toledo OH 43615

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Signature: Mike Hummel

Address: 6257 Franklin

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Signature: Jennifer Ballester

Address: 2123 Stoneham, Toledo OH 43615

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Signature:

Ylan P. Heckler

Address:

2238 Farm View Ct., Toledo, OH 43615

Sept 2018 Z+P

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"

August 3, 2018

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One Government Center

Toledo, Ohio 43606

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