



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: June 14, 2019

REF: SUP-4002-19



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

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

SUBJECT: Request for Special Use Permit for a sweepstakes terminal cafe

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 13, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Request for Special Use Permit for a sweepstakes terminal cafe
Location	-	1805 E. Manhattan Boulevard
Owner	-	A & I Investments Mr. Abraham Mahmoud 4229 Shambay Creek Toledo, OH 43623
Lessee	-	Mr. Ali Mahmoud 3931 Marlaine Toledo, OH 43606
Architect	-	John Ciampa, Architect 6725 W. Central Ave Toledo, OH 43617

Site Description

Zoning	-	Regional Commercial District / CR
Area	-	.759
Frontage	-	214' along E. Manhattan Boulevard
Existing Use	-	Vacant gas station
Proposed Use	-	Sweepstakes Terminal Cafe

GENERAL INFORMATION (cont'd)

Area Description

North	-	Industrial building and storage yard/ IG
South	-	Gas station and auto repair shop / CR
East	-	Industrial building and storage yard / IG
West	-	Interstate I-280 / IG

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.

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 1805 E. Manhattan Boulevard. Surrounding land uses include industrial business to the north and east side, a gas station and auto body shop to the south, and the interstate to the west side.

The café will be located in a vacant gas station with 1,350 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 500 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.

Parking and Circulation

The site plan submitted depicts one access point on Manhattan Boulevard. 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 1,350 square feet. The site plan submitted depicts a total of four (4) parking spaces with one (1) handicap accessible parking space for the entire building. The site plan will have to be revised to indicate the increase in the number of parking spaces, identify the bicycle rack and the dumpster location with the appropriate screening.

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 Manhattan Boulevard 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 ±212' of frontage on Manhattan Boulevard, a total of seven (7) 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 does not show any landscaping.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Plan targets this site for light industrial uses. This is area 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 recommends approval of SUP-4002-19, a request for a Special Use Permit for a Sweepstakes Terminal Cafe, to be located at 1805 E. Manhattan Boulevard, 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).

The Toledo City Plan Commission recommends approval of SUP-4002-19, a request for Special Use Permit for a sweepstakes terminal café at 1805 E. Manhattan Boulevard, to the Toledo City Council, subject to the following twenty-nine (29) 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

7. 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.
8. 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.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.

Sewer and Drainage Services

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

12. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
13. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

14. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
15. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the modifications, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
16. Any effort made to plant non-invasive trees, shrubs and perennials is highly encourage.
<http://ohiodnr.gov/portals/0/pdfs/invasive/AlternativestoOhioInvasivePlantSpecies.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.

Division of Transportation

18. A 9' x 18' van accessible parking space with 8' wide aisle required per TMC 1107.

Fire Prevention

19. Premises identification address shall be legible and placed in a position that is visible from the street or road fronting the property.

Plan Commission

20. Approval of the Special Use Permit will lapse after one year if the criteria listed in TMC 1111.0707 have not been met.
21. Applicant shall obtain a Sweepstakes Terminal Café license, per TMC Chapter 736, before any building permits will be issued.
22. Site is subject to spacing per TMC 1104.2500.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

23. 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)).
24. 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 Manhattan Boulevard frontage, not to be located in the right of way, and shall include one (1) tree per every thirty-feet (30') of frontage for a total of seven (7) trees; **shall be noted on landscaping plan. Plant type and size shall be noted on landscaping 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 1108.0400 Landscape Materials Standards; **shall be noted on revised site plan or completed landscaping plan.**
 - b. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- 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.
- 25. 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.
- 26. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
- 27. Provide at least one bicycle parking slot as required for the off-street parking Schedule A.
- 28. 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.
- 29. 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

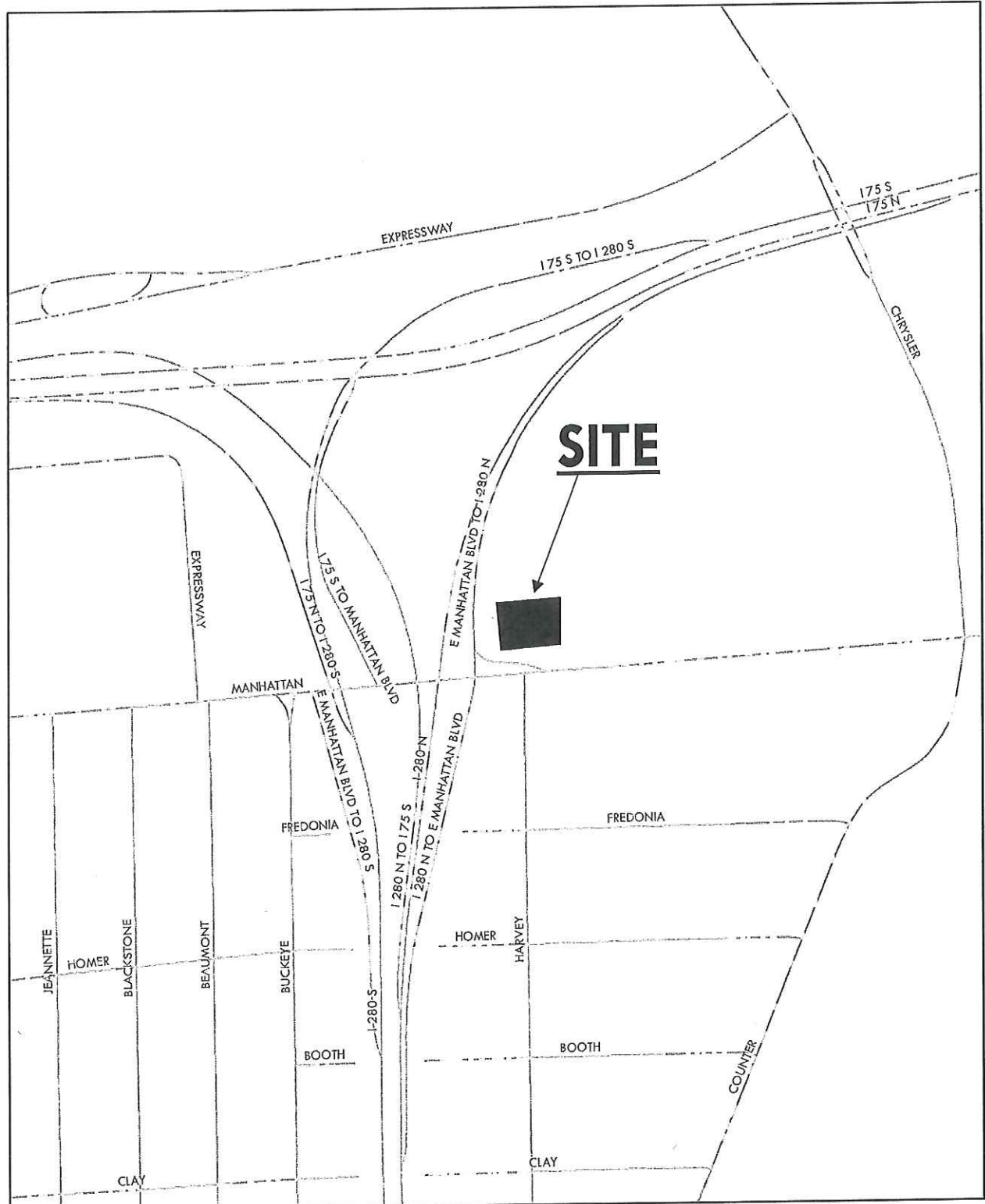
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John Ciampa, Architect, 6725 W. Central Ave, Toledo, OH 43617
Engineering Services
Division of Transportation
Sewer and Drainage Services
Environmental Services
Fire Prevention
Lisa Cottrell, Administrator
Molly Maguire, Principal Planner

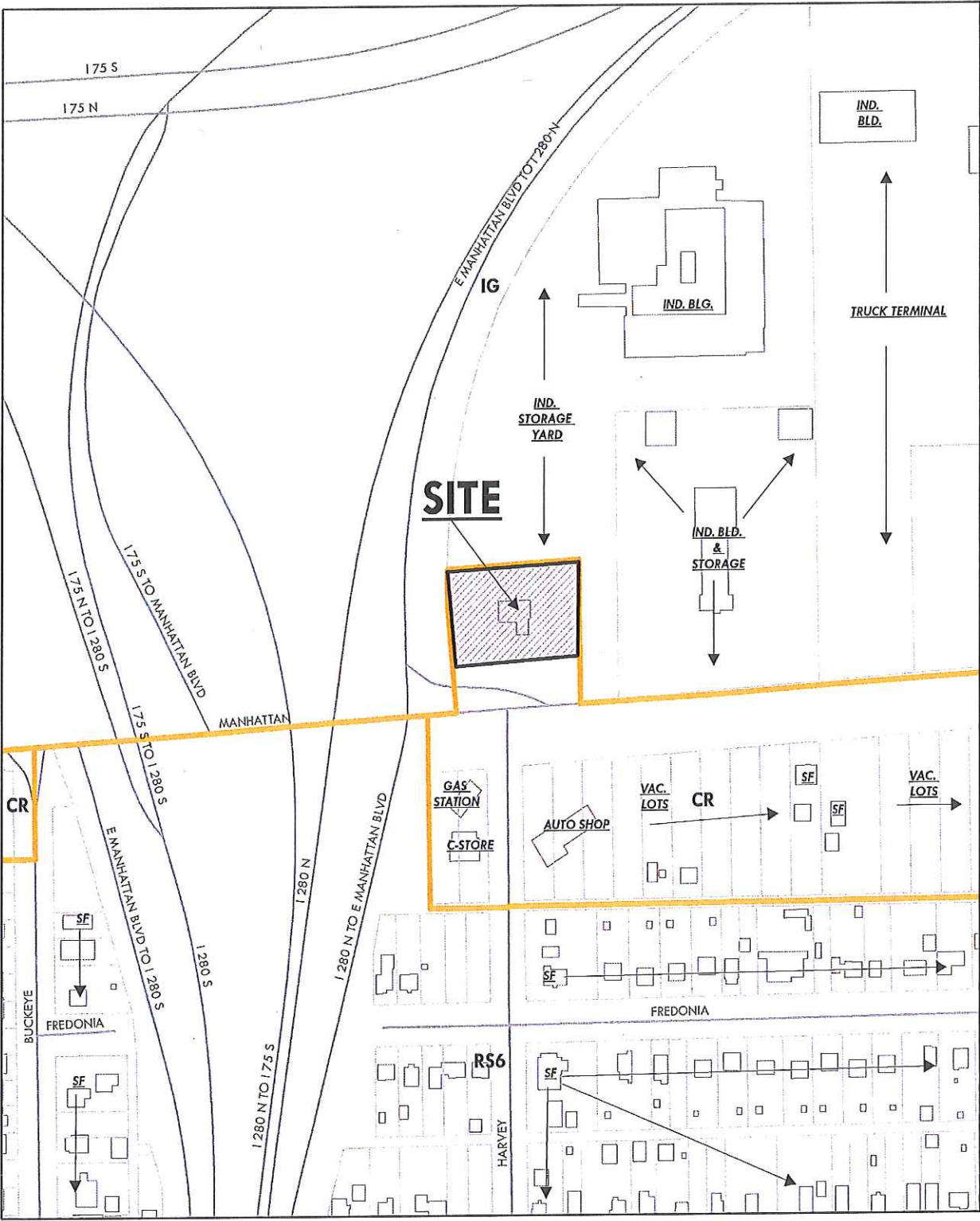
GENERAL LOCATION

SUP- 4002-19
ID 6

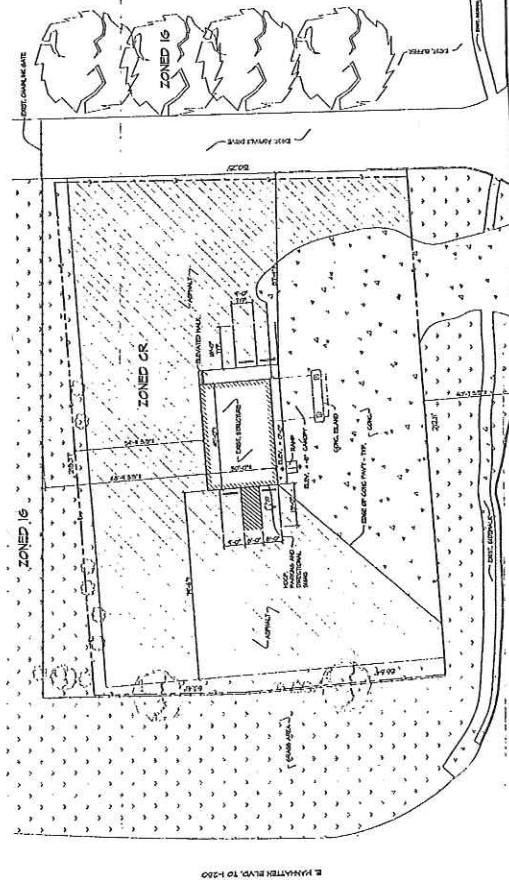
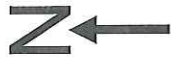


ZONING AND LAND USE

SUP- 4002-19
ID 06



SUP-4002-19
ID 6



ZONING CODE INFO	
PREVALUING JURISDICTION	CITY OF TALENTO
CURRENT CODE	CITY OF TALENTO ZONING CODE
ZONED	CR
USE	RESIDENCE
SIDING AREA	1,131 S.F.
REQUIRED OFF-STREET PARKING	1 SPACE FOR 200 S.F.
EXISTING	1151/200 = 5 SPACES (TOTAL)
ADJ.	1 FOR 22 SPACES = 50% TYPE
PROPOSED PARKING	5 SPACES, 1 ADA VAN TYPE
LEGAL DESCRIPTION	8.0 IS IN 1/4 SECTION 10, T4P 36N R10E, S10E, 1/4 SECTION 10, T4P 36N R10E, S10E, 1/4 SECTION 10, T4P 36N R10E, S10E, 1/4 SECTION 10, T4P 36N

SITE PLAN LEGEND

	EARTH, CONCRETE
	EARTH, ASPHALT PAVING
	EARTH, GRAVEL AREA
	EARTH, CONTINUE OF STREET
	PROPERTY LINE
	EARTH, EXISTING ROAD
	EARTH, PROPOSED ROAD
	EARTH, WATER



EXISTING
SATELLITE PHOTO

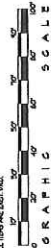
EXISTING MEASURED SITE PLAN

SHEET NO. 07

GENERAL NOTES:

ALL DIMENSIONS EAST OF NORTH

NORTH
EAST
SOUTH
WEST

[illegible]

INTERIOR RENOVATIONS TO EXISTING BUILDING
INTERNET CAFE
105 E. MANHATTEN BLVD.
CLEVO, OHIO

JOHN CIAMPA ARCHITECT

