



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: November 8, 2019

REF: SUP-9007-19

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 a sweepstakes terminal cafe

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, November 7, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Request for Special Use Permit for a sweepstakes terminal cafe
Location	-	2121 South Reynolds Road, Unit #A10
Owner	-	Nabil Shaheen 6930 Dorr Street Toledo, OH 43615
Engineer	-	Benchmark Engineering Group, Inc. C/O: Timothy J. O'Brien 3161 N. Republic Boulevard Toledo, OH 43615

Site Description

Zoning	-	Regional Commercial District / CR
Area	-	±1.40
Frontage	-	±335' along S. Reynolds Road
Frontage	-	±250' along Ryan Road
Existing Use	-	Multi-tenant shopping center
Proposed Use	-	Sweepstakes Terminal Cafe
Overlay	-	None
Neighborhood Org.	-	None

GENERAL INFORMATION (cont'd)

Area Description

North	-	Plasma Center, Office Building / CR
South	-	Restaurant / CR
East	-	Apartments / CR
West	-	Undeveloped / CR-SO

Parcel History

SPR-21-06	-	Minor Site Plan Review for a new retail center. Administratively approved subject to conditions on 6/8/06.
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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 2121 South Reynolds Road. This type of use is defined 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 later time (TMC 1116.0191.1).

Surrounding land uses include a plasma center and an office building to the north, to the east is an apartment building, a restaurant is to the south, and to the west across South Reynolds Road is undeveloped land that formerly occupied by Southwyck Mall.

The cafe will be located in one unit of a multi-tenant building located. The unit consists of 2,900 square feet for the total building area (TBA). 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. The applicant has stated that the license has expired and is seeking approval in order to come into compliance.

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 both of these criteria. Although the site is not within a 2,000 foot radius of another sweepstakes terminal café, research shows that it is within a 1,000 radius of a daycare center making the proposed use in violation of TMC 1104.2500(A). 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 outer boundaries of the leased space to the edge of the parcel occupied by a licensed daycare center is a distance of ±205 feet. In order to facilitate the development, the applicant will require a waiver of Toledo Municipal Code section 1104.2500(A).

Parking and Circulation

The site plan submitted depicts two (2) access points into the shopping plaza. The main access point to the subject site is on South Reynolds Road and the secondary access point is on Ryan Road. Outlined in 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 tenant space is a total of 2,900 square feet and calculations conclude number of parking spaces required is ten (10) with one (1) of those handicap parking spaces dedicated for van accessibility. Although, calculations conclude the applicant is required to provide one (1) bicycle parking slot, when the provision of bicycle parking slots is required, the minimum number of slots provided shall be two (2) (TMC 1107.0900(B)).

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

The parcel occupied by the multi-tenant building offers a total of fifty-four (54) parking spaces with two (2) being dedicated to handicap accessibility. The overall number of spaces offered is acceptable. Calculations conclude that a total of three (3) spaces are required. All new accessible parking spaces are required to be a minimum of 9' x 18' with a 5' aisle for auto and 8' aisle for van accessible parking per TMC 1107. Additionally, 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 (TMC 1107.1703). Furthermore, all spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. A revised site plan shall be submitted showing compliance with the location and markings of the handicap parking spaces and identifying the location and number of the bicycle parking slots.

Landscaping and Screening

A minimum 15' frontage greenbelt is required along South Reynolds Road and along Ryan Road 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 ±335' of frontage along South Reynolds Road, a total of twelve (12) trees are required in the frontage greenbelt and with 250' of frontage along Ryan Road, a total of nine (9) trees are required. Trees are not required to be evenly spaced and may be clustered. Credit may be given for existing canopy trees, evergreen trees, and understory trees in accordance with TMC§1108.0407(B)(1). Shrubs may be credited on a one-to-one basis towards landscape material requirements in accordance with TMC§1108.0407(B)(2). The site is in compliance with the landscape plan approved via SPR-21-06.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Plan targets this site for CR Regional Commercial land uses. The zoning district is intended to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. Realizing its role in the region and with its community shaped vision, Toledo 20/20 sets out a plan for the city itself. It begins with a land use plan for the future. It includes recommendation in key areas of Community Design; Marketplace; Housing; Recreation; Transportation; Accessibility; Infrastructure; and Environmental Quality.

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-9007-19, a request for a Special Use Permit for a Sweepstakes Terminal Cafe, to be located at 2121 Reynolds Road, 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 further makes 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 2121 South Reynolds Road:

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 licensed child daycare center.

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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

GP
Three (3) sketches follow
Exhibit A follow

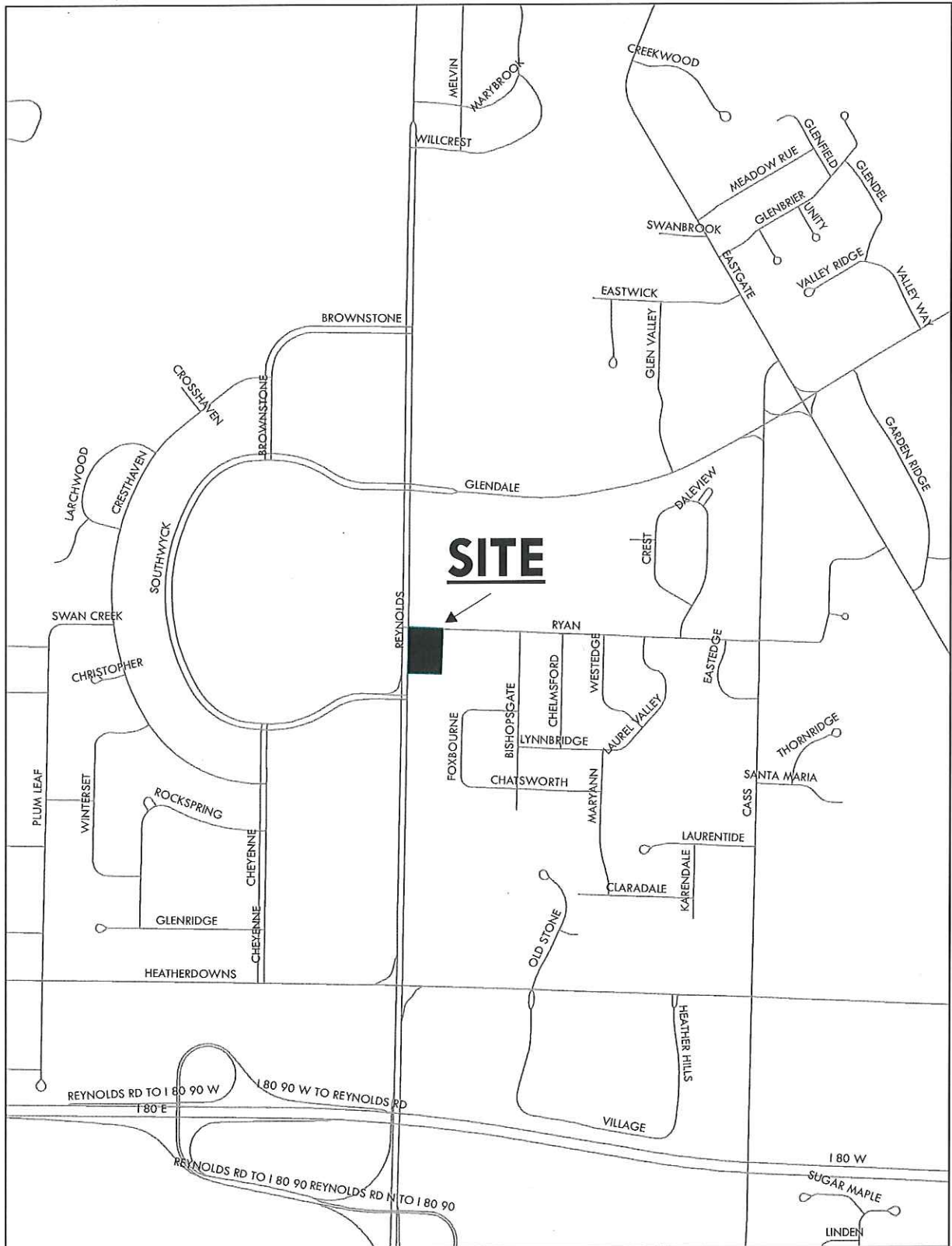
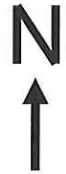
CC: Nabil Shaheen, 6930 Dorr St, Toledo, OH 43615

Benchmark Engineering Group, Inc., C/O: Timothy J. O'Brien, 3161 N. Republic Blvd,
Toledo, OH 43615

Lisa Cottrell, Administrator
Gyasi "JC" Pullum, Planner

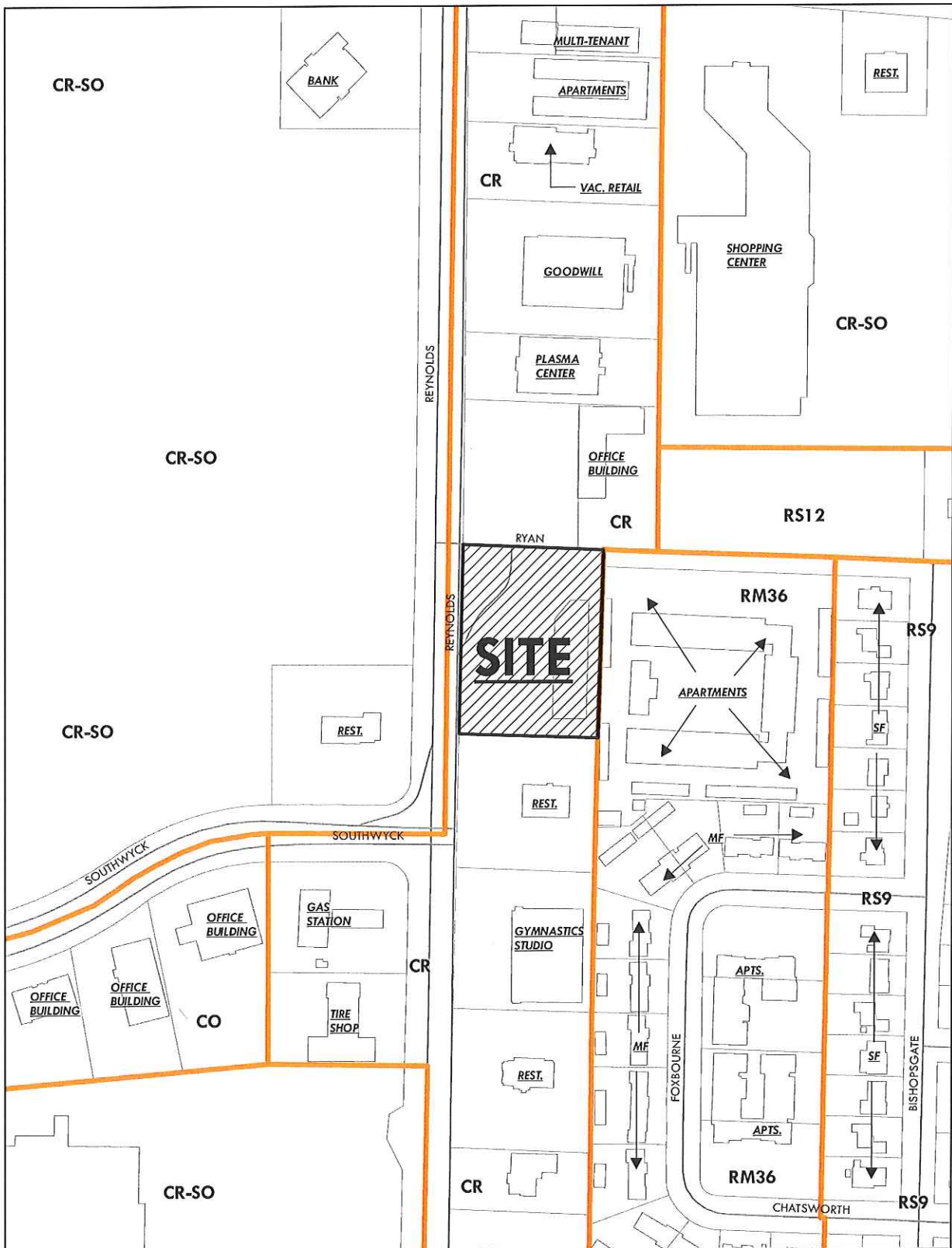
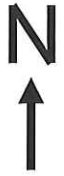
GENERAL LOCATION

SUP-9007-19
ID 141



ZONING AND LAND USE

SUP-9007-19
ID 141



SUP-9007-19
ID 141



EXHIBIT "A"
(agency conditions)

The following thirty-five (35) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

PLAN RECOMMENDATION

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, ph. 419-245-1344
Water: Andrea Kroma, ph. 419-936-2163
Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221;
Andy Stepnick 419-245-1338
Sanitary Sewers: Mike Elling, ph. 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.

Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines.

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

PLAN RECOMMENDATION (cont'd)

Engineering Services (cont'd)

7. 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 (419-245-1395) to verify the backflow prevention requirements for this site.
8. The design professional and/or property owner shall submit written documentation to the Division of Water Distribution that no changes are being made to the existing water service, 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.

Sewer & Drainage Services

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

11. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
12. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
13. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

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

STAFF RECOMMENDATION (cont'd)

Environmental Services (cont'd)

14. 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 facility, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
15. Any effort made to plant non-invasive trees, shrubs, and perennials is highly encouraged.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species
16. 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 Anti-Noise Laws and Asbestos abatement.

Fire Prevention

17. Approved premises identification required.

Transportation

18. Wheel stops required at all parking spots along sidewalk, property lines and abutting building locations per TMC 1107.
19. One van and two auto accessible parking spaces are required with an 8' aisle for van accessible parking and 5' aisle for auto accessible parking required per TMC 1107.
20. Accessible parking signage required at every accessible parking space per TMC 1107.

Plan Commission

21. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials. Arborvitae, as indicated on the landscape plan shall be maintained around the dumpster indefinitely. **(Acceptable as submitted on site plan).**

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

PLAN RECOMMENDATION (cont'd)

Plan Commission (cont'd)

22. 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 or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities. **(Acceptable as submitted on the site plan).**
23. 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).**
24. 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.
25. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
26. To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces and aisles must be clearly striped, with a minimum width of four (4") inches. **(Acceptable as depicted on the site plan).**
27. 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).**
28. 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)) **(Not depicted on site plan).**

54P-9007-19

