



Legislation Details (With Text)

File #: O-150-20 **Version:** 1 **Name:**

Type: Ordinance **Status:** Failed

File created: 4/17/2020 **In control:** City Council

On agenda: 4/21/2020 **Final action:** 4/21/2020

Title: Granting a Special Use Permit, for a sweepstakes terminal café for a site located at 5614 and 5616 Secor Road, (AKA 5624 Secor), in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and a waiver; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Letter requesting privacy fence, 3. Audio: Zoning & Planning Committee 4/15/2020

Date	Ver.	Action By	Action	Result
4/21/2020	1	City Council		
4/21/2020	1	City Council		
4/21/2020	1	City Council		

Zoning & Planning Committee

Granting a Special Use Permit, for a sweepstakes terminal café for a site located at 5614 and 5616 Secor Road, (AKA 5624 Secor), in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and a waiver; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-12002-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a sweepstakes terminal café for a site located at 5614 and 5616 Secor Road, (AKA 5624 Secor), in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 12, 2020, the Toledo City Plan Commission recommended disapproval for the request for a Special Use Permit, for a sweepstakes terminal café for a site located at 5614 and 5616 Secor Road, (AKA 5624 Secor), in the City of Toledo, Lucas County, Ohio.

On April 15, 2020, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for a sweepstakes terminal café for a site located at 5614 and 5616 Secor Road, (AKA 5624 Secor), in the City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a Special Use Permit for a sweepstakes terminal café for a site located at 5614 and 5616 Secor Road, (AKA 5624 Secor), in the City of Toledo, Lucas County, Ohio; be and the same is hereby

approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

HIAWATHA PARK LOT 386 TO 391

SECTION 2. That the approval of the Special Use Permit for a sweepstakes terminal café for a site located at 5614 and 5616 Secor Road, (AKA 5624 Secor), in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 10 conditions as follows:

The following ten (10) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Fire Prevention

1. Approved premises identification is required.

Plan Commission

2. A waiver of TMC§1104.2501 shall be obtained to allow a Sweepstakes Terminal Café to be opened 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.
3. No person, partnership, corporation, or other entity shall operate or conduct a Sweepstakes Terminal Café without first obtaining an annual license to operate therefor from the City of Toledo Department of Finance, Division of Taxation and Treasury. The license to operate shall first be obtained prior to the initial operation of the Sweepstake Terminal Café and annually thereafter, with the subsequent annual application and associated fee due prior to the 1st day of August of each calendar year.
4. 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. A revised site plan shall be submitted showing compliance.
5. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Not acceptable as depicted on site plan. One (1) van accessible space with an eight foot (8') drive aisle and one (1) car accessible space with a five foot (5') drive aisle shall be depicted. No accessible spaces on the site plan depict a sufficient drive aisle.
6. 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. Not depicted on the site plan. A revised site plan shall be submitted showing compliance.
7. 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 Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

8. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
9. 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.
10. 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.

SECTION 3. Waiving the following sections of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5614 and 5616 Secor Road, in the City of Toledo, Lucas County, Ohio:

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.

Approve a waiver to allow for a Sweepstakes Terminal Café to be located within a 1,000 foot radius of a public park.

SECTION 4. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 5. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 12, nays 0.

Failed: April 21, 2020, as an emergency measure: yeas 7, nays 5.