



## Legislation Details (With Text)

**File #:** O-082-20      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 2/13/2020      **In control:** Zoning & Planning Committee12324  
**On agenda:** 2/25/2020      **Final action:** 2/25/2020  
**Title:** Granting a Special Use Permit, for a Sweepstakes Terminal Café for a site located at 330 W. Central Avenue, 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. Audio: Agenda Review 2/18/2020, 3. Audio: ZPC 2/12/2020, 4. Audio: TPCP 12/5/2019, 5. Audio: City Council February 25, 2020

Date	Ver.	Action By	Action	Result
2/25/2020	1	City Council	Dispense with the rules of Council requiring...	Pass
2/25/2020	1	City Council	declare emergency	Pass
2/25/2020	1	City Council	passage	Pass
2/12/2020	1	Zoning & Planning Committee12324	refer as approved	

Zoning & Planning Committee

**Granting a Special Use Permit, for a Sweepstakes Terminal Café for a site located at 330 W. Central Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-5009-19) 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 330 W. Central Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On December 5, 2019, the Toledo City Plan Commission recommended disapproval for the request for a Special Use Permit, for a Sweepstake Terminal Café for a site located at 330 W. Central Avenue, in the City of Toledo, Lucas County, Ohio.

On January 8, 2020, Toledo City Council, Planning and Zoning Committee deferred for 30 days a request for a Special Use Permit for a Sweepstakes Terminal Café for a site located at 330 W. Central Avenue, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

On February 12, 2020, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Sweepstakes Terminal Café for a site located at 330 W. Central Avenue, 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 Cafe for a site located at 330 W. Central Avenue, 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:

LEGAL DESCRIPTION OF 330 CENTRAL AVE TOLEDO, OHIO 43610:  
COTTAGE PARK LOT 34 TO 37 INCL SUB 7 & 8 EXC NE 128 FT & EXC PT W OF ELY 32.58 FT SUB 13 & N 1/2 VAC ALLEY ADJ & SUB 1 2 & ELY 32.58 FT SUB 13

SECTION 2. That the approval of the Special Use Permit for a Sweepstakes Terminal Café t for a site located at 330 W. Central Avenue, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 8 conditions as follows;

The following eight (8) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### Plan Commission

1. 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.
2. No person, partnership, corporation, or other entity shall operate or conduct a Sweepstake 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.
3. Per TMC§1107.0300 and TMC§1107.0900(B), a minimum of two (2) bicycle parking slots shall be provided. Shall be shown on revised site plan if approved.
4. Handicap accessible parking spaces shall be located at the entrance to the site. Shall be shown on a revised site plan if approved.
5. 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.
6. 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.
7. Approval of the Special Use Permit will lapse after one (1) year if the criteria in TMC§1111.0707 have not been met.
8. 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.

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 330 W. Central Avenue, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

1104.2500 Sweepstakes Terminal Cafes

1104.2501 Spacing Requirements

A. A Sweepstake Terminal Cafe shall not be located within a 2,000 foot radius of another Sweepstake Terminal Café. 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 a 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.

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.

Passed: February 25, 2020, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

March 2, 2020  
Wade Kapszukiewicz  
Mayor