



Legislation Details (With Text)

**File #:** O-012-20      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Approved

**File created:** 12/13/2019      **In control:** Zoning & Planning Committee12324

**On agenda:** 1/2/2020      **Final action:** 1/2/2020

**Title:** Granting a Special Use Permit, for a Sweepstake Terminal Café for a site located at 2121 S. Reynolds Rd (Unit A10), 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

Date	Ver.	Action By	Action	Result
1/2/2020	1	City Council		
1/2/2020	1	City Council		
1/2/2020	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit, for a Sweepstake Terminal Café for a site located at 2121 S. Reynolds Rd (Unit A10), in the City of Toledo, Lucas County, Ohio; subject to certain conditions, and a waiver; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-9007-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Sweepstake Terminal Café for a site located at 2121 S. Reynolds Rd, Unit A10, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On November 7, 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 2121 S. Reynolds Rd, Unit A10, in the City of Toledo, Lucas County, Ohio.

On December 11, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Sweepstake Terminal Café for a site located at 2121 S. Reynolds Rd, Unit A10, 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 Sweepstake Terminal Café for a site located at 2121 S. Reynolds Rd, Unit A10, 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:

Parcel no. 20-01873

2 24 SW 1/4 N 340 FT W 250 FT NW 1/4

SECTION 2. That the approval of the Special Use Permit for a Sweepstake Terminal Café for a site located at 2121 S. Reynolds Rd, Unit A10, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 35 conditions as follows:

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.

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: 419-245-1341

Roadway: ph. 419-245-1344

Water: ph. 419-936-2163

Stormwater Drainage: ph. 419-245-3221; 419-245-1338

Sanitary Sewers: 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.
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.
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](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).
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).
29. Litter receptacle(s) shall be provided for the use of parking area users and others. Litter receptacle(s) are treated as accessory structures and must be maintained according to the requirements of the Toledo-Lucas County Health Department. A litter receptacle is treated as an accessory structure and must adhere to the criteria outlined in (TMC§1107.1910).
30. A detailed site, lighting, fencing and four (4) landscaping plans separate from the building plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
- a. Frontage greenbelts shall be a minimum width of fifteen (15') feet in width along Secor Road and Ryan Road. (Acceptable as depicted on site plan);
  - b. At least one (1) tree must be provided for every thirty (30') feet of lot frontage or fraction thereof. Calculations conclude that twelve (12) trees are required in the frontage greenbelt along Secor Road and nine (9) trees along Ryan Road. Trees are not required to evenly be spaced and may be clustered. (Acceptable as depicted on site plan);
  - c. Credit may be given for existing canopy trees, evergreen trees, and understory trees in accordance with TMC§1108.0407(B)(1). (Acceptable as depicted on site plan);
  - d. Shrubs may be credited on a one-to-one basis towards landscape material requirements in accordance with TMC§1108.0407(B)(2). (Acceptable as depicted on site plan);
  - e. 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. (Acceptable as depicted on landscape plan);
  - f. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
  - g. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.
31. 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.
32. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
33. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed &

maintained indefinitely.

34. 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.
35. 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 section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 2121 S. Reynolds Rd, 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.

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: January 2, 2020, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

January 2, 2020  
Wade Kapszukiewicz  
Mayor