



## Legislation Text

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**File #:** O-120-21, **Version:** 1

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Zoning & Planning Committee

**Granting a Special Use Permit, for a sweepstakes terminal cafe for a site located at 812, 818 and 820 Matzinger Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-11001-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a sweepstakes terminal cafe for a site located at 812, 818 and 820 Matzinger Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 14, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a sweepstakes terminal cafe for a site located at 812, 818 and 820 Matzinger Road, in the City of Toledo, Lucas County, Ohio.

On February 17, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for sweepstakes terminal cafe for a site located at 812, 818 and 820 Matzinger Road, 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 sweepstakes terminal cafe for a site located at 812, 818 and 820 Matzinger Road, 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:

Being a part of the Northwest Quarter of Section Number 18, Town (9) South, Range (8) East in the City of Toledo, Lucas County, Ohio. But more fully described as follows:

Commencing at a 6" diameter concrete monument with an iron pipe found marking the intersection of a line drawn 30.00 feet southwesterly of and parallel with the centerline of Kettering Drive with the southeasterly line of Dunbar's Northeast Industrial Park: as recorded in Volume 62. Page 48. Lucas County Plat Records: and being the principal place of beginning for this description:

1. thence South 39°-40'-50" East along a southerly extension of the westerly right-of-way line of Kettering Drive for a distance of 100.00 feet to a 1" diameter iron pipe monument with cap set;
2. thence North 50°-19'-02" East and parallel with said southeasterly line of Dunbar's Northeast Industrial Park, for a distance of 30.00 feet to a 1" diameter iron pipe monument with cap set;

3. thence South 39°- 40'-58" East and parallel with said centerline of Kettering Drive, having passed through a 1" diameter iron pipe monument with cap set a distance of 440.00 feet, for a total distance of 868.41 feet to the intersection of the centerline of Ottawa River as per Lucas County Deed Record Number 89-230A03;
4. thence North 68°-53'-34" West along said centerline of the Ottawa River, as per said recorded deed. For a distance of 513.73 feet to the intersection of a line drawn 250.71 feet southwesterly of and parallel with said centerline of Kettering Drive.
5. thence North 39°- 40'-58" West along said line drawn 250.71 feet southwesterly of and parallel with said centerline of Kettering Drive, a distance of 520.00 feet to a 1" diameter iron pipe monument with cap set;
6. thence North 50°-19'-02" East for a distance of 220.71 feet to the place of beginning for this description; and containing an area of 4.2144 acres of land. Subject to all legal easements. Leases and restrictions of records.

SECTION 2. That the approval of the Special Use Permit for a sweepstakes terminal cafe for a site located at 812, 818 and 820 Matzinger Road, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 36 conditions as follows:

The following thirty-six (36) 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: 419-245-1344

Water: 419-936-2163

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

Sanitary Sewers: 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.
7. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Engineering Services for review and approval.
8. 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](http://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.
9. 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.
10. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.
11. A drawing shall be submitted to the city for review and approval of the direction of flow of the runoff from the existing asphalt millings. Sheet flow to an adjacent pervious surface would be acceptable if the adjacent pervious surface is to remain as such per the SUP site plan. A plan to infiltrate the drainage through the grindings would not be accepted because future traffic will compact the grindings into an impervious surface. The plan shall provide adequate space to allow for infiltration so as not to form a nuisance, or shall include an overland flow path to the river as part of the drainage plan so as not to form a nuisance.
12. Any site plan changes made during the development of stormwater approval drawings shall be done in coordination with Plan Commission staff.

#### Sewer and Drainage Services

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

15. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
16. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
  - i. Construction BMPs shall be in place prior to the start of construction activities.
  - ii. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
17. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
18. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
19. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\\_to\\_Ohio\\_Invasive\\_Plant\\_Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
20. 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

21. All drive aisles and parking areas shall be of nonporous surface per TMC 1107.
22. Appropriate signage for handicap spaces shall be provided per TMC 1107.17.

#### Fire Prevention

23. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
24. Maintain all fire department access.
25. Approved Premises identification is required.

Plan Commission

26. Approval of the Special Use Permit will lapse after one year if the criteria listed in TMC 1111.0707 have not been met.
27. Applicant shall obtain a Sweepstakes Terminal Café license, per TMC Chapter 736, before any building permits will be issued.
28. Site is subject to spacing per TMC 1104.2500.
29. 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)). Acceptable as depicted on site plan.
30. 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 Matzinger Road 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 five (5) trees. Acceptable as depicted on site 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 108.0400 Landscape Materials Standards. Acceptable as depicted on site plan.
  - c. 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.
  - 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.
31. 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.
32. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.

- 33. Provide at least one bicycle parking slot as required for the off-street parking Schedule A.
- 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.
- 36. Plan Commission will review the Special Use Permit automatically within 1 year of the passage of the Ordinance granting the SUP.

SECTION 3. 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 4. 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 \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council