



## Legislation Details (With Text)

**File #:** O-349-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 7/12/2019      **In control:** City Council  
**On agenda:** 7/23/2019      **Final action:** 7/23/2019  
**Title:** Granting a Special Use Permit, for a Sweepstakes Terminal Café for a site located at 1805 E. Manhattan Boulevard, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: ZPC 7/17/2019, 3. Audio: TCPC 6/13/19

Date	Ver.	Action By	Action	Result
7/23/2019	1	City Council		
7/23/2019	1	City Council		
7/23/2019	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit, for a Sweepstakes Terminal Café for a site located at 1805 E. Manhattan Boulevard, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-4002-19) 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 1805 E. Manhattan Boulevard, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 13, 2019, the Toledo City Plan Commission recommended approval for Special Use Permit, for a Sweepstakes Terminal Café for a site located at 1805 E. Manhattan Boulevard, in the City of Toledo, Lucas County, Ohio.

On July 17, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit, for a Sweepstakes Terminal Café for a site located at 1805 E. Manhattan Boulevard, 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 Special Use Permit, for a Sweepstakes Terminal Café for a site located at 1805 E. Manhattan Boulevard, 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. 18-57861

Legal Description 1805 East Manhattan:

8 9 19 NE 1/4 PT LAWRENCE LANDS THT PT W 1/2 LYING N OF MANHATTAN BLVD AS WIDENED  
& SE OF EX PWY BEING 212.11 FT ON N LINE MANHATTAN BLVD BY 150

SECTION 2. That the approval of the Special Use Permit for Special Use Permit, for a Sweepstakes Terminal Café for a site located at 1805 E. Manhattan Boulevard, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 29 conditions as follows;

The following twenty-nine (29) 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 (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. 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 @ 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.

8. 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.
9. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site.

#### Sewer and Drainage Services

10. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
11. 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

12. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
13. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
14. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
15. 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 modifications, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
16. Any effort made to plant non-invasive trees, shrubs and perennials is highly encourage.  
<http://ohiodnr.gov/portals/0/pdfs/invasive/AlternativestoOhioInvasivePlantSpecies.pdf/>
17. 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

18. A 9' x 18' van accessible parking space with 8' wide aisle required per TMC 1107.

Fire Prevention

19. Premises identification address shall be legible and placed in a position that is visible from the street or road fronting the property.

Plan Commission

20. Approval of the Special Use Permit will lapse after one year if the criteria listed in TMC 1111.0707 have not been met.
21. Applicant shall obtain a Sweepstakes Terminal Café license, per TMC Chapter 736, before any building permits will be issued.
22. Site is subject to spacing per TMC 1104.2500.
23. 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)).
24. 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 Manhattan Boulevard 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 seven (7) trees; shall be noted on landscaping plan. Plant type and size shall be noted on landscaping 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 1108.0400 Landscape Materials Standards; shall be noted on revised site plan or completed landscaping 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.

25. 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.
26. Dumpsters may not be located in the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
27. Provide at least one bicycle parking slot as required for the off-street parking Schedule A.
28. 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.
29. 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. 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 12, nays 0.

Passed: July 23, 2019, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

July 23, 2019  
Wade Kapszukiewicz  
Mayor