



## Legislation Details (With Text)

**File #:** O-083-20      **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 5339 Dorr Street, 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: TCCP 1/9/2020, 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 5339 Dorr Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-10006-19) 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 5339 Dorr Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 9, 2020, 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 5339 Dorr Street, in the City of Toledo, Lucas County, Ohio.

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 5339 Dorr Street, 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 5339 Dorr Street, 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:

SECTION 2. That the approval of the Special Use Permit for a Sweepstakes Terminal Café for a site located at 5339 Dorr Street, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 13 conditions as follows;

The following thirteen (13) 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 Sweepstakes Terminal Café and annually thereafter, with the subsequent annual application and associated fee due prior to the 1<sup>st</sup> 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. 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 (Not acceptable as depicted on site plan. A revised site plan shall be submitted showing compliance).
6. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
7. 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. A revised site plan shall be submitted showing compliance).
8. Site plan was submitted without permission from the design professional. A new site plan shall be submitted.
9. Hours of operation shall be Monday to Thursday 9am-9pm, Friday 11am-8pm, Saturday 9am-2pm, and closed on Sunday.
10. 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.
11. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
12. 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.

13. 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 5339 Dorr Street, 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