



## Legislation Details (With Text)

**File #:** O-267-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Failed  
**File created:** 5/18/2022      **In control:** City Council  
**On agenda:** 5/24/2022      **Final action:** 5/24/2022  
**Title:** Granting a Special Use Permit for a Sweepstakes Terminal Café for a site located at 1122 N. Byrne Rd Unit 14, 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

Date	Ver.	Action By	Action	Result
5/24/2022	1	City Council	Suspension	Pass
5/24/2022	1	City Council	Emergency	Pass
5/24/2022	1	City Council	Passage	Fail

Zoning & Planning Committee

**Granting a Special Use Permit for a Sweepstakes Terminal Café for a site located at 1122 N. Byrne Rd Unit 14, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-12007-21) 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 1122 N. Byrne Rd Unit 14, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 10, 2022, the Toledo City Plan Commission recommended approval for the request for Special Use Permit for a Sweepstakes Terminal Cafe for a site located at 1122 N. Byrne Rd Unit 14, in the City of Toledo, Lucas County, Ohio.

On April 13, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and deferred to May 18, 2022 a Special Use Permit for a Sweepstakes Terminal Cafe for a site located at 1122 N. Byrne Rd Unit 14, City of Toledo, Lucas County, Ohio.

On May 18, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval a request for a Special Use Permit for a Sweepstakes Terminal Cafe for a site located at 1122 N. Byrne Rd Unit 14, 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 1122 N.

Byrne Rd Unit 14, in the City of Toledo, Lucas County, Ohio 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 FOR:

PROPOSED INTERNET CAFE

1122, UBIT 14, 1122 NORTH BYRNE ROAD

CITY OF TOLEDO, LUCAS COUNTY, OHIO 43607

Abbreviated Legal Description:

3 5 NW 1/4 S 240.8 FT FRT N 580.8 FT FRT W 412.5 FT ON S LINE EXC S 100 FT W 240 FT & EX C N 48 FT W 205 FT & EXC RD.

Parcel No. 2002294 Accessor No. 05490043

Abbreviated Legal Description:

3 5 NW 1/4 W 240 FT S 100 FT FRT N 580.8 FT FRT EXC RD WIDENING.

Parcel No. 2002295

Accessor No. 05490053

SECTION 2. That the approval of the Special Use Permit for a Sweepstakes Terminal Cafe for a site located at 1122 N. Byrne Rd Unit 14, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 26 conditions as follows:

The following twenty-six (26) 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. 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.
2. 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.
3. 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.

Sewer and Drainage Services

4. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

### Environmental Services

6. 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.
7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. 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.
9. 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)
10. 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.

### Fire Department

11. 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.
12. Approved premise identification is required.

### Transportation

13. Bicycle parking must be shown per TMC 1107.0900.
14. One van accessible parking with an 8' loading aisle for van is required per TMC 1107.1701 and TMC 1107.1702.
15. Parking areas loading areas, driveways, drive aisles and maneuvering areas are required to be made of concrete, asphalt, and or other dust-free material per TMC 1107.1906. (Stone and gravel are not permitted.)
16. Wheel stops are required at all parking spaces abutting sidewalks, buildings, planting areas and property lines per TMC 1107.1907.
17. 25' wide drive aisle is required where there is two-way traffic per TMC 1107.1911. (Perpendicular parking spaces that abut the existing sign is not permitted.)
18. If one is not already established, a cross-access agreement is required with all adjacent property owners.

19. If applicable, dumpsters shall be screened from view and may not be located in any required setback or landscape buffers and as far from residential areas as possible per TMC 1108.0203.G.
20. Two (2) bicycle parking racks must be shown per TMC 1107.0300.
21. 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.
22. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
  - Per TMC 1108.0202.B.1 Frontage Greenbelt requirements indicate that at least one (1) tree must be provided for every thirty (30) feet of lot frontage or fraction thereof. No landscaping is indicated in the two (2) frontages along Byrne Road. To be compliant a revised site plan must include three (3) trees and a solid evergreen hedge within a 15-foot greenbelt adjacent to the existing tree lawn within the right of way.
  - In addition to the existing landscaping at the site, a Type A landscape buffer along 125' of the southern boundary between the residential and commercial zoning districts from the existing fence to the sidewalk must be included. This would equal five (5) canopy trees and eighteen (18) shrubs in total to bring the site closer to compliance.

In lieu of a Type A Landscape Buffer, the retaining wall to the south of the property shall be reconstructed. 3/10/2022

- Landscape areas within the parking area must be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director;
  - Topsoil must be back filled to provide positive drainage of the landscape area.
  - 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.
  - 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 shall meet the standards included in TMC 1108.0400 Landscape Materials Standards. Calculations shall also be provided indicating compliance will all required landscaping requirements.
23. No new free-standing signs greater than forty-two (42) inches from grade are permitted - any proposed signage must meet the requirements of Toledo Municipal Code Title Nine - Sign Code.

24. 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.
25. 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.
26. 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. 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