



Legislation Text

File #: O-381-22, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit for a Sweepstake Terminal Café for a site located at 3344 Secor Rd Unit A106-A107, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-4008-22) 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 3344 Secor Rd., in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 9, 2022, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Sweepstake Terminal Café for a site located at 3344 Secor Rd., in the City of Toledo, Lucas County, Ohio.

On July 13, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Sweepstake Terminal Café for a site located at 3344 Secor Rd., 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 3344 Secor Rd. A106 -A107, 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:

A parcel of land being part of the South 5.25 acres of the North 21.50 acres of the West 52 acres of the Southwest 1/4 of Section 20, Town 9 South, Range 7 East, In the city of Toledo, Lucas County, Ohio, said parcel of land being bounded and described as follows: Commencing at the West corner of said Section 20, thence In a Southerly direction along the West line of the Southwest 1/4 of said Section 20 having an assumed bearing of South 00 degrees, 00', 02" West a distance of 927.43 feet to the true point of beginning; thence South 89 degrees, 39', 25" East along a line a distance of 350.18 feet to a point; thence North 00 degrees, 02', 06" East along a line a distance of 105.00 feet to a point; thence South 89 degrees, 39', 25" East along a line at distance of 100.00 feet to a point; thence South 00 degrees, 02', 06" West along a line a distance of 265.73 feet to a point; thence North 89 degrees, 39', 25" West along a line a distance of 450.08 Feet to the intersection of the said West line of the Southwest 1/4 of section 20; thence North 00 degrees, 00', 02" East along the said west line of the Southwest of Section 20, a distance of 160.73 feet to the true point of beginning. Subject to legal highways.

Containing 82,848 square feet or 1,902 acres of land more or less, subject to legal highways, any and all leases, easements or restrictions of record.

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SECTION 2. That the approval of the Special Use Permit for a Sweepstake Terminal Cafe for a site located at 3344 Secor Rd., in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 27 conditions as follows:

The following twenty-seven (27) 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
4. The Division of Engineering Services has no comments with respect to the public water system. The Division of Water Distribution will provide comments regarding proposed private water mains and/or service lines.

Division of Water Distribution

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Detailed plans for the proposed water main shall be submitted to the Division of Water Distribution for review and approval.
7. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S Erie Street, Toledo, OH 43604 for review and approval. Approval of site utility plan is contingent on approval of meter setting and backflow preventer.
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 @ (800) 414-4990. Contact the Division of Water Distribution to verify the backflow prevention requirements for the site.
9. Existing water service lines to structures removed from the site will be abandoned by the City of

Toledo at the developer's expense.

10. Plans must be submitted and approved by Fire Prevention.

Sewer and Drainage Services

11. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
12. 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

13. 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.
14. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
15. 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.
16. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. [Information is at https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants](https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants); a list of invasive plants and alternative species can be downloaded from https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.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.

Transportation

18. Bicycle parking is required per TMC 1107.0900.
19. Van and auto accessible parking spaces are required to be a minimum of 9'x18' with a 5' loading aisle for auto and 8' loading aisle for van per TMC 1107.1700
20. Accessible parking signage is required at every accessible parking space per TMC 1107.1704
21. Wheel stops are required at property lines, sidewalks, planting strips and builders per TMC

1107.1907.

- 22. Dumpster locations must be shown per TMC 1107.1910.
- 23. No parking space is allowed to perpendicularly abut and adjacent space.

Plan Commission

- 24. 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:
 - a. A greenbelt is required along the Secor frontage, and shall include two (2) trees and a continuous line of evergreen shrubs when adjacent to the parking lot. Shrubs shall be used to screen headlights. Acceptable as depicted;
 - b. All existing trees on site with a caliper of four (4") inches or more shall be shown and incorporated into the landscape plan to the maximum practical extent. Credit may be given for existing trees towards landscaping requirements based upon the crediting system outlined in TMC§1108.0407;
 - c. 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;
 - 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. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
 - f. 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; and
 - g. The location, lighting, and size of any signs.
- 25. 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.
- 26. 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.

27. 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