

GENERAL INFORMATION

Subject

- Request - Special Use Permit for a Sweepstakes Terminal Café
- Location - 1122 N. Byrne Road
- Applicant - Stephen Paliku
5248 SW 19th Avenue
Cape Coral, FL 33914
- Owner - Sanyoura Management LTD
1122 N Byrne Road Unit 12
Toledo, OH 43607
- Architect - Anthony J. Malik, AIA
Architecture by Design
5622 Mayberry Square
Sylvania, OH 43560

Site Description

- Zoning - Regional Commercial / CR
- Area - ± 2.0 acres
- Frontage - ± 192.8' along N Byrne Road
- Existing Use - Vacant Tenant Space
- Proposed Use - Sweepstakes Terminal Cafe

Area Description

- North - Laundromat & Vacant Land / CR
- East - Single-Dwelling Residential / RS6
- South - Single-Dwelling Residential / RS6
- West - Student Housing, Dollar Store, Restaurants / RM36 & CR

Parcel History

- Z16-C133 - Zone change from R-1 to C-2 at 1020 N. Byrne Road.
(PC approved 12/1/60)
- Z16-C144 - Zone change from R-1 to C-2 at 1114 N. Byrne Road.
(PC approved 8/3/61)
- M-12-62 - Interim zoning for area bounded by Nebraska, Dorr,
Brentwood, and City Line (PC approved 5/3/62)

GENERAL INFORMATION (cont'd)Parcel History (cont'd)

D-8-82	-	Proposed drive-thru at 1114 N Byrne Road (Administratively approved 8/23/82).
SUP-12007-21	-	Special Use Permit for a Sweepstakes Terminal Café at 1122 N Byrne Road (PC approved 3/10/22; Ord. 267-22 failed 5/24/22)

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a Sweepstakes Terminal Café located at 1122 N Byrne Road. Sweepstakes Terminal Cafés are permitted in CR Regional Commercial districts when a Special Use Permit is obtained. The ±2.0-acre site is comprised of two (2) parcels containing a five-unit strip mall. Surrounding land uses include student housing, a dollar store and restaurants to the west, a laundromat and vacant lots to the north, and single-dwelling residential to the east and south of the subject site.

Sweepstakes Terminal Cafés

Per TMC§1104.2501 Sweepstake Terminal Cafés may 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. They may also not be located within a 2,000-foot radius of another Sweepstake Terminal Café. The proposed location is compliant with these spacing requirements.

Parking and Circulation

TMC 1107.0300 *Off-Street Parking Schedule "A"* requires a minimum of one (1) parking space per 300 square feet of business and one (1) bike rack per 10 parking spaces. The site plan indicates that the tenant space is 2,700 square feet requiring nine (9) parking spaces. The site plan indicates seventeen (17) parking spaces; however, some spaces appear to be smaller than the minimum 9'x18' dimensional standards required by TMC§1107.1911. The drive aisle shown parallel to the frontage greenbelt also appears to be smaller than the minimum twenty-five-foot (25') dimension. The Division of Traffic Management has requested a revised site plan showing all parking spaces and maneuvering aisles meeting these minimum dimensional requirements. This is included as a condition of approval. Additionally, the two (2) required bicycle parking spaces have been provided on the site plan.

Landscaping and Screening

The reuse of an existing site is not required to comply fully with current landscape standards; however, due to the residential nature of parcels directly to the south, a Type A landsc-

STAFF ANALYSIS (cont'd)

Landscaping and Screening (cont'd)

-ape buffer shall be required along the ±125 feet of the southern property line between N Byrne Road and the existing fence. A Type A landscape buffer is a ten-foot (10') wide buffer including four (4) canopy trees and fifteen (15) shrubs for every one-hundred feet (100') of distance when a six-foot (6') solid fence or wall is installed within the buffer. At ±125 feet this Type A buffer would require five (5) canopy trees and eighteen (18) shrubs alongside a solid fence or wall. This has been included as a condition of approval.

A Frontage Greenbelt is proposed in the front of the property by the existing tenant sign in line with a requirement from this site's previous Special Use Permit application (SUP-12007-21). Three (3) trees and a solid evergreen hedge are shown on the site plan. A condition has been added to this approval ensuring the installation of this frontage greenbelt.

Signs

Pursuant to TMC§1113.0702, if the premises on which a sign is located undergoes Plan Commission review, including this Special Use Permit, any nonconforming signage on the premises shall be brought fully into compliance with this Sign Code as a part of the review and approval process. The existing tenant sign shall be removed and replaced with a sign conforming to TMC Chapter 1113 *Signs* – otherwise known as the Sign Code. This has been included as a condition of approval.

Pursuant to TMC§1113.0308, window signage and similar obstructions may occupy no more than 25% of the total cumulative window area along a building façade. All tenants in a multi-tenant space such as the existing strip plaza must ensure window signage occupies no more than 25% of their total cumulative window area along a façade. One (1) of the tenants in the existing strip plaza has exceeded this restriction and will be required to come into compliance with TMC§1113.0308 as a condition of approval.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Plan targets this site for Neighborhood Mixed-Use. The Neighborhood Mixed-Use land use designation is intended to preserve and promote pedestrian-oriented commercial and mixed-use areas. The existing strip plaza is not pedestrian oriented; however, this project will include the installation of at least eight (8) trees and the reduction of impervious surfaces. These improvements will improve the area's tree canopy and reduce the site's urban heat island effect. Staff recommends approval of this Special Use Permit because the project conforms to the Forward Toledo Plan and meets all applicable zoning code requirements.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP24-00002, a Special Use Permit for a Sweepstakes Terminal Café located at 1122 N Byrne Road, to the Toledo City Council, for the following **two (2) reasons**:

STAFF RECOMMENDATION (cont'd)

1. The use complies with all applicable provisions of the Zoning Code (**TMC 1111.0706(A)**); and
2. The use is compatible with adjacent uses in terms of scale, site design, and operating characteristics per (**TMC 1111.0706(C)**).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP24-00002, a Special Use Permit for a Sweepstakes Terminal Café located at 1122 N Byrne Road, to the Toledo City Council, subject to the following **twenty-three (23)** conditions:

The following 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. No comments/objection to proposed use of existing building and parking reconfiguration.
2. The site plan shows a larger site within which the business is proposed. However, the stormwater review of the site plan did not extend beyond the immediate location of the proposed business.

Sewer and Drainage Services

3. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
4. 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 copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Division of Environmental Services

5. 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.
6. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
7. Applicant is strongly encouraged to install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.

STAFF RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

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. Information is at <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 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.

Bureau of Fire Prevention

No comments or concerns.

Division of Transportation

11. All parking spots must be a minimum of 9'x18' per TMC§1107.1911.
12. All two-way drive aisles are required to be a minimum of 25' wide per TMC§1107.1911.
13. If one does not already exist, a cross access agreement is required with adjacent property owners.

Plan Commission

14. A revised site plan shall be submitted to the Plan Director and Division of Transportation depicting all parking spaces and drive aisles compliant with the dimensional requirements of TMC§1107.1911.
15. Two (2) bicycle parking spaces are required per TMC§1107.0300. **Acceptable as depicted on site plan submitted.**
16. 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.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

17. 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)). **Not acceptable as indicated on site plan.**
18. A detailed site, lighting, fencing and landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A fifteen-foot (15') frontage greenbelt landscaping buffer is required along N Byrne Road. At least one (1) tree must be provided for every thirty feet (30') of lot frontage. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. **Acceptable as depicted on site plan submitted.**
 - b. A Type A landscape buffer is required along the ±125 feet of the southern property line between N Byrne Road and the existing fence. With a solid six-foot (6') fence or wall, five (5) canopy trees and eighteen (18) shrubs are required. **Not acceptable as depicted. A revised site/landscaping plan shall be submitted to the Plan Director depicting a Type A landscape buffer.**
 - c. 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;
 - d. Topsoil must be back filled to provide positive drainage of the landscape area.
 - e. 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.
 - f. The location, number, height, diameter and species of any materials to be planted and maintained shall be shown, as well as the location and number of any existing trees to be retained. All landscape materials shall meet the standards included in TMC 1108.0400 *Landscape Materials Standards*. **Calculations shall also be provided indicating compliance with all required landscaping requirements.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- g. Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. **A water outlet (hose bibb) may be provided within on-hundred feet (100') of the required plant material in lieu of underground irrigation.**
 - h. 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.
 - i. The location, height and materials for any fencing to be installed and maintained.
 - j. The location of any proposed lighting (lights are to be directed away from adjacent residential properties).
19. Pursuant to TMC§1113.0700 *Legal nonconforming signs*, if the premises on which a legally nonconforming sign is located undergoes a Plan Commission review, including this Special Use Permit, any nonconforming signage on the premises shall be brought into full compliance with the Sign Code as a part of the review and approval process. A sign plan shall be submitted to the Plan Director for review and approval. Such plan shall depict the following:
- a. The existing nonconforming ground sign on Byrne Road shall be removed and replaced with a sign conforming to the provisions of TMC§1113.0400 *Ground Signs*.
 - b. All existing window signs on the building shall be brought into conformance with TMC§1113.0308 *Window Sign*. Window signage and similar obstructions may occupy up to 25% of the total cumulative window area along a building façade. Tenants in a multi-tenant space shall ensure window signage occupies no more than 25% of their total cumulative window area along a façade.
 - c. The collective total area of all building signs (window signs included) for each tenant shall be calculated and shown to not exceed a maximum total area of two (2) square feet per one (1) linear foot of building wall frontage on exterior walls of the tenant space which contain a primary customer entrance; and
 - d. Applicant shall obtain appropriate permits for any proposed signage.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

20. 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.
21. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
22. 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.
23. 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.

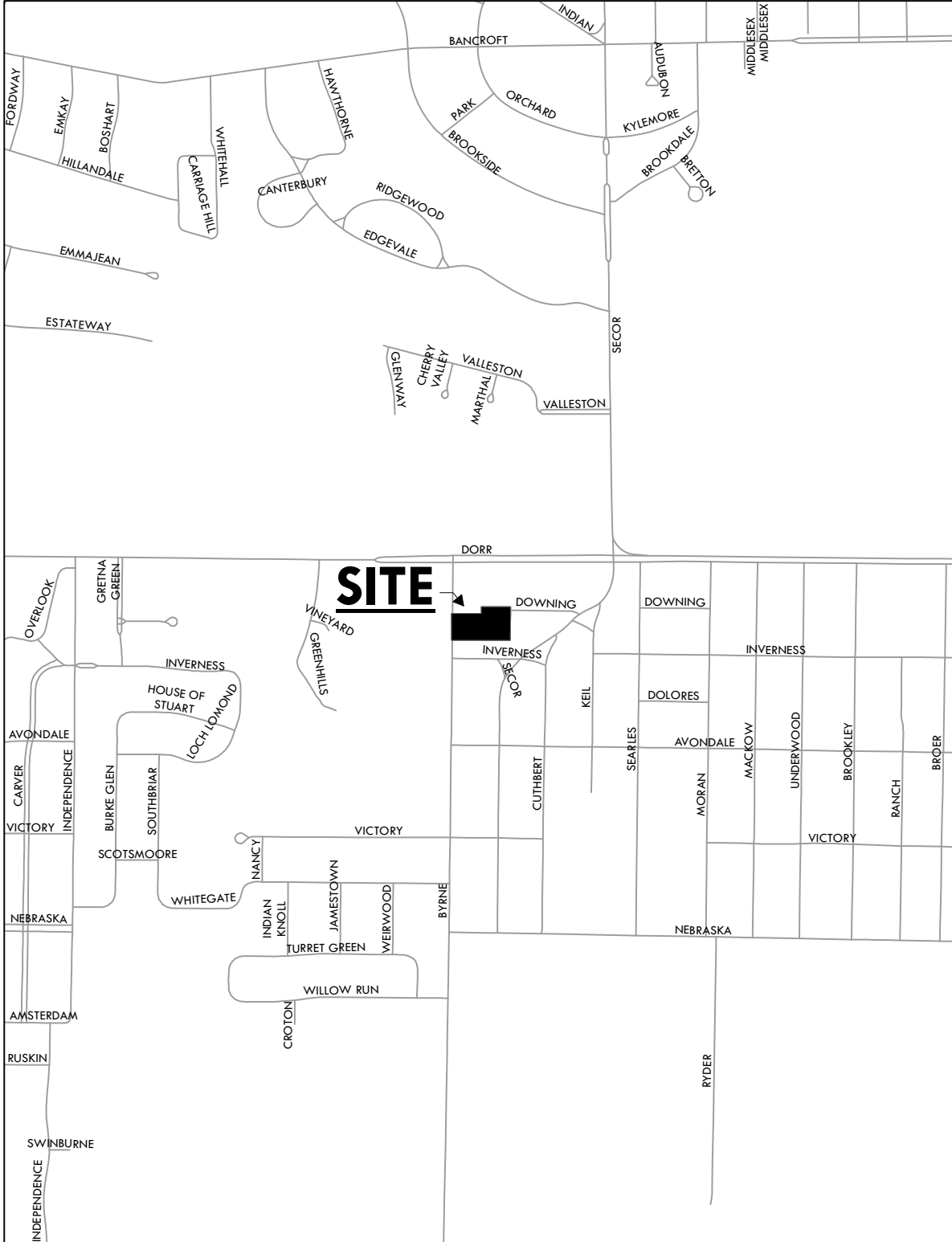
SPECIAL USE PERMIT
TOLEDO PLAN COMMISSION
REF: SUP24-00002
DATE: January 16, 2025
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: February 19, 2025
TIME: 4:00 P.M.

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Three (3) Sketches Follow

GENERAL LOCATION

SUP24-00002
ID 52



ZONING & LAND USE

SUP24-00002
ID 52

