



## Legislation Details (With Text)

**File #:** O-261-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Agenda Ready  
**File created:** 5/18/2022      **In control:** City Council  
**On agenda:** 5/24/2022      **Final action:**  
**Title:** Granting a Special Use Permit for a Day Care Center for a site located at 5045 W. Sylvania Avenue, 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

Zoning & Planning Committee

### **Granting a Special Use Permit for a Day Care Center for a site located at 5045 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

By application (SUP-3001-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Day Care Center for a site located at 5045 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 14, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a Day Care Center for a site located at 5045 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio.

On May 18, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Day Care Center for a site located at 5045 W. Sylvania Avenue, 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 Day Care Center for a site located at 5045 W. Sylvania Avenue, in the City of Toledo, Lucas County, Ohio; in the City of Toledo, Lucas County, Ohio; 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:

Situated in the City of Toledo, County of Lucas, State of Ohio, described as follows:

That part of the north seven hundred ninety-nine and fifteen hundredths (799.15) feet of that part of the

northwest one-quarter (1/4) of the northwest one-quarter (1/4) of Section twenty-four (24), Town nine (9) South, Range six (6) East, in the City of Toledo, Lucas County, Ohio, lying northeast of Corey Road, described as follows:

Commencing at a point on the centerline of Corey Road and Sylvania Avenue, said point being on the north line of Section twenty-four (24), Town nine (9) South, Range six (6) East and being seventeen and fifty-seven hundredths (17.57) feet east of the northwest corner of the northwest one-quarter (1/4) of Section twenty-four (24), Town nine (9) South, Range six (6) East;

Thence east along the north line of said Section twenty-four (24), Town nine (9) South, Range six (6) East, a distance of one hundred forty-three and seventy hundredths (143.70) feet to a point, said point being the point of beginning;

Thence due south a distance of one hundred thirty-two and sixty-two hundredths (132.62) feet to a point on the northeasterly right of way of Corey Road;

Thence south thirty-seven (37) degrees, eighteen (18) minutes fifteen (15) seconds east along said right of way line a distance of one hundred fifty-eight and sixty-one hundredths (158.61) feet to a point on the northerly right of way line of interstate Routed No. 475;

Thence south seventy-seven (77) degrees forty-six (46) minutes eleven (11) seconds east along said right of way line a distance of two hundred thirty-two and forty-four hundredths (232.44) feet to a point;

Thence south seventy-seven (77) degrees forty-six (46) minutes nine (09) seconds east and continuing along said right of way line a distance of one hundred twenty-one and thirty-nine hundredths (121.39) feet to a point;

Thence north ten (10) degrees fifty-one (51) minutes twenty-three (23) seconds east a distance of one hundred seventy-five and eighty-one hundredths (175.81) feet to a point;

Thence north twenty-seven (27) degrees thirty-nine (39) minutes twelve (12) seconds west a distance of one hundred eighty-one and eighty-five hundredths (181.85) feet to a point, said point being the centerline of Sylvania Avenue and on the north line of Section twenty-four (24), Town nine (9) South, Range six (6) East;

And thence due west along the north line of said Section twenty-four (24), a distance of three hundred ninety and sixty-three hundredths (390.63) feet to the point of beginning, excepting therefrom the north fifty and zero hundredths (50.00) feet thereof.

SECTION 2. That the approval of the Special Use Permit for a Day Care Center for a site located at 5045 W. Sylvania Avenue, in the City of Toledo, Lucas County, 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.

### 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.

#### Fire Department

3. 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.
4. Approved Premises identification is required.

#### Sewer and Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. 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.

#### Plan Commission

7. A 7' Type B landscape buffer shall be provided along the perimeter of the outdoor play area. The 225' area requires 9 trees and 34 shrubs. A privacy fence may substitute for the shrub requirement. Shall be indicated on a revised site/landscape plan.
8. 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. Fencing details shall be provided. TMC 1108.0203.G. Shall be indicated on a revised site/landscape plan.
9. Planting details shall be provided such as the type, size, and quantity of plantings. Shall be indicated on a revised site/landscape plan.
10. Landscape areas shall be indefinitely maintained. 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.

- 11. 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.
- 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. Major adjustments will require an amendment to the Special Use Permit.
- 13. 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