



Legislation Details (With Text)

**File #:** O-564-22      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Reported to Council

**File created:** 10/14/2022      **In control:** Zoning & Planning Committee12324

**On agenda:** 10/25/2022      **Final action:** 10/25/2022

**Title:** Granting a Special Use Permit, for a site located at 5445 Heatherdowns Boulevard, 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

Date	Ver.	Action By	Action	Result
10/25/2022	1	City Council		
10/25/2022	1	City Council		
10/25/2022	1	City Council		

Zoning & Planning Committee

**Granting a Special Use Permit, for a site located at 5445 Heatherdowns Boulevard, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-8001-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Daycare Center for a site located at 5445 Heatherdowns Boulevard, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 8, 2022, the Toledo City Plan Commission recommended approval for the request for a Daycare Center, and approval of the waiver, for a site located at 5445 Heatherdowns Boulevard, in the City of Toledo, Lucas County, Ohio.

On October 12, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved the request for a for a Daycare Center and the waiver requested, for a site located at 5445 Heatherdowns Boulevard, 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 Daycare Center for a site located at 5445 Heatherdowns Boulevard, 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:

Parcel No. 21-00900

2 26 NE 1/4 N 391.76 FT ON W LINE E 59.312 FT NW 1/4 EXC E 420 FT

SECTION 2. The following seventeen 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. It is unclear if the proposed site earthwork will exceed 2,500 square feet, which if so would require a stormwater management proposal to be received and approved prior to issuing building permits, and constructed as part of the site work. Stormwater management with trash-capturing inlet filters would fulfill a post-construction treatment requirement, and are encouraged to be used whether or not a stormwater management plan is required by the site disturbance footprint or not.

Environmental Services

4. 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.
5. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
6. 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.
7. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
8. 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.

Plan Commission

9. Per TMC§1107.1906 All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto

adjacent lots, properties, or streets.

10. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the Type A Day Care. Acceptable as depicted on site plan.
11. A paved off-street area for dropping off and picking up persons in care at the facility must be provided and approved by the Division of Transportation; Acceptable as depicted.
12. Per TMC 1107.1202.A.2 Parking Setbacks - Residential Districts, no more than 40 % of the front yard can be occupied by pavement. Acceptable as depicted.
13. No new free-standing signs greater than forty-two inches (42”) from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code.
14. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
15. 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.
16. 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.
17. 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. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5445 Heatherdowns Boulevard., in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

1104.0703 - Day Care Center

- A. 60 square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one time. A Type B landscape buffer shall be provided around the outdoor space. (See Sec. 1108.0203)

Approve a waiver to allow a Day Care Center to operate without an outdoor space providing sixty (60) square feet of useable outdoor space for each person in care using the outdoor area at any one time.

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 \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor