



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Approved  
**File created:** 4/18/2024      **In control:** City Council  
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**Title:** Granting a Special Use Permit for a Daycare Center for a site located at 1119 W. Bancroft Street in the City of Toledo, Lucas County, Ohio; subject to certain conditions and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. #10 1119 W. Bancroft SUP, 2. Video: City Council 4/24/2024

Date	Ver.	Action By	Action	Result
4/24/2024	1	City Council	Passage	Pass
4/24/2024	1	City Council	Passage	Pass
4/24/2024	1	City Council	Passage	Pass

Zoning & Planning Committee  
1119 W. Bancroft SUP :: Daycare Ctr

**Granting a Special Use Permit for a Daycare Center for a site located at 1119 W. Bancroft Street in the City of Toledo, Lucas County, Ohio; subject to certain conditions and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-9001-23) 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 1119 W. Bancroft Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 14, 2024, the Toledo City Plan Commission recommended approval for the request for granting a Special Use Permit for a Daycare Center for a site located at 1119 W. Bancroft Street, in the City of Toledo, Lucas County, Ohio.

On April 16, 2024 Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval for a Special Use Permit for a Daycare Center for a site located at 1119 W. Bancroft Street, 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 granting a Special Use Permit for a Daycare Center for a site located at 1119 W. Bancroft Street, in the City of Toledo, Lucas County, Ohio; be 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:

Parcels:        1119 W Bancroft St - 1205661  
                  2125 Forest Ave - 1205747  
                  2144 N Detroit Ave - 1205731 & 1205727  
                  2152 N Detroit Ave - 205724  
                  2156 N Detroit Ave - 1205721

Lots 1-7, 11-16, and the North 69.4 feet of Lots 17 & 18 in the Park Square Subdivision, being a Subdivision of Lots 14 to 25 inclusive except the S.W.1/2 of Lot 18 and the N.E. 83 feet of Lot 19 in Englewood.

Lots 1, 2, 3, 4 and 5 except part in the Detroit right-of-way in the JH Bellows Subdivision of Lots 8, 9 and 10 in Park Square Subdivision, a Subdivision of certain lots in Englewood.

SECTION 2. That the approval of the granting of a Special Use Permit for a Daycare Center for a site located at 1119 W. Bancroft Street, in the City of Toledo, Lucas County, Ohio, be subject to compliance with the 27 conditions as follows:

The following twenty-seven (27)) conditions 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 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

#### Sewer and Drainage Services

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

#### 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 amount of new and/or additional impervious surface on 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 [https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives\\_to\\_ohio\\_invasive\\_plantspecies.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plantspecies.pdf).

#### Fire Prevention

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.
11. Moving to this new building may cause a change of use / change in level of activity for the building. This will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. Application for an occupancy permit through the building department is required. (OBC105.1 & 101.4)
12. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2)
13. The daycare shall be in compliance with the Department of Commerce daycare facilities rules and regulations. (OFC Chapter 121)
14. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

#### Transportation

15. All driveways, approaches, drive aisle and parking spaces must be clearly dimensioned per TMC 1107.1902 & 1107.1911.

#### Plan Commission

16. Per TMC§1104.0703(B) a Day Care Center must have building frontage on a major street. The Parish Campus has frontage on both Bancroft Street and Detroit Avenue, both of which are classified as a major street by the Toledo-Lucas County Major Street and Highways Plan. **Acceptable as depicted.**
17. Per TMC§1104.0703(D) a Day Care Center is required to provide 35 square feet of usable indoor space for each person in their care. The applicant is proposing to serve 27 children and will be occupying 2,200 square feet. **Acceptable as submitted**
18. Per TMC§1104.0703(E) a Day Care Center is required to provide 60 square feet of useable outdoor space for each person in their care using the outdoor space at any one time. The site plan depicts a fenced outdoor area that is approximately 600 square feet in area that is enclosed by a 42 inch high galvanized chain link fence around the north, south and east perimeter. An existing building wall will

act as the west boundary. A five foot wide gate is proposed on the north side of the outdoor area with a six foot wide concrete walk from the fence to an existing sidewalk. **Acceptable as depicted.**

19. Per TMC§1104.0703(F) a Day Care Center must provide a paved off-street area for dropping off and picking up persons in their care. An adequate drop-off/pick-up area currently exists on the site. **Acceptable as depicted.**
20. Per the Off-Street Parking Schedule in TMC§1107.0304 a day care center is required to provide 1 parking space per 6-person capacity or 1 per 400 square feet whichever is greater. In this case they are required to have 6 parking spaces based on the 2,200 square feet they will be occupying. The existing parking lot provides a total of 40 parking spaces. **Acceptable as depicted.**
21. Per the Off-Street Parking Schedule in TMC§1107.0304 a day care center is required to provide 1 bicycle space for every 10 parking spaces; or per TMC§1107.0901(B) a minimum of two bicycle parking slots shall be provided when the provision for bicycle parking slots is required. The site plan depicts two bicycle racks. **Acceptable as depicted.**
22. Per TMC§1107.1701 one van accessible parking spot is required to be provided for 1-25 parking spaces. The existing parking lot provides a total of 40 parking spaces, two of which are accessible. **Acceptable as depicted.**
23. Four copies of a revised site, 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. Per TMC§1104.0703(E) a Type B landscape buffer is required around the outdoor space in accordance with TMC§1108.0203(F). This section requires a landscape buffer of 10 feet in width with three canopy trees and 11 shrubs to be installed for the proposed 70 foot outdoor area perimeter. The site plan depicts a 42 inch high galvanized chain link fence with a 10 foot wide landscape buffer on the east and a 15 foot wide buffer on the north and south containing 15 shrubs and two trees. Four existing trees are also located within the buffer area. **Acceptable as depicted.**
  - b. The location of the proposed outdoor area is currently heavily shaded by the four existing trees. The two proposed trees shall be installed to the south of the outdoor area, in the grass area between the internal site sidewalk and the street sidewalk, or elsewhere on the site as approved by the Plan Director.
  - c. Per TMC§1108.0202 a minimum 15-foot-wide frontage greenbelt along public right-of-ways is required that contains at least one tree for every 30 feet of frontage. This would apply to all sides of the Parish Campus as it is bounded by Bancroft Street on the north, Horace Street on the south, Detroit Avenue on the west and Forest Avenue on the east. The existing trees meet the intent of the of this requirement. **Acceptable as depicted.**
  - 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, as well as the location and number of any existing trees to be retained.

- g. The location, height, and materials for any fencing to be installed and maintained;
- h. All landscape material must be properly maintained. The landowner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.

- 24. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 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 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.
- 27. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo 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 12, nays 0.

Passed: April 24, 2024, as an emergency measure: yeas 12, nays 0.

Attest:

Julie A. Gibbons  
Clerk of Council

Carrie Hartman  
President of Council

Approved:

April 24, 2024  
Wade Kapszukiewicz  
Mayor