



Legislation Details (With Text)

**File #:** O-260-22      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 5/18/2022      **In control:** City Council  
**On agenda:** 5/24/2022      **Final action:** 5/24/2022  
**Title:** Granting a Special Use Permit for a Day Care Center for a site located at 4410 Lewis 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
5/24/2022	1	City Council	Passage	Pass

Zoning & Planning Committee

**Granting a Special Use Permit for a Day Care Center for a site located at 4410 Lewis Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-2008-22) 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 4410 Lewis 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 4410 Lewis 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 4410 Lewis 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 4410 Lewis Avenue, 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:

LONGACRES LOT 4

SECTION 2. That the approval of the Special Use Permit for a Day Care Center for a site located at 4410 Lewis Avenue, in the City of Toledo, Lucas County, Ohio; in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 22 conditions as follows:

The following twenty-two (22) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### Engineering Division

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 One Stop Shop, (419) 245-1220.
4. The existing catch basin shown needs to be confirmed by the applicant as either draining into the ground through infiltration, or draining by a pipe. If draining by a pipe, the pipe must be traced out.
5. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more have stormwater management plans submitted for review and approval by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.), but the designer has not provided such a calculation of the square footage. In the event of site plan approval as-is without the above calculation confirmed, significant future site plan revision may be necessary to manage the stormwater runoff from this site, and in which case stormwater approval would be dependent on Plan Commission's continued involvement and future reapproval of site plan changes.
6. Depending on the outcome of the above comment, submittals for stormwater review and approval would be:
  - a) Engineering drawings and calculations for the stormwater management plan.
  - b) A Storm Water Pollution Prevention Plan (SWP3) including a long-term operations and maintenance (O&M) plan for Post-Construction practices.
  - c) Following approval of plans, submit the form for responsible parties for SWP3 implementation and a covenant for the approved long-term O&M plan.

#### Environmental Services

7. 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.

8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. 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.
10. 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)
11. 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.

#### Division of Sewer and Drainage

12. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
13. 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.

#### Division of Transportation

14. The Division of Transportation does not object to the approval of the updated site plan by the Plan Commission.

#### Fire Prevention

15. 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.
16. Approved premises identification is required.

#### Plan Commission

17. The revised site/landscaping plan dated March 18, 2022 showing the parking spaces opposite one

another and a 10' landscape strip along the western portion of the property is approved as presented.

- 18. Any new ground signs shall be limited to a maximum height of six (6) feet from grade.
- 19. 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.
- 20. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 21. 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.
- 22. 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 \_\_\_\_\_, 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