



## Legislation Details (With Text)

**File #:** O-347-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 7/12/2019      **In control:** City Council  
**On agenda:** 7/23/2019      **Final action:** 7/23/2019  
**Title:** Granting a Special Use Permit, for an Adult Daycare Center for a site located at 2801 Tremainsville Road, 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, 2. Audio: ZPC 7/17/2019, 3. Audio: TCPC 6/13/19

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 7/23/2019 | 1    | City Council |        |        |
| 7/23/2019 | 1    | City Council |        |        |
| 7/23/2019 | 1    | City Council |        |        |

Zoning & Planning Committee

**Granting a Special Use Permit, for an Adult Daycare Center for a site located at 2801 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-5001-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for an Adult Daycare Center for a site located at 2801 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On June 13, 2019, the Toledo City Plan Commission recommended approval for an Adult Daycare Center for a site located at 2801 Tremainsville Road, in the City of Toledo, Lucas County, Ohio.

On July 17, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a for an Adult Daycare Center for a site located at 2801 Tremainsville Road Special Use Permit, 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 an Adult Daycare Center for a site located at 2801 Tremainsville Road for a Special Use Permit, 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:

PARCEL 2359214: STULTS ADDITION LOT 1

AND

PARCEL 2359217: STULTS ADDITION LOT 2

SECTION 2. That the approval of the Special Use Permit for an Adult Daycare Center for a site located at 2801 Tremainsville Road for Special Use Permit, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 12 conditions as follows:

The following twelve (12) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Transportation

1. 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 (TMC1107.1907(A)). Need a Revised site plan showing wheel stops.

Plan Commission

2. A revised site plan shall be submitted addressing the Division of Transportations conditions of approval.
3. Per TMC§1104.0703(E), sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one time. Not acceptable. A revised site plan shall be submitted depicting the outdoor space and the amount of square feet available for each person in care. Because this is an adult day care, a recreational area can include amenities such as picnic tables, and fencing is not required.
4. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; acceptable as depicted on site plan.
5. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10.B.10 of the Building Code. The dumpster must be screened in accordance with TMC§1108.0200.G. Need a revised plan showing location of dumpster and appropriate screening.
6. A minimum of three (3) bicycle parking slots are required. Need a revised site plan showing a bike rack.
7. 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.
8. A detailed site, lighting, sign, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:

- a. The two (2) parking spaces which are located fully within the right-of-way, at the southeast corner of the property closest to the intersection of Tremainsville Road and Eldora Drive, shall be replaced with landscaping. This landscaping shall include at least one tree, as well as evergreen shrubs or other low plantings to aid in screening the parking lot and shielding headlights of vehicles from the public street. This shall be depicted on a completed landscaping plan.
  - b. 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.
  - c. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards;
  - d. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details. The site is ± .61 acres. Landscaping plan must show appropriate irrigation.
  - e. The location, height and materials for any fencing to be installed and maintained;
  - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
  - g. The location, lighting and size of any signs.
9. 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.
10. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
11. 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.
12. 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. 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 2801 Tremainsville Road, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 | Use Regulations

Sec 1104.0703.F Drop-off/Pick-up Area

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.

Approve a waiver not requiring a drop-off/pick-up area. Sena's Quality Adult Care will pick up at their homes in the morning using a shuttle van and drop them off in the evening.

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

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

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